



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, December 3, 2019
6:00 P.M.
City Hall Council Chambers – 325 Farr Drive

Agenda

1. Call to Order

2. Roll Call

3. Review of Revisions or Deletions to Agenda

4. Approval of Agenda

Draft Motion

Be it resolved that City Council approves the agenda as printed/amended.

5. Disclosure of Pecuniary Interest and General Nature

6. Review and adoption of Council Minutes

Draft Motion

Be it resolved that City Council approves the following minutes as printed:

- a) Regular meeting of Council – November 19, 2019
- b) Special meeting of Council – November 25, 2019

7. **Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes**

8. **Question and Answer Period**

9. **Presentations / Delegations**

10. **Communications**

- a) Michael Jacek, Senior Advisor – Association of Municipalities Ontario

Re: Public Health & Emergency Health Services Consultation

Reference: Received for Information

- b) Giles Gherson, Deputy Minister – Ministry of Economic Development, Job Creation and Trade

Re: Job Site Challenge

Reference: Received for Information

- c) Dave Gordon, Senior Advisor – Association of Municipalities Ontario

Re: Province Launches Consultations on the Blue Box Regulation

Reference: Referred to Technical and Environmental Compliance Coordinator

- d) Kerry Schubert-Mackay, Community Health Director – Timiskaming Health Unit

Re: Recognition of Tammie Caldwell as a Public Health Champion

Reference: Received for Information

e) Germain Berube, Taxpayer

Re: Letter of Concern – Temiskaming Shores Seniors Housing Corporation (TSSHC) facility on Grant Drive

Reference: Referred to TSSHC

f) Ontario Building Officials Association

Re: Transforming & Modernizing the Delivery of Ontario's Building Code Services – the OBOA Solution

Reference: Received for Information

g) Johanne Baril, President – Northeastern Ontario Municipal Association (NEOMA)

Re: Request to acquire a 2020 membership

Reference: Received for Information

h) Alan Spacek, Chair, MPAC Board of Directors – Municipal Property Assessment Corporation

Re: Budget and Municipal Levy for 2020

Reference: Referred to the Treasurer

Draft Motion

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. h) according to the Agenda references.

11. Committees of Council – Community and Regional

Draft Motion

Be it resolved that the following minutes and/or reports be accepted for information:

- a) Minutes of the Earleton-Timiskaming Regional Airport Authority (ETRAA) meeting held on September 19, 2019;
- b) Earleton-Timiskaming Regional Airport's September 2019 Activity Report;
- c) Earleton-Timiskaming Regional Airport's October 2019 Activity Report;
- d) Minutes of the Temiskaming Municipal Association meeting held on October 3, 2019;
- e) Minutes of the Temiskaming Municipal Association Executive meeting held on November 14, 2019;
- f) Minutes of the Temiskaming Shores Public Library Board meeting held on October 16, 2019;
- g) Minutes of the Temiskaming Shores Police Services Board meeting held on November 18, 2019; and
- h) Minutes of the Temiskaming Shores Committee of Adjustment meeting held on July 31, 2019.

12. Committees of Council – Internal Departments

Draft Motion

Be it resolved that the following minutes be accepted for information:

- a) Minutes of the Recreation Services Committee meeting held on June 10, 2019; and
- b) Minutes of the Recreation Services Committee meeting held on September 9, 2019.

13. Reports by Members of Council

14. Notice of Motions

15. New Business

a) Timiskaming Health Unit – Reserve Funds

Draft Motion

Whereas the City of Temiskaming Shores is serviced by the Timiskaming Health Unit on a shared-cost formula with District municipalities; and

Whereas these shared costs include the current reserves of the Timiskaming Health Unit; and

Whereas the Province of Ontario has stated its intent to study the current Public Health Unit structure with a proposed target of reducing the number of operating Public Health Units from the current 35 to as few as 10 Public Health Units; and

Whereas any consolidation or reduction in the number of Public Health Units may come with significant employee severances; and

Whereas any potential severance would be due to the sole decision making of the Province of Ontario; and

Whereas any employee severances created from any reduction or consolidation of Public Health Units should be the responsibility of the Province of Ontario.

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby requests the Timiskaming Health Unit to return current reserves to participating funding municipalities under the same formula as collected and that each municipality hold such dollars until final decisions are made and carried out by the Province of Ontario; and

Furthermore that a copy of this resolution be sent to the Temiskaming Municipal Association, Timiskaming Health Unit, the Federation of Northern Ontario Municipalities and each member of the Timiskaming Health Unit Board.

b) Community Safety and Well-Being Plan

Draft Motion

Whereas the Police Services Act was amended on January 1, 2019 mandating all communities in Ontario to adopt a Community Safety and Well-Being Plan by January 1, 2021; and

Whereas an AMCTO report entitled “*Bearing the Burden*” identified the

significant reporting burden that has been placed on municipal government; and

Whereas in 2018, the Honourable Steve Clark, Minister of Municipal Affairs and Housing stated that the Province understood the burden that reporting takes on municipalities and would develop and put in place a plan to reduce that burden; and

Whereas municipalities have not seen much, if any movement on reducing the reporting burden; and

Whereas the requirement for implementing and maintaining Community Safety and Well-Being Plans increase the workload and reporting burden for all municipalities; and

Whereas small municipalities across the Province carry an ever-increasing burden of reporting requirements, lack of staff, loss of property assessment, increasing infrastructure deficits and a host of other maladies; and

Whereas the funding that could assist municipalities in addressing the new requirements in preparing and adopting Community Safety and Well-Being Plans was given to the Ontario Provincial Police; and

Whereas the Ministry of the Solicitor General in partnership with the Canadian Municipal Network on Crime Prevention has developed a three-part course at a cost of \$225 which will require additional travel to centralized locations thereby increasing costs for municipalities; and

Whereas the Province of Ontario continues to rely on local tax dollars for an increasing number of provincially mandated programs.

Now therefore be it resolved that the Council for the City of Temiskaming Shores hereby petitions the Ministry of the Solicitor General to reconsider the “one size fits all” requirement of the Safer Ontario Act and implement changes that would allow a scalable model for Community Safety and Well-Being Plans; and

Furthermore, that the District of Timiskaming Social Services Administration Board (DTSSAB) be approached to assume the lead role in developing a Community Safety and Well-Being Plan for municipalities in the District of Timiskaming; and

Furthermore, that a copy of this resolution be sent to the Honourable Sylvia Jones, Minister of the Solicitor General; the Honourable Todd Smith, Minister of Children, Community and Social Services; the Honourable Steve Clark, Minister of Municipal Affairs and Housing; the District of Timiskaming Social Services Administration Board (DTSSAB); and FONOM.

c) Community Safety and Well-Being Plan – District Approach

Draft Motion

Whereas the Ministry of the Solicitor General has mandated under Part XI of the Police Services Act, 1990 that all municipalities are required to prepare, adopt and implement a Community Safety and Well-being Plan (CSWB); and

Whereas the Ministry of the Solicitor General has further mandated that the CSWB Plan be adopted by municipalities prior to January 31, 2021; and

Whereas representatives from various municipalities within the District of Timiskaming met in Kirkland Lake on November 13, 2019 to discuss working together in a collaborative and collective manner in order to achieve compliance with the Ministry's directives.

Now therefore be it resolved that the City of Temiskaming Shores hereby agrees to work as a collective with surrounding municipalities within the District of Timiskaming to develop and implement a Community Safety and Well-Being Plan.

d) Highway 11 – Proposed upgrades from Highway 65 East (“the Cow”) to Highway 569 (9 Mile Corner)

Draft Motion

Whereas the Timiskaming Road Safety Coalition, the City of Temiskaming Shores and École catholique St. Michel have identified issues related to speed limits along Highway 11 in proximity to École catholique St. Michel to the Ministry of Transportation Ontario (MTO); and

Whereas Council for the City of Temiskaming Shores supported the Timiskaming Road Safety Coalition's petition to the MTO through Resolution No. 2019-211 to reduce the posted speed limit to 60 km/h from 0.1 km South of Highway 65 East to Tobler's Road on Highway 11 in Temiskaming Shores; and

Whereas the MTO has responded that they have completed an investigation and outlined that the results of the study did not identify any demonstrated operational concerns and are confident that the current posted speed limit is appropriate for all road users along this highway corridor; and

Whereas there are several schools in municipalities North of Temiskaming Shores along the Highway 11 corridor where the posted speed limit is either 60 km/h or 50 km/h; and

Whereas there have been informal discussions in regards to a secondary access to École catholique St. Michel through the Dymond Subdivision to alleviate access concerns onto Highway 11; and

Whereas the MTO will be initiating construction upgrades of Highway 11 from Highway 65 East northernly to Highway 569 (the 9 Mile Corner) which may or may not include turning lanes at École catholique St. Michel and traffic control lights at Golf Course Road/Drive-in Theatre Road.

Now therefore be it resolved that the Council of the City of Temiskaming Shores hereby petitions the Ministry of Transportation of Ontario to meet with representatives from the City, École catholique St. Michel and the Timiskaming Road Safety Coalition to review design criteria for the proposed upgrades to Highway 11 with the objective of ensuring safer access along Highway 11 from 0.1 km South of Highway 65 East and Tobler's Road; and

Further that a copy of this resolution be sent to the Honourable Jeff Yurek, Minister of Transportation.

e) Approval to transfer surplus/deficit funds to/from Municipal Transit Reserve

Draft Motion

Be it resolved that The Corporation of the City of Temiskaming Shores hereby directs the Treasurer to transfer any surplus/deficit budget in 2019 for Transit to/from the Municipal Transit Reserve.

f) Approval to transfer surplus/deficit funds to/from Cemetery Reserve

Draft Motion

Be it resolved that The Corporation of the City of Temiskaming Shores hereby directs the Treasurer to transfer any surplus/deficit budget in 2019 for Cemetery to/from the Cemetery Reserve.

g) Approval to transfer current year surplus/deficit to/from Working Fund Reserve

Draft Motion

Be it resolved that Council for The Corporation of the City of Temiskaming Shores hereby agrees that any surplus or deficit from the 2019 Municipal Budget General Operations be transferred to or transferred from the Working Fund Reserve account; and

Further be it resolved that Council for The Corporation of the City of Temiskaming Shores hereby agrees that any surplus or deficit from the 2019 Municipal Budget Environmental Operations be transferred to or transferred from the Environmental Water Working Fund Reserve and/or Environmental Sewer Working Fund Reserve account.

h) Approval to transfer Gain on Sale of Surplus Fleet Assets to Fleet Replacement Reserve

Draft Motion

Be it resolved that The Corporation of the City of Temiskaming Shores hereby directs the Treasurer to transfer any gain realized from the sale of surplus fleet assets in 2019 to the Fleet Replacement Reserve.

i) Approval to transfer Land Leases and Net Land Sales to Community Development Reserve or Economic Development Reserve

Draft Motion

Be it resolved that The Corporation of the City of Temiskaming Shores hereby directs the Treasurer to transfer any land leases and net proceeds derived from the sale of municipal land in general operations to the Community Development Reserve; and

Further that Council directs the Treasurer to transfer the net proceeds derived from the sale of industrial park land in economic development to the Economic Development Reserve.

j) Approval to transfer Net Fire Marque and Auto Extrication Revenues to the Fire Equipment Reserve

Draft Motion

Be it resolved that The Corporation of the City of Temiskaming Shores hereby directs the Treasurer to transfer the net proceeds derived from the Fire Marque agreement to the Fire Equipment Reserve; and

Further directs the Treasurer to transfer any funds derived Auto Extrication to the Fire Equipment Reserve.

k) Approval of Attendance at various Conferences

Rural Ontario Municipal Association Conference

Draft Motion

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Mayor Kidd** and **Councillor _____** to the Rural Ontario Municipal Association (ROMA) Conference scheduled for January 19 to January 21, 2020 in Toronto;

That Council acknowledges that Councillor Whalen will also be attending the ROMA Conference as President of the Federation of Northern Ontario Municipalities (FONOM); and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy

PDAC Conference

Draft Motion

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Mayor Kidd** and **Councillor _____** to the Prospectors and Developers Association of Canada (PDAC) Convention scheduled for March 1 to March 4, 2020 in Toronto;

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

Northeastern Ontario Fire Education Conference

Draft Motion

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Councillor _____** and **Councillor _____** to the annual Northeastern Fire Education Conference scheduled for March 27 to March 29, 2020 in Hunstville; and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

Federation of Northern Ontario Municipalities

Draft Motion

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Mayor Kidd** and **Councillor _____** to the annual Federation of Northern Ontario Municipalities (FONOM) Conference scheduled for May 6-7, 2020 in Timmins;

That Council acknowledges that Councillor Whalen will also be attending the FONOM Conference as President of the Federation of Northern Ontario Municipalities (FONOM); and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

Association of Municipalities of Ontario

Draft Motion

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Councillor _____** and **Councillor _____** to the annual Association of Municipalities of Ontario (AMO) Conference scheduled for August 16-19, 2020 in Ottawa;

That Council acknowledges that Councillor Whalen will also be attending the AMO Conference as President of the Federation of Northern Ontario Municipalities (FONOM); and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

State of the North Conference – Northern Policy Institute

Draft Motion

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Councillor _____** to the annual State of the North Conference scheduled for September 17-18, 2020 in Thunder Bay; and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

l) Memo No. 032-2019-CS – Appointment of Alternate CEMC - Shelly Zubyck

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 032-2019-CS; and

That Council directs staff to prepare the necessary by-law to appoint Shelly Zubyck as the Community Emergency Management Coordinator (CEMC) for the City of Temiskaming Shores and Kelly Conlin and Timothy Uttley as Alternate CEMCs effective January 1, 2020 for consideration at the December 3, 2019 Regular Council meeting; and

Further that effective January 1, 2020 By-laws 2005-118, 2007-170, 2013-171 and 2014-167 be hereby repealed.

m) Administrative Report No. CS-067-2019 – Multi-year Accessibility Plan – 2019-2023

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-067-2019; and

That Council directs staff to prepare the necessary by-law to adopt a Multi-year Accessibility Plan 2019-2023 for consideration at the December 3, 2019 Regular Council meeting.

n) Administrative Report No. LIB-002-2019 – MOU with Northern College – Library Services

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-002-2019; and

That Council directs staff to prepare the necessary by-law to enter into a Memorandum of Understanding with Northern College of Applied Arts and

Technology for the provision of library services at the Haileybury Campus of Northern College at an annual cost of \$18,000 including applicable taxes for consideration at the December 17, 2019 Regular Council meeting.

o) Administrative Report No. CS-068-2019 – Zoning By-law Amendment – Jarlette Ltd. – Grant Drive & Drive-In Theatre Road

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-068-2019;

That Council agrees to amend the provisions of the City of Temiskaming Shores Zoning By-law 2017-154 to permit the zone change from Highway Commercial and Development (C2) to Community Facilities Exception (CF-2); and

That Council directs staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law 2017-154 for consideration at the December 3, 2019 Regular Council meeting.

p) Memo No. 023-2019-PW – Amendment to By-law No. 2013-048 Stewardship Ontario

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 023-2019-PW; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2013-048 to allow for payment of materials associated with Orange Drop events until transition to full producer responsibility for consideration at the December 3, 2019 Regular Council meeting.

q) Administrative Report No. PW-035-2019 – Processing of Recyclables – Agreement with R & D Recycling

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. PW-035-2019; and

That Council directs staff to prepare the necessary by-law to enter into a 3-year agreement with R&D Recycling for the processing of recyclable material for consideration by Council at the December 3, 2019 Regular Council meeting.

r) Administrative Report No. CS-069-2019 – Municipal Modernization Funding Program

Draft Motion

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-069-2019; and

That Council directs staff to submit an Expression of Interest under the Municipal Modernization Program for a municipal service delivery review of the City's Fire Services.

16. By-laws

Draft Motion

Be it resolved that:

By-law No. 2019-179 Being a by-law to amend By-law No. 2015-128 (Collection and Disposal of Garbage, Recyclables and other refuse – Amended Tipping Fees)

By-law No. 2019-180 Being a by-law to amend By-law No. 2005-118 (Appointment of Community Emergency Management Coordinator and Alternate)

By-law No. 2019-181 Being a by-law to adopt a Multi-Year Accessibility Plan 2019-2023

By-law No. 2019-182 Being a by-law to enact a Zoning by-law Amendment to rezone property from Highway Commercial (C2) and Development (D) to Community Facilities Exception 2 (CF-2) in the City of Temiskaming Shores Zoning By-law 2017-

154 Southeast corner of Grant Drive and Drive-In Theatre Road

By-law No. 2019-183 Being a by-law to amend By-law No. 2013-048 (Agreement with Stewardship Ontario to permit the City of Temiskaming Shores to host an Orange Drop Collection Program for the Collection of Municipal Hazardous or Special Waste)

By-law No. 2019-184 Being a by-law to enter into a Recyclables Acceptance Agreement with R & D Recycling to accept and process recyclable materials collected by the City of Temiskaming Shores through its Waste Management Program

be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that

By-law No. 2019-179;

By-law No. 2019-180;

By-law No. 2019-181;

By-law No. 2019-182;

By-law No. 2019-183; and

By-law No. 2019-184

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

17. Schedule of Council Meetings

a) Regular – Tuesday, December 17, 2019 at 6:00 p.m.

b) Regular – Tuesday, January 7, 2020 at 6:00 p.m.

18. Question and Answer Period

19. Closed Session

20. Confirming By-law

Draft Motion

Be it resolved that By-law No. 2019-185 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Special meeting held on **November 25, 2019** and its Regular meeting held on **December 3, 2019** be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that By-law No. 2019-185 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

21. Adjournment

Draft Motion

Be it resolved that City Council adjourns at _____ p.m.

Mayor – Carman Kidd

Clerk – David B. Treen



**The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, November 19, 2019**

6:00 P.M.

City Hall Council Chambers – 325 Farr Drive

Minutes

1. Call to Order

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

2. Roll Call

Council: Mayor Carman Kidd; Councillors Jesse Foley, Doug Jelly, Jeff Laferriere, Mike McArthur and Danny Whalen

Present: Christopher W. Oslund, City Manager
David B. Treen, Municipal Clerk
Doug Walsh, Director of Public Works
Mathew Bahm, Director of Recreation
Shelly Zubyck, Director of Corporate Services
Julie Gregoire, Accounting Clerk – Tax/Lottery
Bradley Hearn, IT Administrator
Laura Lee MacLeod, Treasurer
Jennifer Pye, Planner

Regrets: Councillor Patricia Hewitt

Media: Diane Johnston, Temiskaming Speaker
Bill Buchberger, CJTT 104.5 FM

Members of the Public Present: 6

3. Review of Revisions or Deletions to Agenda

None.

4. Approval of Agenda

Resolution No. 2019-589

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that City Council approves the agenda as printed.

Carried

5. Disclosure of Pecuniary Interest and General Nature

Mayor Kidd disclosed a pecuniary interest in regards to Item 15 g) Administrative Report No. CS-066-2019 – Temiskaming Shores Seniors Housing Corporation

6. Review and adoption of Council Minutes

Resolution No. 2019-590

Moved by: Councillor Whalen

Seconded by: Councillor McArthur

Be it resolved that City Council approves the following minutes as printed:

- a) Regular meeting of Council – November 5, 2019.

Carried

7. Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes

7.1. Zoning By-law Amendment (ZBA-2019-06)

Owner: Pedersen Materials Ltd.

Applicant: Jarlette Ltd.

Property: South east corner of Drive In Theatre Road and Grant Drive

Purpose: The application proposes to rezone the subject land from Highway Commercial (C2) and Development (D) to Community Facilities Exception (CF-#) to permit the development of up to a 256-bed long term care facility in a two-storey building, as well as accessory commercial uses (eg. hair salon, café, gift shop, medical/health practitioner offices, etc.) and associated parking. A senior's retirement

residence may be included in Phase 2 of the development to the west of the proposed long-term care facility.

Mayor Kidd stated that the public meeting scheduled tonight is for one (1) Zoning By-law amendment application and the Planning Act requires that a public meeting be held before Council decides whether to pass a by-law adopting a proposed amendment. The public meeting serves two purposes: first, to present to Council and the public the details and background to the proposed amendment and second, to receive comments from the public and agencies before a decision is made by Council.

Mayor Kidd declared the meeting to be open and to be a public meeting pursuant to Section 34 of the Planning Act and the zoning by-law amendment application to be heard this evening is application ZBA-2019-06 from Jarlette Ltd. Mayor Kidd asked Brandi Clement, Planning Consultant with Jones Consulting Group Ltd. to present the application.

Brandi Clement, Planning Consultant for the applicant utilizing a slide deck provided the Site Characteristics for the proposed complex at the intersection of Grant Drive and Drive-in Theatre Road. Brandi indicated the surrounding Land Uses to the subject property and that approval has been received for previous applications for consents to sever.

Brandi outlined that the Zoning By-law Amendment application is to rezone the lands from Development (D) and Highway Commercial (C2) to the Community Facilities Exception (CF-E) Zone to facilitate a Continuum of Care Campus including a Long-Term Care Centre, Seniors' Retirement Residence, and ancillary commercial services such as a beauty salon, café, retail store, medical services and offices.

A site layout was reviewed which illustrated a Phase 1 and a potential future Phase 2. Phase 1 consists of 128 long-term care beds, common area, support and shared services space that includes a hair salon, retail shop, café, medical and health practitioner offices. There will be two access points off of Drive-in Theatre Road and 126 parking stalls with 6 barrier free parking stalls. Phase 2 would be an additional 128 Long-term care beds and an additional 85 parking stalls.

Brandi outlined how the application meets the standards of the Planning Act, Provincial Policy Statement and the Growth Plan for Northern Ontario. The lands are in conformance with the City's Official Plan. The lands are currently zoned Highway Commercial (C2) and Development (D) within Zoning By-law No. 2017-154 requiring the current proposed Zoning By-law amendment to rezone lands to Community Facilities Exception Two (CF-E2).

Brandi indicated the results of various supporting studies completed in relation to the application which includes a scoped Species at Risk Assessment, Bobolink and Meadowlark Survey and preliminary Site Servicing and Storm Management Report.

In conclusion it was indicated that the proposed development will continue to support the needs for seniors in the community, efficient use of existing land and infrastructure, facilitate residential and employment growth, close proximity to public transit with access to surrounding commercial, institutional and recreational land uses and represents good planning.

Mayor Kidd inquired if any written comments had been received. Planner, Jennifer Pye, outlined that no comments had been received. Mayor Kidd inquired if there were any questions or comments from members of the public; with none Mayor Kidd inquired if there were any questions or comments from Council.

Councillor Jelly outlined that he has attended the presentation on this project and believes this is a great project for the area and look forward to this facility in the community. Mayor Kidd inquired if the storm water management pond would slowly discharge into the drainage system. Brandi Clement answered in the affirmative.

Mayor Kidd declared this portion of the public meeting to be closed and advised that Council will consider an administrative report at a future Council meeting.

8. Question and Answer Period

Councillor McArthur inquired with the City Manager could provide Council with outstanding legal, employee dismissals, lawsuits and financial impacts prior to the 2020 Budget considerations.

City Manager, Chris Oslund outlined that information could be gathered and anticipated providing information at the December 17, 2019 Regular Council meeting.

9. Presentations / Delegations

a) Jonathan Blier, Principal – École catholique Ste-Michel

Re: Safety Concerns on Highway 11 North

Jonathan outlined that he moved to the area last year and is the principal at École catholique Ste-Michel and was made aware about a study in regards to Highway 11 and access to the school with the objective of reducing the speed limit from 80 km/h to 60 km/h. Mr. Blier stated that he has reviewed the files at the school and spoken with members of the Road Safety Coalition. The school has received a letter from the Ministry of Transportation (MTO) outlining that it would be more dangerous to reduce the speed limit to 60 km/h and increase OPP enforcement as well as traffic counts (2 specific days) that do not warrant speed reductions. MTO is also

suggesting that access to the school should be considered from within the Dymond Subdivision at what would be a significant cost.

Mr. Blier is looking for a letter of support from the municipality stating that the City supports the school's position to have the speed limit reduced as the facility is now a JK to Grade 8 school.

Mayor Kidd thanked Mr. Blier for the presentation and added that access through the Dymond Subdivisions (personal vehicles and buses) would increase traffic tremendously within a residential area. Councillor Whalen agreed with the concern and further stated that he and Mayor Kidd sit on another committee dealing with MTO and when it comes to Highway 11 they tend to ignore the City's concerns and recommended that perhaps a meeting between City representatives, the School and MTO be held to lobby the reduction as there are over 5 areas along Highway 11 further north where there have been reductions on Highway 11 to 60 km/h.

Director of Public Works, Doug Walsh was requested to provide input based on recent meetings with MTO. Mr. Walsh outlined there was some discussion in regards to this matter and that staff at the Regional Office of MTO is not in a position to recommend a reduction in the speed limit and understands that there has been some information provided to the school board itself with regards to the removal of trees to the north of the entrance to provide better sight distance for traffic southbound towards the school. MTO will be reconstructing Highway 11 from Golf Course Rd. up to the 9-mile corner in 2022; there are a couple of locations in the Parry Sound area with schools adjacent to the highways with flashing lights while school is in session and special events (i.e. Christmas concert), which may be of assistance as well. Mr. Walsh concluded, based on his takeaway from the meeting, is that it will be a tough battle to have them reduce the speed. It was also indicated that MTO, as part of the reconstruction, will be placing buried infrastructure only for traffic lights at the intersection of Golf Course Road/Drive-in Theatre Road and Highway 11 (no lights at this time) with suggestion that if the School Board was in agreeance to eliminate one driveway onto the highway and an entrance constructed into the subdivision the Province could include the traffic lights as part of the reconstruction as well as some funding assistance for road upgrades related to the subdivision entrance.

Councillor McArthur was concerned with transport traffic as well and MTO is a ministry that is somewhat difficult to deal with and it also depends on whether your member of parliament is the governing party.

Councillor Laferriere agreed with Mr. Blier and feels that the City needs to continue with is position.

Councillor Jelly stated that he previously drove bus and was in and out of that school twice a day and you had to pay attention especially during inclement weather, need to keep fighting.

Mayor Kidd suggested that a Resolution be drafted by staff outlining these concerns and request a joint meeting between the City, MTO, Road Coalition and the school.

10. Communications

a) Ann-Marie Norio, Regional Clerk – Niagara Region

Re: Proposed Cuts to Legal Aid Ontario Budget

Reference: Received for Information

b) Matthew Wilson, Senior Advisor – AMO

Re: Province Releases Fall Economic Statement

Reference: Received for Information

c) Marcia Wallace, Assistant Deputy Minister – Ministry of Municipal Affairs and Housing

Re: Municipal Modernization Program

Reference: Motion to be presented under New Business

Resolution No. 2019-592

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10 c) according to the Agenda references.

Carried

11. Committees of Council – Community and Regional

None.

12. Committees of Council – Internal Departments

Resolution No. 2019-593

Moved by: Councillor Jelly
Seconded by: Councillor Foley

Be it resolved that the following minutes be accepted for information:

- a) Minutes of the Building Maintenance Committee meeting held on October 10, 2019;
- b) Minutes of the Protection to Persons and Property Committee meeting held on October 10, 2019;
- c) Minutes of the Public Works Committee meeting held on October 10, 2019; and
- d) Minutes of the Corporate Services Committee meeting held on October 30, 2019.

Carried

13. Reports by Members of Council

Councillor Whalen reported on the following:

- TMA: At the next meeting discussions will be held in regards to the Building Code, doubling of the Federal Gas Tax, transfer to the ONTC and health unit reserves.

Councillor Jelly reported on the following:

- PSB: Police Services Board meeting held November 18, 2019; Board Secretary provided a draft budget. Board members will be attending a meeting in Temagami on Thursday (November 21, 2019) for joint meeting with the Temagami Police Services Board. The ministry representative will also be there to provide some training as well.

14. Notice of Motions

Councillor Whalen submitted the following notice of motion:

Whereas the City of Temiskaming Shores is serviced by the Timiskaming Health Unit on a shared cost formula with the remainder of the district municipalities; and

Whereas these shared costs include an in part from the current reserves of the Timiskaming Health Unit; and

Whereas the Province of Ontario has stated its intent to study the current Public Health Unit structure with a proposed target of reducing the number of operating Public Health Units from the current 35 to as few as 10 Public Health Units; and

Whereas any consolidation or reduction in the number of Public Health Units may come with significant employee severances; and

Whereas any potential severance would be due to the sole decision making of the Province of Ontario; and

Whereas any employee severances created from any reduction or consolidation of Public Health Units should be the responsibility of the Province of Ontario;

Therefore, be it resolved that Council for The Corporation of the City of Temiskaming Shores requests the Timiskaming Health Unit return current reserves to the participating funding municipalities under the same formula as collected and that each municipality hold such dollars until final decisions are made and carried out by the Province of Ontario; and

Furthermore, that a copy of this resolution be sent to the Temiskaming Municipal Association, Timiskaming Health Unit, the Federation of Northern Ontario Municipalities and each member of the Timiskaming Health Unit Board.

15. New Business

a) Support – Conservation Authorities of Ontario

Resolution No. 2019-594

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Whereas many municipalities across Ontario are members of Conservation Authorities in their areas and have representation on the respective board of directors; and

Whereas each board of directors determines the policies, priorities and budget of their respective Conservation Authority (CA); and

Whereas each CA provides the municipalities with expert advice on the environmental impact of land use planning proposals and that these municipalities may not have staff with comparable expertise or experience; and

Whereas the CA's provide programs and services to the residents of these municipalities that include recreation, education, water quality monitoring, reduction of vegetation loss and soil erosion, preservation of species at risk as well as protecting life and property through a variety of measures;

Therefore, be it resolved that the Council of the City of Temiskaming Shores hereby supports continuation of the programs and services of Conservation Authorities, both mandatory and non-mandatory, and that no programs or services be "wound down" at this time; and

Furthermore, that the Minister of Environment, Conservation and Parks give clear direction as to what programs and services are considered mandatory and non-mandatory and how those programs will be funded in the future; and

That a copy of this resolution be forwarded to the Honourable Jeff Yurek Minister of the Environment, Conservation and Parks; Premier Doug Ford and Conservation Ontario.

Carried

b) Support – Local Health Care Services

Resolution No. 2019-595

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Whereas public health care consistently ranks as the top priority in public opinion polls; and

Whereas Public Health provides vital health promotion and prevention services based on the unique demographic and economic, social and cultural needs of our communities; and

Whereas the evidence from hospital amalgamation in Ontario and across Canada is that they have cost billions of dollars and have not yielded the promised administrative savings but have taken money away from frontline care; and

Whereas there is no evidence to support the proposed closure of 25 out of 35 local Public Health Units, the closure of 12 of 22 local ambulance dispatch centres, and the closure of 49 out of 59 local ambulance services; and

Whereas there is a deep consensus among virtually all stakeholders that increasing acuity in or long-term care homes requires additional staff and resources, not cancellation of the two special funds and real dollar cuts to per diem funding of our long-term care homes; and

Whereas our local hospitals have been downsized for an entire generation and cannot meet population needs while sustaining real dollar cuts to hospital global budgets.

Therefore, be it resolved that the Council for the City of Temiskaming Shores hereby petitions the Ontario government to halt the closures of, mergers of, and cuts to our local health services including Public Health Units, land ambulance services, hospitals and long-term care homes; and

That a copy of this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario and the Honourable Christine Elliott, Minister of Health.

Carried

c) Municipal Modernization Program

Resolution No. 2019-596

Moved by: Councillor Jelly
Seconded by: Councillor Laferriere

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of a letter from Marcia Wallace, Assistant Deputy Minister to the Minister of Municipal Affairs and Housing regarding the Ministry's Municipal Modernization Program; and

Further that Council directs staff to prepare an administrative report for consideration at the December 3, 2019 Regular Council meeting outlining potential options for the City under the program; and

That Council directs staff to contact the Ministry's Municipal Services Office prior to the November 22, 2019 deadline to indicate Council's intent to apply for funding under the program.

Carried

d) Administrative Report No. CS-063-2019 – Radio Advertising Agreement with CJTT 104.5 FM

Resolution No. 2019-597

Moved by: Councillor Laferriere
Seconded by: Councillor Whalen

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-063-2019; and

That directs staff to prepare the necessary by-law to enter into a three (3) year radio contract with CJTT 104.5 FM for consideration at the November 19, 2019

Regular Council meeting.

Carried

- e) **Administrative Report No. CS-064-2019 – Information Technology – Capital Project – Server Replacement**

Resolution No. 2019-598

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-064-2019; and

That Council directs staff to prepare the necessary by-law and agreement with NorthernTel for replacement of the servers with a new server stack at an upset limit of \$112,820.09 plus applicable taxes for consideration at the November 19, 2019 Regular Council meeting.

Carried

- f) **Administrative Report No. CS-065-2019 – Toys for Tickets Campaign – 2019 CJTT FM Christmas Wish**

Resolution No. 2019-599

Moved by: Councillor Foley

Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-065-2019; and

That Council approves the City's "Toys for Tickets Campaign" and directs staff to accept new toys in lieu of payment of a municipal parking ticket (\$30 or \$40) provided the toy is of equal or greater value of the ticket for the period of November 20th, 2019 to December 4th, 2019; and

That all toys collected be donated to the 2019 CJTT FM Christmas Wish.

Carried

- g) **Administrative Report No. CS-066-2019 – Temiskaming Shores Seniors Non-Profit Housing Corporation**

Mayor Kidd disclosed a pecuniary interest with Administrative Report No. CS-066-2019 and did not participate in the discussion of the subject matter and left the meeting.

Councillor Jelly assumed the Chair as Deputy Mayor

City Manager, Chris Oslund provided background to the report outlining that the building permit fee exceeded the amount (in-kind) approved by Council in 2018. In 2018 Council approved certain amounts for contribution towards the project based on estimates which have not changed and were brought forward to the Corporate Services Committee. The CS committee recommended that all of Council be made aware of the substantial changes via an administrative report to Council. In order to ensure that staff is following Council direction there are a few areas requiring decisions of Council in order to move the project forward.

There are three specific items, permit fee, taxation rebate, and letter from TD Bank in regards to project oversight by the City which requires a response with all the background contained in the report.

Treasurer, Laura-Lee MacLeod, utilizing a slide deck reviewed the Building Permit fees outlining that based on the construction value (\$15 M) the permit was \$127,500 which exceeds the total amount in the 2019 Budget for community support for the project of \$120,820 which include other items such as water/sewer, zoning, site plan, legal/survey, etc.) as outlined through Resolution No. 2018-322.

Laura reviewed four (4) options with respect to building permit fees; Option 1, cover estimated building permit fee as per Resolution No. 2018-322 the original estimated \$65,000; Option 2, cover estimated building permit fee as per 2019-061 (2019 Budget) of \$79,470; Option 3 cover actual permit fee of \$127,500 or Option 4, cover all budgeted expenses (building permit, zoning app, site plan control app, site servicing, legal/survey) up to a cap of \$120,820.

Laura-Lee reviewed the four (4) options with respect to the Property Tax Rebate Program (municipal portion only), Option 1, cover estimated program as per Resolution No. 2018-322 of \$905,600. An analysis (excel) was shown for a range of values from the original \$9M property estimate valuation to the current \$15M valuation to illustrate the impact of that increased construction value and how it could impact and significantly change the rebate program. Under Resolution No. 2018-322 the first-year rebate would be 100%, year two 100%, year three 70%, year four 60% and year five 25%. These estimates do not consider any changes to the taxation rate and is guess at best.

Option 2, cover estimated program based on current construction value (\$15 M) up to \$1,449,904 based on 2019 tax rates; Option 3, set limit for program – variety of alternatives; Option 4, request an updated proforma from the Temiskaming Shores Seniors Housing Corporation.

City Manager, Chris Oslund in regards to the email from the TD Bank through TSSHC in regard to increased oversight/partnership indicated that the current arrangement is that TSSHC is a totally separate entity from the City, a corporation onto itself. The TD Bank is suggesting that the City may want to

have more oversight on the TSSHC Board including the appointment of members such that the composition consists of a majority of Council, that Council approves the budget, undertakes the financial audit, oversight of the financial administration and although not explicit, but implied that the City operate the facility in essence. Chris reviewed three potential options, Option 1 that TSSHC continue to operate as a separate entity; Option 2 TSSHC be set up as a board of Council – would require consent of the current TSSHC corporation as well as with option 3. Option 3, would be that the City has care and control of the project as well as operate the facility.

Chris outlined that draft resolutions have been formulated should Council consider any of these options.

Council deliberated on the Administrative Report and the presentation and had considered an option for the building permit fees, moving and seconding Resolution No. 2019-601; however, Council opted to table the resolution after further deliberation and considered Resolution No. 2019-602.

Resolution No. 2019-600

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that Council agrees to table Resolution No. 2019-601.

Carried

Resolution No. 2019-601

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-066-2019;

That Council confirms a total upset contribution of \$120,820 as approved in the 2019 Municipal Budget towards Building Permit Fees, installation of water & sanitary services and planning fees (Site Plan Control, ZBA, etc.) for the Temiskaming Shores Seniors Housing Corporation Affordable Housing Project on Grant Drive;

That Council directs staff to reallocate funds between the cost centres within the approved Budget for the project; and

Further that any reconciled costs exceeding the upset contribution of \$120,820 be invoiced back to the Temiskaming Shores Seniors Housing Corporation.

Tabled

Resolution No. 2019-602

Moved by: Councillor Laferriere
Seconded by: Councillor McArthur

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-066-2019; and

That Council hereby directs staff to request a meeting with the Temiskaming Shores Seniors Housing Corporation to discuss the Building Permit Fee, Property Tax Rebate Request, impacts to the TSSHC’s draft Proforma and the email from TD Bank regarding governance and oversight.

Carried

Resolution No. 2019-603

Moved by: Councillor Laferriere
Seconded by: Councillor McArthur

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-066-2019 for information purposes.

Carried

h) Approval of Council Meeting Schedule – January 2020 to July 2020

Mayor Kidd resumed the Chair.

Resolution No.2019-604

Moved by: Councillor Whalen
Seconded by: Councillor McArthur

Whereas By-law 2008-160, as amended indicates that Regular Meetings of Council shall be held on the first and third Tuesdays of each month commencing at 6:00 p.m. unless otherwise decided by Council; and

Now therefore be it resolved that Council does hereby confirm the following schedule of meetings for the months of January 2020 to July 2020:

Tuesday, January 7, 2020	Regular Meeting
Tuesday, January 21, 2020	Regular Meeting
Tuesday, February 4, 2020	Regular Meeting
Tuesday, February 18, 2020	Regular Meeting
Tuesday, March 3, 2020	Regular Meeting
Tuesday, March 17, 2020	Regular Meeting
Tuesday, April 7, 2020	Regular Meeting

Tuesday, April 21, 2020	Regular Meeting
Tuesday, May 5, 2020	Regular Meeting
Tuesday, May 19, 2020	Regular Meeting
Tuesday, June 2, 2020	Regular Meeting
Tuesday, June 16, 2020	Regular Meeting

Carried

- i) **Memo No. 020-2019-PW – Amendment to By-law No. 2014-136 – Additional Hours – Haileybury Medical Centre cleaning**

Resolution No. 2019-605

Moved by: Councillor Laferriere
Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 020-2019-PW; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2014-136 to increase the cleaning hours at the Haileybury Medical Centre and Haileybury Branch Library from 34 hrs/week to 40 hrs/week for consideration at the November 19, 2019 Regular Council meeting.

Carried

- j) **Memo No. 021-2019-PW – Amendment to By-law No. 2016-049 – Rental of Graders – Additional Grader**

Resolution No. 2019-606

Moved by: Councillor Jelly
Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 021-2019-PW; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2016-049 to add a third grader to the rental agreement with Nortrax to enable staff to continue to meet the minimum maintenance standards outlined in the City's winter control operations plan for consideration at the November 19, 2019 Regular Council meeting.

Carried

- k) **Memo No. 022-2019-PW – Landfill Tipping Fee**

Resolution No. 2019-607

Moved by: Councillor Foley
Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 022-2019-PW; and

That Council approves an increase in the Landfill Site tipping fees of \$1.00 commencing January 1, 2020 and directs staff to prepare the necessary amendment to the fee schedule in By-law No. 2015-128 for consideration at the December 3, 2019 Regular Council meeting.

Carried

16. By-laws

Resolution No. 2019-608

Moved by: Councillor McArthur
Seconded by: Councillor Foley

Be it resolved that:

By-law No. 2019-174 Being a by-law to authorize a radio advertising contract with CJTT 104.5 FM

By-law No. 2019-175 Being a by-law to enter into an agreement with NorthernTel for server replacement with a new Virtualized Server Stack

By-law No. 2019-176 Being a by-law to amend By-law No. 2014-136 (Cleaning Services for the Haileybury Medical Centre and the Haileybury Branch Library)

By-law No. 2019-177 Being a by-law to amend By-law No. 2016-049 (Rental Agreement with Notrax Canada for graders)

Carried

be hereby introduced and given first and second reading.

Resolution No. 2019-609

Moved by: Councillor Whalen
Seconded by: Councillor Laferriere

Be it resolved that

By-law No. 2019-174;

By-law No. 2019-175;

By-law No. 2019-176; and

By-law No. 2019-177.

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

17. Schedule of Council Meetings

- a) Regular – Tuesday, December 3, 2019 at 6:00 p.m.
- b) Regular – Tuesday, December 17, 2019 at 6:00 p.m.

18. Question and Answer Period

Rob Ritchie (resident)

Mr. Ritchie inquired as to you has jurisdiction with respect to setting speed limits within the municipality and if it is the City and based on the delegation from the principal of Ste. Michel, why doesn't the City simply reduce the speed limit.

It was responded that Ste. Michel is located along Highway 11 to which the Ministry of Transportation has jurisdiction and therefore is the entity that establishes the speed limit.

19. Closed Session

Resolution No. 2019-610

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that Council agrees to convene in Closed Session at 8:00 p.m. to discuss the following matters:

- a) Adoption of the October 15, 2019 – Closed Session Minutes**

- b) Under Section 239 (2) (b) of the Municipal Act, 2001 – Personal matter about an identifiable individual including municipal or local board employees – Application for Boards and Committees - Recreation Committee**

Carried

Resolution No. 2019-611

Moved by: Councillor Laferriere
Seconded by: Councillor Foley

Be it resolved that Council agrees to rise with report from Closed Session at 8:07 p.m.

Carried

Matters from Closed Session:

- a) Adoption of the October 15 2019 Closed Session Minutes**

Resolution No. 2019-612

Moved by: Councillor Whalen
Seconded by: Councillor Laferriere

Be it resolved that Council approves the October 15, 2019 Closed Session Minutes as printed.

Carried

- b) Under Section 239 (2) (b) of the Municipal Act, 2001 – Personal matter about an identifiable individual including municipal or local board employees – Application for Boards and Committees - Recreation Committee**

Resolution No. 2019-613

Moved by: Councillor Laferriere
Seconded by: Councillor Jelly

Be it resolved that Council for the City of Temiskaming Shores acknowledges the application for Boards and Committees; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2019-018 to appoint Robert Ritchie to the Recreation Committee for consideration at the December 3, 2019 Regular Council meeting.

Carried

20. Confirming By-law

Resolution No. 2019-614

Moved by: Councillor Jelly
Seconded by: Councillor McArthur

Be it resolved that By-law No. 2019-178 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular meeting held on **November 19, 2019** be hereby introduced and given first and second reading.

Carried

Resolution No.2019-615

Moved by: Councillor Laferriere
Seconded by: Councillor Foley

Be it resolved that By-law No. 2019-178 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

21. Adjournment

Resolution No. 2019-616

Moved by: Councillor Foley
Seconded by: Councillor Laferriere

Be it resolved that City Council adjourns at 8:09 p.m.

Carried

Mayor – Carman Kidd

Clerk – David B. Treen



**The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, November 25, 2019**

6:00 P.M.

City Hall Council Chambers – 325 Farr Drive

Minutes

1. Call to Order

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

2. Roll Call

Council: Councillors Patricia Hewitt, Doug Jelly, Jeff Laferriere and Danny Whalen

Present: Christopher W. Oslund, City Manager
David B. Treen, Municipal Clerk
Shelly Zubyck, Director of Corporate Services
Laura Lee MacLeod, Treasurer
Clayton Seymour, CBO
Julie Gregoire, Accounting Clerk – Tax/Lottery
Brad Hearn, IT Administrator

Regrets: Mayor Carman Kidd (in attendance as Chair of TSSHC), Councillors
Jesse Foley and Mike McArthur

Media: Diane Johnston, Temiskaming Speaker

Invitees: Members of TSSHC, Carman Kidd, Len Bilodeau, John Bernstein, Bill
Mackey, Jim Mackey, Jan Edwards and Mark Sargent

Members of the Public Present: 0

3. Review of Revisions or Deletions to Agenda

None.

4. Approval of Agenda

Resolution No. 2019-617

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that City Council approves the agenda as printed.

Carried

5. Declaration of Special Council Meeting

Resolution No. 2019-618

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores declares this meeting a “Special Meeting of Council” in accordance to Section 7 of Procedural By-law No. 2008-160.

Carried

6. Disclosure of Pecuniary Interest and General Nature

Mayor Carman Kidd disclosed a pecuniary interest in regards to Item 7 a) Meeting with Temiskaming Shores Seniors Housing Corporation – Board of Directors.

***Note:** Carman was in attendance representing TSSHC as Chair of the Board*

7. New Business

a) Meeting with Temiskaming Shores Seniors Housing Corporation – Board of Directors

Temiskaming Shores Seniors Housing Corporation’s (TSSHC) Chair, Carman Kidd made a presentation to Council

Chair of TSSHC, Carman Kidd provided the background into the establishment of the non-profit TSSHC and the composition of the Board.

Carman outlined the business relationship with CVG Builders and the design build for the project, J.L. Richards is providing all the engineering and architectural work for the complex. TSSHC has two funders; one being Canada Mortgage and Housing Corporation (CMHC) and the second TD Bank. TSSHC has been negotiating with CMHC with a variety of conditions to be met and the finalization of the loan with TD Bank will allow TSSHC to finalize the agreement with CMHC, currently construction is proceeding on a letter of intent with CMHC.

Carman outlined that about a year and half ago TSSHC attempted to determine what the construction value would be as well as the assessed value and had looked at other similar facilities in the area (i.e. Northdale Manor) which was assessed at just over 50% of the construction value. Thus, TSSHC assumes the assessed value of this \$15 M project is estimated to be \$9 M.

The business plan/cash flow was based on the \$9 M assessment; outlays that have come out since that time relate to the building permit originally estimated at \$65,000 based on \$1,000 per ft² of the 64,000 ft² building. At the time the building permit was applied for by CVG Builders the cost of the building permit was \$127,000 based on actual value as opposed to square footage. It would be up to Council as to whether they would be willing to cover that additional cost.

Carman indicated that another issue that has come up is with the second Mortgage (TD Bank) for the \$2.1 M loan and TD's inquiry with the City having a more care and control/oversight on the project. Carman stated that TSSHC is comfortable with the current arrangement and does not feel that the City needs to get any more involved.

Deputy Mayor Jelly thanked Mr. Kidd for the information and opened the floor to questions of Council.

Council made various statements and inquiries and after deliberation considered the following resolutions.

Resolution No. 2019-619

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that Council for the City of Temiskaming Shores acknowledges Administrative Report No. CS-066-2019;

That Council acknowledges the correspondence submitted by the Temiskaming Shores Seniors Housing Corporation (TSSHC) from TD Bank recommending that the City of Temiskaming Shores have an "care & control" relationship (membership on the TSSHC Board, financial control, TSSHC budget approval, etc.) with TSSHC; and

That Council hereby declines any type of "care & control" relationship with TSSHC and that TSSHC continue to operate as a separate entity.

Carried

Resolution No. 2019-620

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-066-2019;

That Council confirms a total upset contribution of \$120,820 as approved in the 2019 Municipal Budget towards Building Permit Fees, installation of water & sanitary services and planning fees (Site Plan Control, ZBA, etc.) for the Temiskaming Shores Seniors Housing Corporation Affordable Housing Project on Grant Drive;

That Council directs staff to reallocate funds between the cost centres within the approved Budget for the project; and

Further that any reconciled costs exceeding the upset contribution of \$120,820 be invoiced back to the Temiskaming Shores Seniors Housing Corporation.

Carried

Resolution No. 2019-621

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that Council for the City of Temiskaming Shores acknowledges Administrative Report No. CS-066-2019; and

That Council confirms the implementation of a Property Tax Rebate Program (Municipal portion only) over a five-year period to a cap of \$905,600 for the Temiskaming Shores Seniors Housing Corporation's project on Grant Drive as per Resolution No. 2018-322.

Carried

8. Adjournment

Resolution No. 2019-622

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that City Council adjourns at 6:33 p.m.

Carried

Mayor – Carman Kidd

Clerk – David B. Treen

November 19, 2019

Public Health and Emergency Health Services Modernization Consultation

The Ministry of Health is consulting on Public Health and Emergency Health Services modernization. This will be a broad consultation with municipal governments, Boards of Health, local Public Health agencies, EMS services, and other stakeholders. AMO will work with our members, partner associations, the Ministry of Health and the Municipal Advisor, Jim Pine, throughout the process to bring forward practical solutions for public health and emergency health services that work best for residents, communities, and municipal governments.

The video of the webinar launch and two discussion papers are available on the Ontario government [website](#).

Written submissions and completion of an [online survey](#) will be accepted up until February 10th, 2020.

Planning for in-person meetings across the province are underway. Information about the dates and locations will be available soon.

The public can [email](#) the Ministry of Health with any questions about the consultations.

People interested in signing up for the government's "Connected Care Updates" on health in general, can [subscribe](#) to the Ministry of Health.

AMO will continue to keep members aware of relevant developments including the response to the consultation.

AMO Contact: Michael Jacek, Senior Advisor, mjacek@amo.on.ca, 416-971-9856 ext. 329.

Deputy Minister, Small Business
and Red Tape Reduction
Ministry of Economic Development,
Job Creation and Trade
56 Wellesley Street West
7th Floor
Toronto ON M7A 2E7
Telephone: 416-325-6927
Email: giles.gherson@ontario.ca

Sous-ministre des Petites Entreprises
et de la Réduction des formalités administratives
Ministère du Développement économique,
de la Création d'emplois et du Commerce
56, rue Wellesley Ouest
7e étage
Toronto ON M7A 2E7
Téléphone : 416 325-6927
Courriel: giles.gherson@ontario.ca

November 13, 2019

Re: Job Site Challenge

The Province of Ontario is pleased to announce the launch of the Job Site Challenge — an exciting new program open to property owners and land developers across the province.

The Job Site Challenge is a *mega site program* modelled on successful large-scale investment attraction opportunities created in a number of US states over the last decade. It is designed to create and showcase shovel-ready sites capable of attracting large-scale manufacturing investment. The government of Ontario will provide value-add services to increase the attractiveness of properties and market the sites to domestic and international investors.

This is an opportunity for municipalities, economic development agencies, real estate developers, industrial property owners and other interested parties to submit proposals to the Province identifying mega site candidates for consideration. With the assistance of an internationally recognized site selector, sites will be evaluated and selected, based on how well they meet a set of site eligibility criteria.

We are searching for sites ranging from 500 to 1,500 acres in size capable of supporting large-scale manufacturing operations. Specifically, sites that are or could be zoned for heavy industrial use and that are serviced or serviceable by utilities, transportation and other infrastructure.

Program participants of selected sites will benefit from:

- Validation and endorsement of their site by an internationally recognized site selector
- Promotion and marketing by both the Province and the site selector to international and domestic investors
- Streamlined approvals review process for applicable provincial licences, permits and environmental approvals required to develop and service a site.

As the first of its kind in Canada, the Job Site Challenge is intended to raise Ontario's profile and improve our attractiveness internationally — so that we can compete with other North American jurisdictions for coveted large-scale investments in automotive and other advanced manufacturing and create good, high-paying jobs for the people of Ontario.

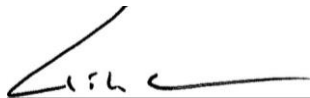
To participate, applicants are asked to submit a detailed proposal for consideration by March 31, 2020. We are asking participants to put forward their “best case” with sites that meet the specified criteria.

All necessary information about the Job Site Challenge, including site eligibility criteria, is available in the program application guide which can be requested by email at burdenreductionteam@ontario.ca.

Should you have any questions about the program or how to apply, please contact the Ministry of Economic Development, Job Creation and Trade — Small Business and Red Tape Reduction at the email noted above. You can also visit the [Job Site Challenge website](#) for additional information.

Thank you for your interest in the Job Site Challenge. We look forward to working with interested program participants.

Regards,

A handwritten signature in black ink, appearing to read 'Giles Gherson', written over a thin horizontal line.

Giles Gherson
Deputy Minister

November 20, 2019

Province Launches Consultations on the Blue Box Regulation

The Ministry of the Environment, Conservation and Parks has officially launched a multi-stage public consultation process with municipal governments, producers, waste management industries, and non-profit organizations, on the transition of the Blue Box program to full producer responsibility.

The first consultation will be held by webinar on Wednesday, November 27, 2019. The Ministry will be explaining how stakeholders can take part in the development of a new regulation for the Blue Box under the *Resource Recovery and Circular Economy Act, 2016*.

To participate in the Ministry of Environment, Conservation and Parks webinar, register by Friday, November 22, 2019, with Marc Peverini, Senior Policy Analyst, Resource Recovery Policy Branch at Marc.Peverini@ontario.ca or 416-908-1528.

This is welcomed news for municipal governments as this process will define how the producer-run Blue Box system will work, and determine the regulatory amendments necessary to end municipalities' obligation to provide Blue Box services between 2023 and 2025. A great deal of work has already been done by all stakeholders and this is the opportunity to make progress on moving waste diversion in Ontario into a circular economy once and for all.

It will be important to be engaged in this process, as your input will help inform the key elements and proposed approach for a producer responsibility regulation. This includes maintaining a convenient and accessible collection system, identifying a standardized list of materials to be collected (including considering how best to deal with single use plastics), and setting targets or other performance targets.

AMO is well-positioned for these discussions, as staff just concluded a series of consultations across the Province with municipal staff. We will

continue to work with our members and the Ministry throughout the process to advocate for a Blue Box regulation that creates a seamless experience for residents, and ensures that producers are held responsible for managing plastic and other packaging at end-of-life.

AMO Contacts:

Dave Gordon, Senior Advisor, dgordon@amo.on.ca, 416-389-4160

Amber Crawford, Policy Advisor, acrawford@amo.on.ca, 416-971-9856 ext. 353.



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www.timiskaminghu.com

October 31, 2019

Tammie Caldwell
Director of Recreation
City of Temiskaming Shores

COPY TO MAYOR

Dear Tammie,

RE: Thanks for Being a Champion for Public Health. Happy Retirement!

Your approaching retirement led to many comments within THU, all of which related to the incredible impact you had on the community and how so much of what you did effectively supported the health of residents—all residents.

We have included only a few examples of the ways in which you did this, and know we definitely haven't caught them all. From being an advocate for health within the municipality and among your peers in other departments, to bravely piloting new ways of working together across organizations, to being an accessible and willing-to-brainstorm community partner, we have so appreciated your work and your openness to collaboration.

"Tammie was a valuable member of the Timiskaming KidSport chapter energetically supporting and nurturing local projects from ideas to reality. She was passionate about the belief that sports are beneficial to children for their health and personal well-being and effectively worked with community partners and volunteers on various initiatives including successfully applying to numerous grants over the years to support the KidSport program."

"Tammie has been a key champion for active travel in the municipality. From supporting and persisting in seeing STATO built to the development and successes within the BFCC, these are improvements that make life better everyone in the community regardless of income or ability."

"I am very grateful that Tammie was open to this new public health approach to recreation settings (improving food environments), and that she had a very action-oriented approach to the work we collaborated on. Thinking about how, 3 years ago, HERS was (and still is, to an extent), something new/uncommon to public health, Tammie's vision and pioneer attitude allowed us to accomplish something that very few municipalities have in place – a policy for healthy eating in recreation settings, that has the potential to inspire other municipalities in Timiskaming to do the same. I would also like to highlight her perseverance and great collaborative skills."

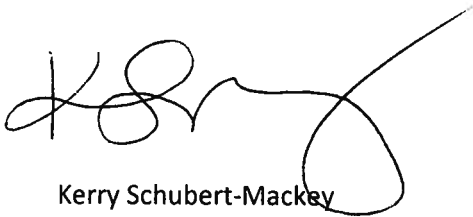
"Tammie was instrumental in the designation of the City of Temiskaming Shores as an Age Friendly Community. She is a strong connection between municipality and community an advocate for change and policies that will benefit all residents."

"Recently, after having successfully advocated for the creation of a permanent position to

promote healthy kids and also build a community that works for older adults which on its own is a tremendous step forward, Tammie proposed a focus on affordable access to recreation for the Healthy Kids Temiskaming Shores committee. This is another example of the municipality leading a conversation that will truly benefit the well-being of residents regardless of income."

Thank you, Tammie, on behalf of all of us at Timiskaming Health Unit, for your continuous commitment to supporting the health and well-being of your fellow community members. We know the work of municipal staff can be challenging for many reasons, yet at every partnership gathering you came with a smile, kind greetings and constructive input. We congratulate you on a successful, meaningful career and wish you a wonderful retirement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kerry Schubert-Mackey', with a long, sweeping horizontal stroke extending to the right.

Kerry Schubert-Mackey
Director, Community Health

Enclosure

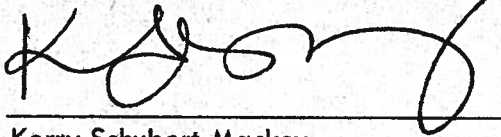
cc: Carman Kidd, Mayor, City of Temiskaming Shores
cc: Amanda Mongeon, Manager Timiskaming Health Unit

Certificate of Recognition

awarded to

Tammie Caldwell

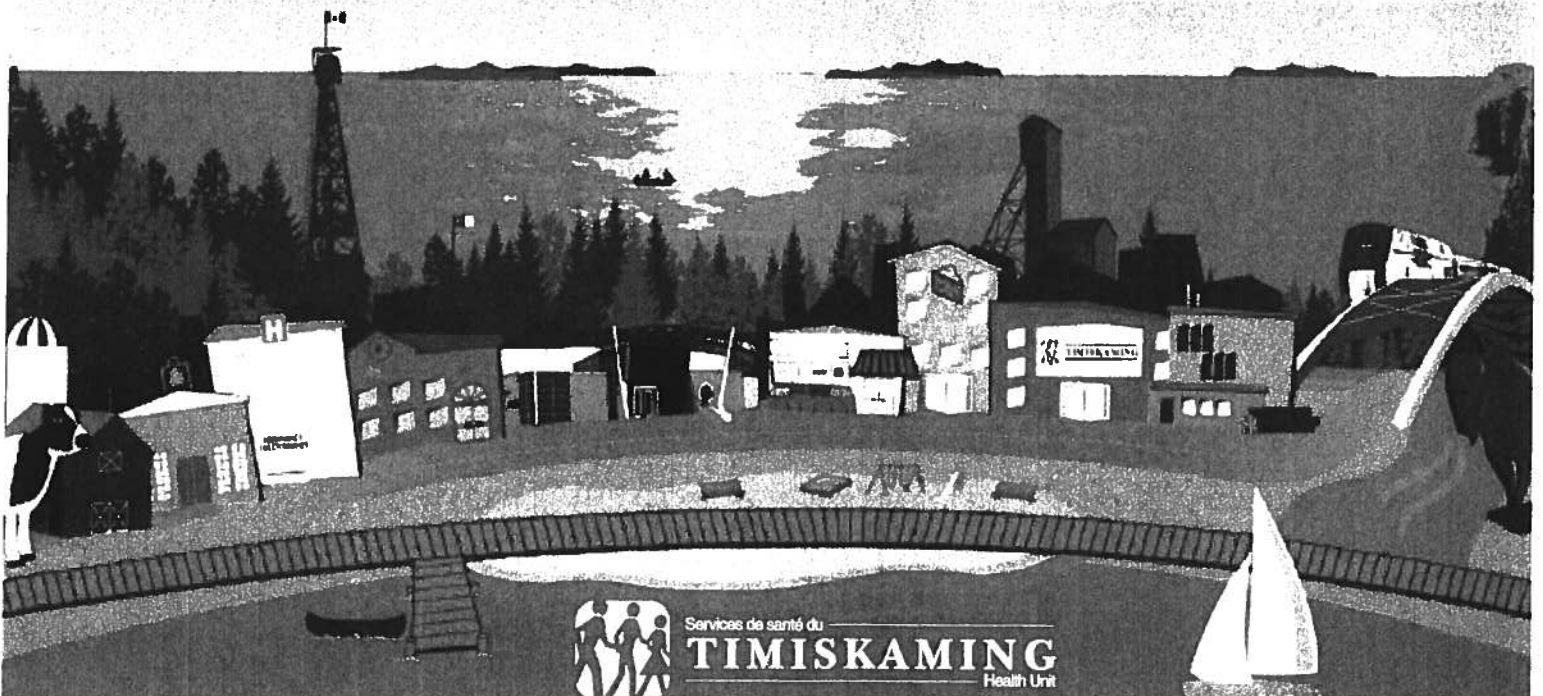
in recognition of being
a key public health champion.



Kerry Schubert-Mackey
Director Community Health

October 31, 2019

Date



Services de santé du
TIMISKAMING
Health Unit

November 18, 2019

RECEIVED
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City of Temiskaming Shores

325 Farr Drive, P.O. Box 2050

Haileybury Ontario

Attention: Mayor Carman Kidd and Council;

I read with great interest the article written by Diane Johnston in the October 09th edition of the Temiskaming Speaker entitled "Building Blocks". At first glance the project she described looks like a great initiative for the City of Temiskaming Shores, but after reading the article a second time I became quite concerned about the City guaranteeing a 2.1 million dollar loan to a project that may or may not be successful.

Who is CGV Developments and why is the City of Temiskaming Shores so anxious to give them a 16 million dollar project. Were local contractors invited to bid? Surely companies such as Rivard Bros or Hearn Construction could have delivered this building on time and on budget and would have been around to provide support with issues arising after possession.

I notice the city is donating the land, the installation of water and sewer, and five years' worth of free taxes, for another 1.23 million dollars. Is this fair to other landlords in our area or to other projects? I realize that Temiskaming Shores Seniors Housing Corporation (TSSHC) is not for profit, but I think the generosity of the City is not something the tax payers can afford.

Mayor Carman Kidd states in the article "the cash flow projections are quite positive" and that "the project will build a reserve of some 5 million over the next 20 years" I find this to be the most concerning part of the article; how much does the TSSHC expect to rent these apartments? When I do the math 16.5 million project divided by 68 units I get \$242 650 per unit. The average residential sale in the city of Temiskaming Shores is \$186 521.00. It will take decades at full occupancy in order to recover the funds and those funds will be left town with the last construction trailer of CGV Developments.

Yes I realize there is a long list of potential tenants looking to get into K1 Veterans home in Haileybury and the New Liskeard Non Profit Housing Corp on Market Street, but these monthly rental rates are very affordable for seniors. I am concerned that if the rents are not affordable, who is going to cover the operating losses when vacancy levels are 30 to 40 percent. I cannot expect rents to be affordable when each unit is costing the \$242 650 to build.

Mayor Carman Kidd is also chair of the TSSHC, yes there is a very serious conflict of interest here, when the city is donating 1.23 million and risking another 2.1 million by guaranteeing a loan.

To summarize here are my questions...

Where does the remaining 14.4 million dollars come from?

- if it is borrowed at what rate, and from who?
- where is the City's 2.1 million loan on title? Is it a first mortgage? Or Second? Or worse?
- Are any of the funds in the form of grant or is it all repayable?
- did the city receive an answer for the new federal fund it applied for?

Was the building contract tendered to local companies who employ people here and pay taxes here?

What is the expected rental rate per month to residents?

What return on investment (ROI) and at what capitalization rate has the TSSHC used to calculate a positive cash flow?

Sincerely



Germain Berube

Concerned tax payer



THE TEMISKAMING SPEAKER



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CHALLENGE ACCEPTED

Obstacles were no match for the enthusiasm of participants in the Great Northern Obstacle Course Challenge, held at the Charlton Fair Grounds on Saturday, October 5. Stacey Utas climbs over an obstacle near the finish line of the five-kilometre course. The warm and sunny weather was perfect for the first time event organized by the Englehart Special Events Committee. See *Speaker Sports* for more. (Staff photo by Sue Nielsen)

Reverse and park

Council says Bucke can operate in 2020

Diane Johnston
Speaker Reporter

TEMISKAMING SHORES – Campground operations will be status quo at Bucke Park next year, and the property will be considered in the master recreation plan under development.

Temiskaming Shores council will then consider the future of the park.

Council's decision followed some 45 minutes of discussion October 1.

It was greeted by applause and a standing ovation from many of the 40-plus people in the audience.

It repeats a decision in May to secure a realtor to dispose of the property.

It also overturned council's rejection last month, by a tied vote, of the same process.

MASTER PLAN?

Prior to council discussing the park last week, the head of the Bucke Park recreation committee urged council to hold off on disposal of the property until the completion of the master plan.

"Make the decision after reviewing the pros and cons," said Sylvain Gelineau.

Gelineau reviewed the latest financial statistics provided by the city, and pointed out that the park reported a surplus in 2014 and '15 and broke even in 2016.

He said it had a combined shortfall of almost \$13,400 for 2017 and '18.

But he noted that \$19,000 had been spent on upgrades to the chalet and \$7,500 on new playground equipment in that timeframe.

He suggested they be viewed as long-term investments in upgrades to the property.

He said a \$4,400 engineer's report was also completed, after the upgrades to the chalet.

Had it not been for these expenses, he said the park would have had a surplus.

Building blocks – Seniors' housing complex moving forward

Diane Johnston
Speaker Reporter

TEMISKAMING SHORES – A 68-unit seniors' apartment complex in Dymond is closer to starting construction.

Temiskaming Shores council has agreed to guarantee a \$2.1 million mortgage on the \$16.5-million development. It has also approved a site plan for the project.

Construction should begin before winter, said Carman Kidd, who chairs the board of the not-for-profit Temiskaming Shores Seniors Housing Corporation.

He said the 140 people on a waiting list for apartments will be invited to a meeting to learn about the details of the development and submit formal applications.

It's slated to be ready for occupancy in September 2020, "one year from now," said Kidd after city council met October 1.

Given the demand for seniors' housing and the project's financial projections, Kidd said the corporation sees very little risk for the municipality in guaranteeing the mortgage.

The waiting list for units in existing buildings is eight to 10 years, said Len Bilodeau, vice-president of the seniors' housing corporation, as he recapped the project's history for council last week.

In 2014 and '15, he said the Zone K1 Veterans Home in Haileybury and New Liskeard Non-Profit Housing Corporation were separately investigating expansion.

But he said they discovered that the smaller additions were not feasible without government grants, which were not available at that time.

"We just couldn't get the cash flow to make them work," he said.

Members joined forces, and began discussions with CGV Developments of Cochrane on a project.

The new Temiskaming Shores Seniors Housing Corporation was incorporated, and plans were drafted for a 68-unit building. It also applied to a new federal fund to develop social housing.

The city lent its support in 2018.

It offered to donate land on Grant Drive, install water and sanitary sewer services to the lot line and waive fees, for a total in-kind contribution of \$330,215.

It also agreed to rebate the municipal portion of property taxes on the development for five years, an estimated value of \$906,000.

Bilodeau said the corporation has to date received approval for \$15.8 million in grants and mortgages.

That leaves a \$670,800 shortfall in construction costs.

It's planning a fundraising drive to cover the sum. If the campaign falls short, he said a private source has guaranteed the funds.

Continued on 6a

Continued on 7a

Happy Thanksgiving! PLEASE DRIVE SAFELY



Helping kids learn
about road safety this fall

"Road safety is important at any time of year."
"But in the fall, when days are getting shorter and excitement for Halloween is gearing up, it's an excellent time to remind both kids and parents of the importance of pedestrian safety."

- Teach children the different traffic signals and the meanings of "medians," "intersections" and "pedestrians". It will help demystify the world of traffic around them.
- Help young ones recognize when it is safe to cross the street. For example, when at a traffic light, teach them to look for the walk signal, but also look both ways (left, right and left again) to make sure all cars have stopped before crossing.
- Warn children about the dangers of crossing a street in between parked cars.
- Flashing lights and sirens on emergency vehicles can be exciting for kids. Use this natural enthusiasm to teach them how the lights and sounds help warn drivers and pedestrians to proceed with caution and not to cross the street if a police car, ambulance or fire truck is approaching.
- Show children the red flashing lights on school buses. Explain how drivers must stop when the lights flash, and teach them when it is safe to get on and off the bus. Always go to the bus stop with younger children and don't let older kids arrive at the stop too early to avoid the temptation to wander.
- Don't forget: a good example is the best teacher! Always obey all traffic signals and don't jaywalk.

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"DON'T DRINK AND DRIVE"

MTO installing lights at Thornloe intersection

Darlene Wroe
Speaker Reporter

THORNLOE - The installation of lighting at the intersection of Highway 11 and Highway 562 (Thornloe) is underway.

"The lighting design was recently completed and the Ministry (of Transportation of Ontario) expects the lighting to be installed before the end of 2019." MTO regional issues and media advisor Kristin Franks said.

Three overhead standard LED lights are being placed at the intersection.

Franks said the MTO agreed to the project after reviews took place.

"Safety is our priority. The ministry regularly reviews and updates the policies that guide the work that we do. Following one such review, a change was made to the electrical engineering policy. That change, along with the recent review of this intersection, confirmed the need for lighting at intersections with unusual geometric configuration, such as this intersection."

Thornloe Reeve Earl Read has been fighting to have lights at

the intersection for many years.

He said that without the lights, the area was dark and drivers were unable to see enough at the site.

Highway 11 intersects diagonally with Highway 562 which becomes Thornloe's Main Street on the west side and Greenwood Bridge Road on the east. Garden Road also intersects at the location running both north and south.

Read noted that two people died at the intersection some years ago and several transports have ended up in the ditch at that location.

Read expressed gratitude for the support that he has received in the fight for the lights. He named Timiskaming-Cochrane MPP John Vanthof and his office staff, the Temiskaming Municipal Association, the Temiskaming Mayors Action Group and the Federation of Northern Ontario Municipalities (FONOM).

He said the issue had advanced to a meeting with the MTO, but the ministry suddenly announced that the meeting would not be taking place and the project was going to proceed.

Building blocks Seniors' housing complex moving forward

Continued from A Front

The corporation asked for no additional financial help from the municipality.

But it did request that the city guarantee a \$2.1 million bank mortgage.

Cash flow projections for the development are "quite positive," said Kidd.

Given his position on the corporation's board, he declared a conflict of interest and stepped down as mayor for any city council discussions on the matter.

Kidd said the project will build a reserve of some \$5 million over 20 years, and be in a position where it would not default on the mortgage.

He described the development as "probably a once-in-a-lifetime" project for the municipality.

"I don't think you'll see another one any time soon. This is probably the biggest project we've had in this area for the last 35 years," he said.

Councillor Danny Whalen supported the project, saying his initial concerns over any impact on the city's borrowing

capacity had been addressed.

"We still have lots of room to borrow under our annual repayment limit that's set by the ministry," said city manager Chris Oslund.

Councillor Mike McArthur wondered whether council should first call a public meeting of some type before agreeing to guarantee the mortgage.

"I'm for the project," he said, but described the sum as "a great deal of money."

Whalen commented that the council meeting is a public meeting.

Councillor Jeff Laferriere said the city has already committed \$1.2 million in support, when the tax rebates, land donation and other in-kind help are tallied.

He pointed to the local waiting list for seniors' housing and noted that the lack of housing is an issue "right across the country."

The funds that the facility will eventually generate will more than support the mortgage that the city is being asked to guarantee, he said

Transforming and Modernizing the Delivery of Ontario's Building Code Services: *The OBOA Solution*

The Ontario Building Officials Association (OBOA) welcomes the opportunity to comment on the *New Path Forward for Building Services* consultations and provide further insight on the current challenges within the province's building sector. We are pleased to share our industry-endorsed position and proposal, the ***OBOA Solution***, on how Ontario can transform and modernize the delivery of its Building Code Services.

Responses to the specific questions asked in the Ministry of Municipal Affairs and Housing (MMAH) discussion paper have been provided in [Fact sheet #1: OBOA's response to MMAH consultation questions](#). However, we have taken the opportunity to outline larger systemic issues shared across the building sector in this submission, to ensure that this review results in the best possible outcome for the future of building construction in Ontario.

The ***OBOA Solution: A sector-wide solution, providing the province with a leading, professional building sector, and all Ontarians with the confidence that the buildings they live, work and play in are safe.***

The OBOA represents over 1,900 professional building officials. We are a self-governing, not-for-profit organization committed to establishing and maintaining a high professional standard in the administration of the Ontario Building Code.

In 1992, the need for expert well-qualified building officials in Ontario was formally recognized, by enshrining OBOA's role in provincial legislation.

We are guardians of a better built Ontario.

The 2019 OBOA Building Safety Month campaign, [#buildingcodematters](#), highlighted the importance of effective building standards on our everyday lives and aimed to translate complex regulation into illustrations that the general public could understand. The OBOA is very proud of our leadership in this area; in fact, this year's campaign was recognized by the International Code Council for its high level of public reach and effectiveness.

Building officials have always shown a strong commitment to: protecting consumers, being sector leaders in setting professional standards and education delivery, reducing red tape while building strong communities, and prioritizing innovation and modernization without jeopardizing public health and safety.

It's what the province has trusted us with and what we have been delivering on for over 25 years.

The OBOA Solution supports the government's role of policy primacy and a vision for a more responsive way to address the changing expectations of construction, while providing clarity and consistency for the sector and

Recommendation #1: The OBOA proposes the establishment of a Provincial Commission to oversee the development and evolution of the Ontario Building Code. This Commission would be comprised of a balanced membership of industry experts, the regulatory community and general interest groups, ensuring that all relevant sectors and geographical areas of the province are represented. This commission would have formal accountability to the province for raising potential solutions and amendments to the building code.

Effective, Efficient and Evolving Construction Regulation

In our rapidly changing world, the expectations for building construction have increased with higher standards in accessibility, resource conservation and climate change. There are also many moving parts at the national level, with efforts to harmonize construction codes across Canada. There is an acute need for a review of Ontario's building code regulations to ensure clarity, effectiveness and relevance in the midst of national efforts. The professionals charged with applying, administering and enforcing building code regulations feel continuously challenged with understanding and interpreting its provisions.

The OBOA and its sector partners share the government's vision that effective, efficient and quickly evolving regulations should be a key priority as we move forward together to modernize our sector:

"Many regulations are in place for good reasons, like those that protect health, safety and the environment, but at the same time, decades of government regulation have resulted in rules that are duplicative, outdated or unclear, causing businesses to spend time and money complying with rules that simply could be better. We're ensuring that Ontario's regulations are effective, targeted, clear and focused — while maintaining Ontario's high standards."

- Prabmeet Sarkaria, Associate Minister of Small Business and Red Tape Reduction

Our proposal seeks to address sector-wide challenges, while complementing the process used at the national level, and keeping public health and safety at the forefront of any future decisions that are made.

Public trust can easily be lost and almost impossible to get back, as we all learned through the Elliot Lake tragedy.

Recommendation #2: The province should once again be the sole source of Building Code interpretations, which are binding and administered through a user-pay model. This model will increase accountability to the public and ensure consistency and clarity on all code-related matters.

The sector supports the province’s policy primacy, especially related to development of and accountabilities to the Building Code Act. We believe that the way to increase confidence in Ontario’s building standards is through clear and consistent guidance on the Building Code.

90% of OBOA members responding to our survey on MMAH’s discussion paper, expressed a desire for greater advisory, guidance and interpretive services.

“Interpretations and directions are key to getting consistency across the Province.”
- OBOA member

In 2011, the Ministry withdrew this essential service of providing guidance on and interpretations of the Building Code, and the building official community has attempted to informally fill the void since.

The sector now shares common experiences and crowdsources answers to code-related questions from the frontline, in an effort to promote consistency in how the building code is applied across the province.

These efforts are purely voluntary and adhoc in nature – and cannot ensure that there is 100% consistency in how the Ontario Building Code is actually interpreted and applied. There is an inherent conflict of interest for a body outside of the provincial government to be providing formal

“Build Right Ontario is a one window online resource for building officials to access technical, legal and occupational information to support them in their day-to-day activities. The goal of this site is to provide a venue where building officials can communicate and share knowledge that will promote consistent application of the Building Code throughout the Province.”

- Mike Seiling, OBOA Past President

interpretations. It is the government that is ultimately accountable for setting and encouraging application of the Ontario Building Code standards.

First and foremost, the sector and the public deserve building code regulations that would result in the consistent application of building standards across the province. There will still be instances where further interpretation is needed to ensure consistent application of the building code by all municipalities. This can only be achieved if the government starts providing binding interpretations of code-related questions. And we believe this can be administered through an effective user-pay model that can be accessed by the whole sector and consumers, not just building officials.

Recommendation #3: The *OBOA Solution* proposes regulatory changes that would enable municipalities to adopt a Digital First approach to building code service delivery and endorse sector driven ventures, such as those currently being undertaken by OBOA and its sector partners.

This approach will help support the province’s public commitment to enhance the development approvals process by:

- improving information sharing between all approval agencies related to the development process;
- increasing clarity and transparency across the applicable law approval system and;
- streamlining and standardizing service delivery to the public.

True modernization of any public service means adopting a Digital First approach. Many municipalities throughout the province are already utilizing or moving towards electronic permitting (e-permitting) services. By 2022, we estimate that 70% of the municipalities will have adopted some form of online submission option.

Since local municipalities have already invested in these services, we recommend the province focus its efforts towards an agency-wide approach to enable the free flow of standardized information between provincial, municipal and other regulatory bodies that are part of the development approvals system. This will not only improve service delivery, but also help break down institutional silos.

“To help municipalities plan their inspections and improve builders’ compliance with the Ontario Building Code, we recommend that Tarion Warranty Corporation report on a timely basis to the municipalities all significant instances of builder non-compliance with the Code that it identifies.”

- Bonnie Lysyk, Auditor General of Ontario, Special Audit of the Tarion Warranty Corporation

Currently, a collection of agencies from the sector: OBOA, Large Municipalities Chief Building Officials (LMCBO), Residential Construction Council of Ontario (RESCON) and the University of Toronto, are formulating a standardized data framework that can be incorporated into both existing and new e-permitting systems at the local levels. This Electronic Development Approvals Process (EDAP) project reinforces the need to have a sector-wide approach to service delivery.

“Protecting what Matters Most” - Trust and Public Confidence in our Sector

Trust starts at home.

In order for there to be increased public confidence in our sector, there first needs to be improved trust between all of the key industry players, including the ministry.

Recommendation #4: In order for a future model of building services to be successful, the sector and the public need a stronger level of trust and confidence in MMAH’s role. The OBOA, as respected leaders in this industry, is seeking a partnership role with the provincial government to achieve this goal.

The OBOA has been a trusted resource to governments at all levels, as well as our industry partners across the sector. We have always proactively stepped forward to work with the Ministry; providing policy advice, bringing forward new solutions to raise standards and improve service delivery, as well as reinforcing our ability to administer proposed regulatory changes.

We have advocated for clarity and transparency to the public, and mandated information sharing between agencies. We have also sought system-wide improvements by using resources and expertise that already exist within the sector (like the OBOA’s education delivery) without incurring new costs to the public. When the Ministry announced new user fees in 2006 the sector believed it would result in better services; however this was not the case. In fact, the Ministry has clearly acknowledged that its “services didn’t keep up with the pace of the sector, making their model unsustainable”.

The current government has demonstrated a strong commitment to listen to stakeholders and partners, such as the OBOA. We are optimistic that the sector will be consulted with throughout this process. Our concerns are based on past failures, lack of responsiveness and unclear futures with the Ministry. The OBOA and its sector partners look forward to working at both the political and ministerial levels to help rebuild that trust and achieve a final model to transform and modernize Ontario’s building services.

Partners in Professionalism/Co-governance

Over the last 25 years, the OBOA has been the voluntary, self-regulating body for the building official profession; it has set high professional standards through education and discipline. Ontario's Certified Building Code Official (CBCO) designation, recognized as the industry standard, has been a voluntary certification system since 1992. [Fact Sheet #2: OBOA's Training Expertise and Education Delivery.](#)

As the legislated authority and enforcer of the Ontario Building Code across the province, we have always been bold in establishing our role, expertise and credibility within the sector; we continue to do so in the absence of anyone else filling that crucial role. [Fact Sheet #3: OBOA 2018-2020 Strategic Priorities.](#)

The rapid change in consumer expectations and construction trends comes with an expectation for continuously improving professional standards in our sector. Public trust needs to be maintained.

The *OBOA Solution* supports a model for transforming and modernizing the delivery of Ontario's building code services that incorporates the following guiding principles:

Accountability, transparency, high professional standards, streamlined service delivery, consistent code application, consumer protection, red tape reduction and fiscal responsibility.

Recommendation #5: The OBOA proposes a co-regulatory model that efficiently uses the current resources and infrastructure of MMAH, OBOA, and other existing regulatory agencies. This would entail formalizing OBOA's regulatory mandate and establishing a partnership with an existing agency to deliver some of the current regulatory needs. ([Proposed co-regulatory model](#)).

The OBOA Solution recommends that no new regulatory body be created that will cost money, create inefficiencies and/or generate more red tape for the sector and public.

OBOA acknowledges that there are prerequisites to it becoming the co-regulator for building officials. Among other things, it would need to enhance its current governance and certification model as part of the legislative recognition of the designation. [Fact Sheet #5: List of Necessary Enhancements to OBOA's Governance and Service Delivery.](#)

As stated by Justice Belanger in the Elliot Lake Commission of Inquiry:

"Chief Building Officials make important decisions affecting public safety. Licensing simply based on passing examinations appears to be insufficient to ensure that the requisite skills and knowledge are retained, maintained, updated and applied."

As part of formalizing OBOA's regulatory mandate, we would also like increased formal accountability to the government (and the proposed Provincial Commission) for raising potential solutions and amendments to the building code; essentially a co-regulatory function that will encourage proactive and nimble policy change. We believe that this reinforces a vital role that already exists – using our frontline experiences and expertise to identify trends and opportunities for effective regulation. This also mirrors agreements that currently exist between the Province and other provincial partner regulatory agencies.

Recommendation #6: Similar to the example in British Columbia, the OBOA be given further administrative responsibility through legislative changes, enabling it to certify all building officials and provide services to its members and other sector professionals. That all building officials must be required to practice under the CBCO certification framework, as it is already proven and trusted to be a complete professional system.

This solution recognizes and leverages the OBOA's existing infrastructure and expertise, while achieving this government's vision for efficient, effective service delivery to the public.

Since the introduction of qualification requirements into the Building Code Act in 2003, the OBOA has provided over 40,000 professionals in the building sector with knowledge and skills training. In consulting with our members, 85% of the respondents believe education delivery should remain with the OBOA. [Fact Sheet #4: OBOA Consulting with its 1900 members.](#)

In 2014, the OBOA created its own training materials. We followed education best practices and enhanced our training delivery, switching to a more learner-centred, instructional format led by requalified subject matter experts. These and other changes were necessary because ministry training materials were not current and were not sufficient for the new generation of building officials entering the workforce. The 7,500 students instructed under the new system applaud OBOA's improved approach, but are still frustrated with the inadequacies of the currently-legislated Building Code Identification Number (BCIN) examination system.

"We partnered with the OBOA to provide building code training to the entire sector as they are the experts in the knowledge and skills required and the preferred supplier of training by the building sector."

- Joseph Sirianni,
George Brown College

The nationally-recognized industry standard of professionalism for building officials consists of 16 core competencies. Ontario's BCIN qualification only requires one basic competency, building code knowledge, and does not require any of these additional skills. This misleads the public by allowing individuals to seek employment and potentially practice in roles that the OBOA firmly

believes they are not prepared to perform. We continue to try to bridge this gap and respect the BCIN by incorporating BCIN as one qualification (amongst many) within the CBCO designation.

The *OBOA Solution* is aligned with changes recently made to the British Columbia [Building Act, 2015](#). The Province of British Columbia delegated powers to certify and qualify building officials to an external body. This authority was granted specifically to the Building Officials Association of British Columbia (BOABC) through the [Building Officials Association of British Columbia Act](#), in recognition of their existing role as the professional association for building officials, linkages to the Alliance of Canadian Building Officials' Association (ACBOA), and existing infrastructure and expertise in building official education and qualifications. [Fact Sheet #6 – BC model](#).

While the focus of the OBOA has always been to raise the level of professionalism of building officials, we have also provided services to other building code professionals that recognize their competency in understanding and applying construction regulations. We are able to continue in that role but also recognize that there other agencies in the sector that are able to ensure the professional standards of the sector are being met.

Responsible Governance: Fiscal Responsibility and Reducing Duplication

"Many regulations are in place for good reasons, like those that protect health, safety and the environment, but at the same time, decades of government regulation have resulted in rules that are duplicative, outdated or unclear, causing businesses to spend time and money complying with rules that simply could be better. We're ensuring that Ontario's regulations are effective, targeted, clear and focused — while maintaining Ontario's high standards."

- Prabmeet Sarkaria, Associate Minister of Small Business and Red Tape Reduction

Recommendation #7: The OBOA Solution supports a future building services model that is guided by evidence-based-decision-making, will enhance the culture of performance and be funded in a manner that does not result in unnecessary costs to consumers and the industry.

With 440 distinct communities across Ontario, we recognize the need to balance customer-focused service delivery with effective building code enforcement; encouraging growth while managing risk. There can never be a one-size-fits-all system that serves all municipalities, but there are opportunities to better align the whole.

Now, more than ever, protectors of public interest like the OBOA must be part of a sector-wide solution to ensure that government protects what matters most to Ontarians while acting as stewards of taxpayers' hard-earned money.

All levels of government struggle to do the most with our public's dollars and must adopt innovative ways to provide efficient and effective service delivery.

"There is anxiety out there amongst the municipalities that have development charges and that are very concerned about this. What it means is that it falls back onto the current taxpayers to all-of-a-sudden have to pay for growth. Right now, they are already strapped. Every municipality is grappling with—they've had assessment appeals and that sort of thing. If you take the actual amount that a municipality has control over in their operational funds, their discretionary funds, it's not as broad as what some people think."

- AMO President, Jamie McGarvey, to the Standing Committee on Justice Policy, May 31, 2019

"We cannot continue throwing money at the problem (broken systems) as our predecessors did... into top-down, big government schemes. That is neither compassionate nor sustainable."

- Premier Doug Ford, 2019 AMO Conference Keynote Address

Recommendation #8: The *OBOA Solution* supports a model that uses current infrastructure and capacity for regulatory services and setting of professional standards. This model should also ensure that there is no duplication of services across governments and the sector.

Consumers ultimately bear the cost of all new systems especially those that are funded through general levies or taxes, as is the case with the current MMAH proposal. While \$10 million annually for a newly created agency with 70 employees may seem reasonable to some, it does not seem to align with the efficient and respectful vision of the Government of Ontario. More importantly, it only adds to a growing list of financial impacts on the construction industry and our consumers, while facing a growing crisis in housing affordability.

The OBOA, with the support of its partners across the building sector, has a developed infrastructure, proven capacity, and an established asset base – and have continuously shown to be nimble and fast-moving when addressing the changing expectations of our consumers and industry.

Related to the themes of respecting the challenges of all levels of government and creating more clarity for the public, it should be noted that building officials are the only employees within the municipal structure required by legislation to have a code of conduct. Any new regulatory model should not ignore the structures that already exist at local levels regarding code of conduct.

Recommendation #9: The *OBOA Solution* supports a model that acknowledges current municipal powers, and does not result in conflicting or overlapping roles: i.e. enforcement, code of conduct, etc. In other words, the powers given to the new co-regulators must complement the pre-existing legislated local municipal powers.

The Building Code Act requires municipalities to appoint a Chief Building Official and provide the services needed to administer and enforce the Act. This recognizes that local governments have a deep-rooted interest in ensuring our communities are developed in a manner that protects its public.

The recommendations included in this proposal in no way changes this model. It would actually better serve municipalities in identifying and certifying the individuals undertaking this critical role on behalf of municipalities. Increasing the professionalism of building officials will build public confidence that their interests are being protected.

The Future Existence of our Profession: Getting the Best, Keeping the Best

Recommendation #10: There is a need to attract, train and retain talent in the sector. OBOA supports a future model that formally recognizes the OBOA’s leadership, expertise and infrastructure that are already doing so much to encourage recruitment into the building official career path.

Building officials in the frontline predicted the quickly growing “Silver Tsunami” of professionals retiring from the workforce before it even happened. Recognizing the sector-wide impact that this shortage of building officials would have, the OBOA developed its own solution, within its current, informal powers, to address the recruitment and succession planning challenges across the province.

The OBOA took an evidence-based approach, conducting research and developing focus groups to better define our target audiences to best fill this vital professional role. Branding and promotional materials were developed to attract potential recruits at job fairs and post-secondary career fairs. This has been a grassroots strategy that has been fully endorsed and implemented by local members across Ontario. Building officials care greatly about this issue, and want to ensure that public interest continues to be served.

As part of our work with sector partners, we identified the need to make sense of the myriad of confusing pathways to becoming a building official. We wanted to provide clarity and certainty for aspiring applicants into our great profession. *The OBOA Solution*, with its established and respected training, certification, Continuing Professional Development Program (CPDP) and membership support system emerged as an appealing cradle-to-grave option for a new building official. [Fact Sheet #7: Ontario Building Official Career Path.](#)

Appendices:

- 1) Fact sheet #1: OBOA's response to MMAH consultation questions
- 2) Fact Sheet #2: OBOA's Training Expertise and Education Delivery
- 3) Fact Sheet #3: OBOA 2018-2020 Strategic Priorities
- 4) Fact Sheet #4: OBOA Consulting with its 1900 Members
- 5) Fact Sheet #5: Necessary Enhancements to OBOA's Governance and Service Delivery
- 6) Fact Sheet #6: BC Model
- 7) Fact Sheet #7: Building Official Career Path

FACT SHEET #1: OBOA's response to MMAH consultation questions

Q. *How could the current examination design, content and/or delivery be improved?*

A. Current exams are not up to date, poorly worded, and don't reflect content of the courses. The Ministry has admitted they haven't been looked at since 2006. The syllabi are not up to date, and exams don't match the syllabus.

The exams are too long and questions need to be grouped/organized by subject to reduce the repetitive searching of the same section of the code multiple times.

"Why are there 5 questions on rapid transit in exams for individuals who do not work with this built form?"

Part 10 & 11 in the legal exam is an issue. Testing is just on building code knowledge. Building officials need to show skills and abilities that go way beyond basic knowledge of the building code. We support a more rounded set of subjects such as soft and occupational skills in both training and in testing.

Q. *Are the current training offerings meeting your needs? If not, how could they be improved?*

A. The number and frequency of new amendments to the building code make it difficult to keep training materials up-to-date.

We recognize the need provide training in multiple formats and in all areas of the province and are currently working with our partner, George Brown College to address these issues.

Q. *Do you see a role for the administrative authority in the delivery of training for building code professionals?*

A. No. Most AAs outsource training/education associated with qualification systems and rely on third parties to deliver to the market. The AA will specify what the required outcomes are.

OBOA has already done this for the training material it delivers for Building Officials looking to achieve CBCO certification. We have an 85% success rate from individual taking our courses even though our examination systems requires a higher level of understanding and application ability from the individual; as compared to the BCIN exams.

We have a high number of individual from the sector also taking our courses.

Q. *What factors could contribute to the low take-up of the current internship programs?*

Internship, formal or informal, is a key tool for dealing with the silver tsunami and the recruitment challenges of municipalities. There are currently only two programs in the province; OBOA and the City of Ottawa.

Ministry policy for internship is too onerous right now. We need a more practical model which recognizes both the increased demand and the inherent difficulty of some municipalities to comply with requirements. OBOA is prepared to take on the challenge of rejuvenating the internship model and system.

We need the Province to support the needed regulatory changes.

Q. *What role could an administrative authority play in internship programs?*

A. None. *This is red-tape issue with the regulation.* All building official practitioner issues should be delegated to OBOA.

Q. *Would implementing a provisional licence framework help with municipal recruitment challenges and what should be considered?*

A. It would not help. Provisional licencing seems to be a variant on the concept of an internship program. It may be a part of what a revised internship logic is but only if the Ministry is looking to implement a licencing model for building code professionals.

Q. *Are there other ways to help building code enforcement bodies attract and retain experienced building professionals?*

A. The OBOA has already answered this question and undertaken the work for the last 25 years. It is more critical than ever right now but also more difficult.

The OBOA has become the thought leader over recent years by adapting all aspects of its business model, services and messaging to meet a new reality of public ignorance of the profession and career opportunities, sluggish adaptation by municipal recruiters and competing professions such as designers and builders, provincial inaction.

We have developed a recruitment campaign based of focus group research that targets a specific audience that would be ideal for the profession. In the past few years, we have attended dozens of events; high school and post-secondary career days, job fairs and trade show to connect with this audience.

We had over 100 students attend the 2019 AMTS as part of the OBOA Recruitment Campaign.

OBOA members have volunteered hundreds of hours to this campaign and student participation is a big part of all our major events.

Q. Do you think the use of a Prime Consultant, under certain circumstances, would support a more streamlined building permit application process?

Yes. This was one of the recommendations made by Justice Bellanger in the Elliot Lake Commission of Inquiry and we support the design professional community's work to implement the role. It should be added as a recognized role in the Building Code Act.

There does need to be clarification on what types of projects a Prime Consultant (PC) is needed and who can act as the PC. For example we do not believe a prime consultant needs to be an engineer or architect for Par 9 Buildings that may require limited design professional services.

Q. Do you think the use of Certified Professionals, under certain circumstances, would support a more streamlined building permit application process?

A. We do not believe this is a streamlining solution. A certified professional program may be a tool for some municipalities but it can only be effective in maintaining building safety if the proper constraints are in place.

Individuals that act as a CP must complete a rigorous training program. They cannot be chosen by the applicant; must be appointed by the CBO. The municipality must be given the authority to allow CPs to be used within their jurisdiction. They must also carry higher levels of insurance.

This system is used in British Columbia where they have a proportionate liability system as opposed to the joint and several system employed in Ontario. However, there has also been numerous concerns raised in other international jurisdiction where the system is utilized; it was considered a factor that led to the Grenfell Tower tragedy in the UK and is being highly scrutinized for its ineffectiveness in protecting public safety in Australia.

This is essentially a rebranding of the Registered Code Agency program currently permitted in the Building Code Act. To have both would be duplicative regulation and could create confusion.

Q. If the ministry decides to move forward and allow the use of such professionals, what do you think needs to be considered in implementing this change?

A. Professional Engineers of Ontario, the Ontario Architecture Association, and especially Consulting Engineers of Ontario need to be consulted with and supportive of the change.

Q. If you are a registered building code professional, what are the key issues you face with the current QuARTS system?

The system was not designed with the end user in mind. It is very frustrating to maneuver through. The details can only be changed by the registrant with leads to inaccurate information being displayed to the public. It does not allow for the payment of multiple registrants by municipalities.

The OBOA has its own version of QuARTS. It is user friendly and tracking membership status, certification standings and continuing professional development requirements. Our version allows the public to seek what they need.

Q. *What registration functionality would you find helpful that is not currently available in QuARTS?"*

The Ministry has been hearing concerns and complaints about the QuARTS system since it was introduced. They should know the answer to this question already.

Q. *As a member of the public, what information would you like to see made publicly available on the registry to help you make an informed decision on hiring a qualified building code professional?"*

A. This question applies specifically information needed on designers and septic system installers. As mentioned previously, the OBOA has its own version of QuARTS. Our version allows the public to seek what they need.

Q. *How many activities or hours of CPD do you feel is reasonable to require of building code professionals?*

The answer to differs depending on the area of practice. CPD requirements should vary for building officials, designers and septic system which reinforces the need for separate professional assessment systems for each of this roles.

The OBOA require 60 credits/hours in a three year cycle. We doubled the requirement after Elliot Lake and shared the details with MMAH. They were pleased and admitted we were way ahead, OBOA, OAA and OACETT were widely considered the best practices. OBOA members perform beyond this per capita number by a wide margin. Our system is very auditable for the purposes of sharing results with others, and verifying its veracity.

Q. *What is the right mix of formal and informal CPD activities that building code professionals should be required to complete (e.g., courses, training, examinations, reading professional/technical journals or documents, volunteering in the sector, attending relevant conferences, etc.)?*

A. The OBOA program is a mixed model of formal and informal credits, including self-study. We support credits for soft skills, client facing skills, occupational skills and managerial

skills. For time sensitive exposure to priority issues and cyclical code amendments cycles, we show leadership.

Recent examples are a refresher course on accessibility issues jointly with MSAA which will be mandatory in the current cycle as a means of responding to the Onley report criticisms in AODA compliance, and a review and training package developed in one month for OBOA members on the recent 192 amendments to the Code (1200 code pages affected) to prepare for 2020 implementation.

Lastly, we have integrated our training platform with George Brown College and other colleges to permit more options to the wider community.

Q. *What is a reasonable timeframe for completing CPD requirements to ensure knowledge is maintained (e.g., annually, at every new Building Code cycle which is usually 5-7 years, other)?*

A. OBOA's is based on the 3-year cycle however there is room for flexibility.

Q. *Are there already mechanisms, materials, or offerings that would give building code professionals options on how they could meet their CPD requirements?*

A. Yes. Further, the OBOA CBCO program outlines the varied system for initial certification (entry standards, education, examination and experience in municipalities) and subsequent continuing professional development.

Q. *What types of compliance measures should be put in place to ensure building code professionals are meeting the requirements of their registration?*

A. In the case of building officials, the system exists already. The Province simply needs to recognize the CBCO designation and make OBOA membership mandatory. Discipline committee exists. Would need to add rights to appeal the decisions of the registrar and discipline committee.

Q. *What types of accountability mechanisms do you think might be appropriate if a body enforcing the building code (i.e., municipality, Conservation Authorities, Boards of Health) is found not to be meeting its responsibilities under the Building Code Act, 1992?"*

A. The Ontario Fire Marshalls Office currently has a system in place for holding municipalities accountable in meeting it fire protection requirements. The OBOA is recommending that a similar system be developed within MMAH.

Q. Do you see any challenges with requiring all building code professionals to adhere to a code of conduct?

No. The OBOA enforces a code of conduct/compliance and discipline system. The root of the system is in the corporate bylaws created at the inception of the OBOA. The Registrar has regularly enforced the requirements, within the limitations of voluntary membership. The threat of removing membership and therefore CBCO certification is the ultimate stick. All interventions have been successful.

Q. What should be considered when increasing the number of available enforcement tools and using an escalating enforcement model?"

A. The model should be consistent with other professions. It needs to balance the rights of practitioner and public interest, leaning towards public interest. Progressive enforcement and progressive discipline, based on repetitive or increasing severity of offence. The onus is on the regulator to assess and prove the case. Violations have to be fact based and provable. There also has to be an appropriate appeal system. Redress for the complainant is a separate issue.

Q. Under what circumstances do you think it would be appropriate for financial penalties to be used as a means of encouraging compliance with registration requirements?

A. Never. Compliance and performance are the desired outcome. There is sufficient leverage in a mandatory qualification/certification where the risk is loss of livelihood.

Q. How could these penalties be set so that they are fair?

A. Penalties are not meant to be fair. They should be appropriate.

Q. What types of orders do you think administrative penalties could be used for? What do you think the province should consider in developing an administrative penalty framework?

A. The OBOA does not have a position at this time as more research and discussion is needed in this area. However, this is a very important tool to help enforcement and should have been consulted on two years ago when the enabling legislation was introduced.

Q. Are there enforcement tools that would help principal authorities ensure compliance with technical requirements of the building code?

A. Same as the previous answer. Again, we question why this was not consulted on earlier.

Q. *Would it be beneficial for municipalities to have the ability to transfer some or all of their building service delivery to the administrative authority?*

A. No. The central issue is what services the Ministry and / or maybe an Administrative Authority should be supplying to municipalities. We have commented on these elsewhere in our responses, e.g. legal and technical interpretations.

There are many current service delivery options available to municipalities if they having difficulty providing it on their own.

Q. *If you live in a smaller, rural and/or northern municipality, how would you feel more supported at your municipal building counter?*

A. Each municipality addresses the support issue differently based off their local sector needs knowledge. The Building Code is the same for all areas of the Province and consistent resource material needs to be provided.

Q. *What kind of framework should the province consider for dealing with building code compliance and enforcement in unincorporated areas?*

A. The framework is already set within the Building Code Act. Municipalities are able to meet their legislative requirements in providing compliance and enforcement service within their boundaries and do so under a fee-for-service model. The Province should lead by example and do the same. This service should stay within the Ministry.

Q. *If you live or work in an unincorporated area, what guidance, resources and/or support do you need for your building projects?*

A. The Building Code is the same for all areas of the Province and consistent resource material needs to be provided.

Q. *Would you support the issuance of technical bulletins and/or code interpretations? Please explain.*

A. Yes, this is crucial if consistent application across the Province is going to be achieved.

The OBOA's preference is to have intent statements and binding interpretations directly from the Ministry. Prior to the issuance of an interpretation, we recommend that the government look at the area of regulation where the interpretation is needed to determine if it can be clarified.

If the professional who administers and enforces the code has difficulty interpreting its meaning, the issue is with the regulation itself and it needs to be looked at as red-tape.

In the absence of such support over the last number of years, the OBOA and LMCO have collaborated to create internal best practice and interpretative support mechanisms within the building official community such as standing technical advisory committees, and BuildRightOntario, an archival website for past guidance materials and a collaboration space for development and exchange of information for building officials. Others such as designers and builders have shown interest in BuildRight and the intent is to provide access and contribution to the wider technical audience.

As an aside, we note that as the province harmonizes with the national model code, the intent statements in the model code will be more directly available and relevant in Ontario.

Q. *If additional resources and guides to help with code interpretation were created, what types of resources (e.g., type of content, format, etc.) would be most useful?*

A. MMAH had a system of supplementary courses, guides and other supporting materials that were abandoned after the contract for training was issued to George Brown College in 2013. These were missed.

However, intent statements and binding interpretations are critical. Absent those, the rest are toothless and unsupported.

Q. *Would the addition of more visual guidance materials for specific building code issues be helpful?*

A. 70% of the population are visual learners and building officials are in a spatial, three-dimensional business. By definition, needing visuals is a truism. Should apply to the training platform generally not just special issues.

Q. *As a member of the public, what resources and tools would you need to assist you with understanding code requirements for your small or personal construction projects (e.g., minor renovations, decks, sheds etc.)?*

A. Again, the building code is overly complex in dealing with minor projects. This is not a resources issue, it is a red-tape issue.

Q. *If you would use an electronic version of the Code, on what type of electronic device would you most frequently view/use it on? (e.g., laptop/desktop, mobile device)*

A. Teaching the code is not a digital matter. Using the code is a digital matter and the OBOA supports automation of the code and linking it to the permit process.

We also believe in the desirability of some artificial intelligence or learning capability with electronic codes and standards that supports the user and his/her search patterns, and makes their way of working customized going forward.

The current structure of the code will not allow it to be effectively translated to a digital format and significant changes will need to be made to allow these desired functions to be performed.

Q. *In addition to digital versions of the Ontario Building Code Compendium, what other digital guides, resources or tools would you find most useful?*

Availability of all the standards; CSA, UL, NFPA, etc.

Q. *Does your organization collect building sector data? Do you have any policies in place for data collection, management, and/or transparency?*

A. The OBOA has done studies in the past to aid our members and collects data as part of those processes. We also have performance data on those taking training courses and writing exams through the OBOA.

We do have the needed policy framework in place.

Q. *How could the potential increase in municipal reporting burden be mitigated?*

A. The reporting of building construction data is going to increase as more agencies are seeing value in the information collected as part of the approval process. Adopting digital services will help in reducing the reporting burden. An agency to collect data and share with the numerous agencies would be beneficial.

Q. *Do you think it would be beneficial if the administrative authority conducted research on behalf of the sector?*

The OBOA would like clarification on this question. Why wouldn't the sector undertake this research on their own?

Q. *Is the proposed funding model a reasonable approach to delivering improved services to the sector?*

A. A large portion of the funds collected would be through the general levy. However many of the services being proposed are directed towards specific individuals or entities. The funding model should be strictly fee-for-service. It is obvious that more research is needed in this area.

Q. Are there impacts in implementing such a fee model that the government should consider?

A. There will be administrative impacts on the municipalities in collecting the levy. Regardless of what it is named it will still be seen as another local charge.

The OBOA is unclear why the levy is required and would like to see further justification.

As part of this consultation, the OBOA would also like to bring forward some additional areas of concern that building officials have presented to the Ministry in the past.

Autonomy for building officials

The Council of a municipality is responsible for appointing a CBO and providing building code services. However they are not permitted to influence the decision making process or interfere in the work being undertaken by a building official in carrying out their legislative role.

Unfortunately this can occur.

As stated in the Report of the Elliot Lake Commission of Inquiry:

The is judicial authority for the proposition that the Chief Building Official is independent of the municipality and bound in law to perform his or her duties entirely independent of any direction or recommendation the municipality may seek.

The OBOA would like to see Section 223.2 of the Municipal Act, 2001, S.O. 2001, c. 25 be amended to state that the Code of Conduct established by Council of a municipality must include provisions that any interference or influence of the CBO or a Building Official in performing their role is an offence.

Clarify responsibility and accountability between different parties

The Building Code Act was amended in 2006 to prescribe the roles of various persons; designers, builders, manufacturers, owners, Chief Building Officials and Inspectors. The actual recommendation of the BRAGG group was to clearly specify the roles and responsibilities for these various. By only applying partial measures, the Province has made it unclear where responsibility lies in the system and made it easy for individuals to avoid any accountability.

The Building Code Act needs to be amended to include responsibilities for the various persons listed who can cause a building to be constructed and be done in a manner that clearly define the actions that person must take to ensure public safety is protected

Identify Bad Actors

Illegal builders, or builders that represent themselves as owners but then turnover a house after it is completed is one of the most obvious ways that the system is being abused. This has been going on for some time and many new homeowners find themselves dealing with issues in their newly purchased homes with no warranty protection and frustrations in finding recourse.

As stated in Auditor General's Special Audit of the Tarion Warranty Corporation, the OBOA supports implementing the same requirements currently being used in British Columbia to identify potential illegal builders.

Clarifying who can do what

The regulation has to be clear on what a designer can design, when an engineer and/or architect is required, and what streams of qualification are required to perform different functions. If the regulation worded properly, guidance material is not required.

FACT SHEET #2 - OBOA's Training Expertise and Education Delivery

With over 4,000 students and a history of building industry training innovation, the OBOA is a recognized leader in the professional development of Building Officials and other professionals who use the building code, nation-wide. This year, we improved the learning experience both in Ontario and across Canada.

TO SUPPORT OUR MEMBERS:



Standardized the integration of MMA and OBOA training materials in partnership with George Brown College for seamless course delivery across all Ontario training platforms.

Developed strategy and program priorities for updating the OBOA suite of courses to 2019 BC Interim changes.

Completed the development and rollout of SB10 Energy Efficiency for Building course as a compliment to SB12 Energy Efficiency for Housing course.

TO SUPPORT OUR NATIONAL PARTNERS:

Updated the four ACBOA core courses (Large, Complex, Small, House) from 2010 NBC in conjunction with the NRC.

Developed a national electronic question database to support the four courses and ten competency exams based on the 2015 National Building Code.

In conjunction with the Canadian Green Building Council, modified Canadian content of six skills-based green building courses to support the trades in building to new green standards.

YUKON

Developed four ACBOA course exams for the Yukon examination program.

NEW BRUNSWICK

Developed ten ACBOA competency exams based on 2010 NBC for the New Brunswick examination program.

NOVA SCOTIA

Developed ten ACBOA competency exams for the Nova Scotia examination program.

Developed an advanced Plan Examination course and Part 9 Plumbing course for the Nova Scotia certification program.

CPDP CREDITS

The OBOA's Continuing Professional Development Program (CPDP) is a requirement for certified members to maintain their designations and is rich in both technical and leadership training. CPDP cultivates well-rounded Building Officials with excellent communication and leadership skills in addition to the technical savvy required to meet the many demands of our profession.

Concerned that many OBOA members were not correctly documenting their CPDP credits, Board Member Shawn Merriman decided to take action. Shawn consulted with members and discovered the following:

- Most, if not all members had lots of credits, but they were not sure how to document them.
- Those who tried, found the tracking system frustrating.
- Too many credits were being submitted by an individual instead of a group.
- Too many credits were being submitted by an individual instead of a group.

Shawn stepped up to help members better understand the credit documentation process by undertaking an education campaign across Ontario. He attended nine chapter meetings, met with six committees and helped twelve cities across the province to bring on an administrator.

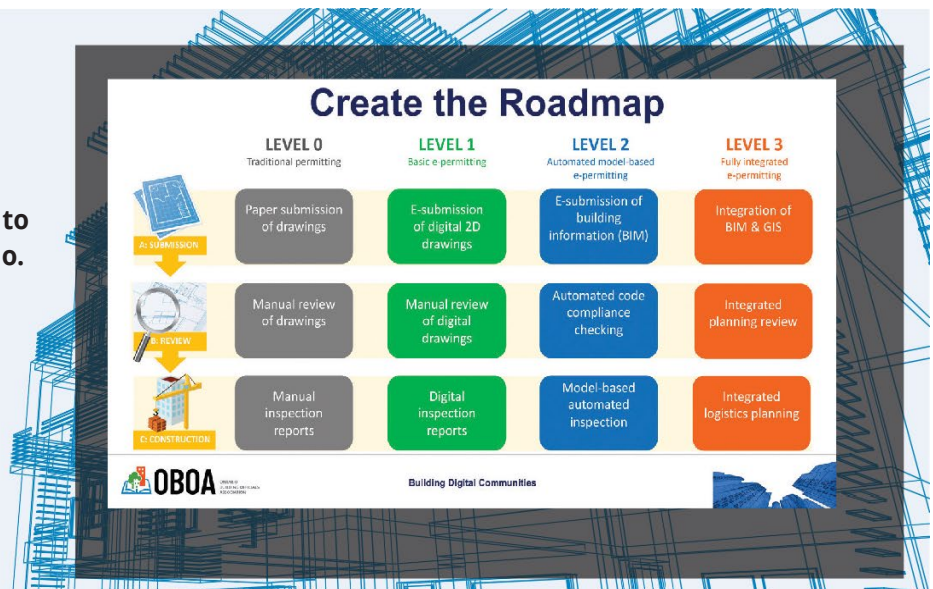
Shawn's initiative reduced the number of members with less than six credits from approximately 250 to 123. Additionally, 523 members of the 829 that are certified are on track to meet the requirements.

INNOVATION

With partners RESCON, LMCBO and the University of Toronto, the OBOA is helping to create data-driven Smart Cities in Ontario.

Past President, Matt Farrell's presentation "Building Digital Communities," to the Association of Municipalities of Ontario's 2019 Annual Conference in August encouraged cities to move from a paper-based to a fully digital approval process.

Farrell made the case that building data is the "missing piece" in a community information modeling paradigm comprised of Geographical Information Systems (GIS) and Computer Aided Design (CAD).



OUR 2018-2020
STRATEGIC PLAN

OVER THE YEARS, LED BY THE BOARD OF DIRECTORS AND LEADERSHIP TEAM, THE OBOA MOVED THE BUILDING OFFICIAL PROFESSION AND THE ASSOCIATION FORWARD IN SUPPORT OF A BETTER BUILT ONTARIO.

Our strategic priorities:



TRAINING & PROFESSIONAL DEVELOPMENT

To ensure that Building Officials have access to the latest and best quality training and professional development opportunities



CERTIFICATION & CONTINUING EDUCATION

To offer professional certification and continuing education programs that provide assurance of Building Officials' qualifications



KNOWLEDGE TRANSFER

To promote uniform code application by disseminating best practices using the OBOA's website, publications and other tools.



GOVERNMENT RELATIONS

To be an active voice for the profession on building regulatory issues by drawing on members' expertise and collaborating with other organizations



PUBLIC AWARENESS

To raise awareness of the importance of building safety and the critical role that Building Officials play.



ASSOCIATION EXCELLENCE

To pursue continuous improvement in membership value, service delivery, financial stewardship, and governance



ADVANCING THE PROFESSION

To enhance the professionalism of Building Officials and ultimately become a self-regulated profession

FACT SHEET #4 - OBOA Consulting with its 1900 Members

The OBOA surveyed Members to find out the day to day challenges they faced, the services that need to be improved, who is best suited to administer those services and how they felt about the changes proposed in the MMAH's consultation in regards to the report, Transforming and Modernizing the Delivery of Ontario's Building Code Services.

Here's what our Members had to say:

Members rated the following topics to be of highest importance to their municipalities

Requirement for a BCIN - 76%

Code training for CBCO – 72%

Electronic searchable version of the Code and standards – 76%

We asked Members who they would trust to deliver these services.

Here's what they said:

Requirement for a BCIN	Code training for CBCO	Electronic searchable version of the Code and standards
<ul style="list-style-type: none"> • 50% said the OBOA • 40% said MMAH • 7% indicated they would trust a new DAA 	<ul style="list-style-type: none"> • 73% said the OBOA • 16% said the MMAH • 5% said a new DAA 	<ul style="list-style-type: none"> • 56% said the MMAH • 25% said the OBOA • 5% said a new DAA

39% of Members who took the survey said they believed municipalities would be prepared to pay more money than it spends today to acquire more of these services than it receives today. **61% said no.**

72% of respondents did not know what a DAA was nor how it operated as opposed to **21%** who indicated that they were familiar with a DAA.

Fact Sheet #5: Necessary Enhancements to OBOA's Governance and Service Delivery System

In anticipation of new statutory amendment passed to delegate powers and responsibility to OBOA to administer the operational aspects of the professional practice of building official:

- Regulatory specification of CBCO as core requirement for qualification of BO
- Bill Pr40 (Chapter Pr38 Statutes of Ontario, 1992) repealed
- OBOA Bylaws repealed
- Current OBOA training creation and delivery devolved to subsidiary, if required
- Ontario Corporation #0319370 refiling under the Corporations Act to render it available for delegation
 - New Governance Model, and system for Board and Statutory appointments with skills-based structure, minister's appointees, and representation from consumer, municipal, licensee, building sector and other interests
 - Advisory committees
- New regulatory elements
 - Registrar, separate from but reporting to CEO
 - Establish a Code of Conduct
 - Discipline committee and process
 - Appeals committee and process
- Administrative structures:
 - Updated organization chart
 - Insurance, indemnification
 - Financial model and fees
- Qualification requirements:
 - Adjustment of CBCO categories to reflect
 - Complex buildings
 - Interns
 - BCIN
 - Certificate programs with George Brown College

FACT SHEET #6 – BC Model

The Building Act 2017 introduced qualification requirements for building and plumbing officials to support the competency and professionalism of those in this occupation, and to improve consistency in how the BC Building Code is interpreted, applied, and enforced.

What are the qualification requirements? To be qualified, local government building and plumbing officials who make decisions about whether a matter conforms to a provincial building regulation, have to:

1. Be a member in good standing of the Building Officials' Association of British Columbia (BOABC);
2. Pass exams according to the level of their responsibilities;
3. Undertake annual continuing professional development (CPD);
4. Be entered in the register of qualified building officials; and
5. Pay an annual fee to the administrative authority, and submit an annual report to the registrar.

When did/do the qualification requirements take effect? They come into force on February 28, 2017 and take effect in two steps over a four-year transition period:

1. **On or before August 28, 2017** (i.e., within six months from February 28, 2017), building and plumbing officials had to become members of the BOABC; and
2. **On or before February 28, 2021** (i.e., within four years from February 28, 2017), building and plumbing officials will have to pass the requisite exams for the class/scope of practice at which they work and be entered in the register of qualified building officials.

When a building official is entered in the register, they have to pay the annual administrative fee. The requirements for Continuing Professional Development (CPD) and the submission of the annual report of compliance apply after registration.

Who must be qualified? Any individual who decides whether a matter conforms to a provincial building regulation on behalf of a local government must be either qualified or exempt from the qualification requirements.

Who is exempt or temporarily exempt from the qualification requirements?

- Those registered and licensed as an architect by the Architectural Institute of British Columbia (AIBC).
- Those who are members of and registered as Professional Engineers with the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC), or are APEGBC members holding a limited licence whose scope of practice includes consulting on building regulations.
- Those already required to hold qualifications under the Safety Standards Act.

- Those making decisions about the fire prevention and response matters, or fire suppression matters, listed in the Building Act General Regulation. This is a temporary exemption pending further work by the Province to develop qualifications for these matters.

Who administers the qualification requirements? The Building Officials Association of BC (BOABC) has been selected by the Province as the administrator. The Executive Director of the BOABC has been designated the *Registrar of Qualified Building Officials*.

The system has been operating successfully for almost three years. The Ontario Building Officials Associated assisted BOABC in its role as the core supplier of qualification training and testing, by supplementing the suite of BC code courses with adapted additional courses from Ontario.

ONTARIO BUILDING OFFICIAL CAREER PATH

THE "STEP ABOVE"

*CBCO (Certified Building Code Official) and *BCO (Building Code Qualified) are career-boosting voluntary designations that go above and beyond MMAH (Ministry of Municipal Affairs and Housing) requirements. For more info: www.oboa.on.ca/training

1 IF YOU ARE A...

"GOOD TO HAVE":
Construction Experience
Customer Service Experience

2 TAKE ENTRY-LEVEL BUILDING CODE COURSES:
Take these courses (in as little as one week) in advance of applying for a job to have a competitive advantage through OBOA or your local community college. In addition, OBOA and George Brown College have partnered to develop the Building Officials Fundamentals Certificate offered through the OBOA and George Brown College.
For more info: www.oboa.on.ca/courses
www.oboa.on.ca/training
www.coned.georgebrown.ca

3 JOIN THE OBOA
OBOA members enjoy access to:
• Job board
• Certification
• Internships
• Bursaries
• Industry resources
• Influence
• The OBOA professional network
For more info: www.oboa.on.ca/the-oboa/membership

4 EXPLORE INTERNSHIPS
Many municipalities will allow you to work towards qualification once hired through the OBOA's internship program.
For more info: www.oboa.on.ca/training

5 GET YOUR BUILDING IDENTIFICATION NUMBER (BCIN)
For more info: www.humber.ca/buildingcodeexams

6 PASS MMAH "HOUSE" AND "LEGAL" EXAMS
For more info: www.ontario.ca/page/become-registered-building-official

7 GET CBCO CERTIFIED
Many Building Official jobs require you to have your CBCO designation, or be working towards attaining it.
For more info: www.oboa.on.ca/training/getting-certified

8 BUILD YOUR ONTARIO BUILDING OFFICIAL CAREER

This is an overview of typical roles and requirements of a Building Official career. Specifics may vary by municipality and individual applicant experience.

ENTRY LEVEL
• 2-3 years Architectural or Engineering Tech. (or equivalent experience.)

Within 6 months of hire, pass these* MMAH exams:
• LEGAL PROCESSES
• HOUSE

TYPICAL ENTRY-LEVEL TASKS

Tech/Admin. tasks such as initial application review of small residential projects (decks, garages, etc)
Inspection Scheduling
Customer Service

INTERMEDIATE LEVEL ROLE
HOUSING AND SMALL BUILDINGS PLANS EXAMINER / BUILDING INSPECTOR
• 1-2 years of entry-level Building Official experience.
• Has demonstrated knowledge & ability to review plans and conduct inspections on residential and small commercial or industrial projects.
OR
• Has experience in the building industry.
Within 12 months of hire, pass these* MMAH exams:
• LEGAL PROCESSES • SMALL BUILDINGS
• HOUSE • BUILDING STRUCTURAL
• PLUMBING • BUILDING SERVICES
• HVAC

INTERMEDIATE LEVEL ROLE
LARGE BUILDINGS PLANS EXAMINER / BUILDING INSPECTOR
• Experienced Building Officials qualified under various designations.
OR
• Individuals with work experience in this area such as architect or engineer.
Within 12 months of hire, pass these* MMAH exams:
• LARGE BUILDINGS • BUILDING STRUCTURAL
• COMPLEX BUILDINGS • BUILDING SERVICES

TYPICAL INTERMEDIATE-LEVEL TASKS

Inspect and/or approve plans Site Inspections Assist and mentor more junior-level staff

INTERMEDIATE LEVEL ROLE
SPECIALITY PLANS EXAMINER / BUILDING INSPECTOR (This varies according to municipality)
• Possesses specialized qualifications or designations (e.g. HVAC Inspector, Mechanical Inspector, Plumbing Inspector, Septic Inspector, etc). Typically works in medium/large municipalities.
• Qualifications are assessed on an individual basis. This individual would typically take courses to enhance current knowledge with Building Code expertise.
Within 12 months of hire, pass appropriate MMAH exams.

SENIOR ROLES
CHIEF BUILDING OFFICIAL / DEPUTY CBO
The CBO has a Chief Building Official designation with the MMAH.
• Senior-level individual who has demonstrated leadership, operational and technical abilities.
• Has good knowledge of the Building Code.
• Understands risk liability.
• Has great communication skills.

Responsibilities include:
• Personnel and administrative supervision.
• Government relations and advocacy.
• Financial management and budgeting.
• Report writing and more.

CBOs benefit from an OBOA Certified Building Code Official (CBCO) designation.

Building Knowledge & Community
oboa.on.ca/buildingofficial

* For course info see: www.oboa.on.ca/courses
George Brown College: www.coned.georgebrown.ca
or your local community college.

NEOMA

NORTHEASTERN ONTARIO MUNICIPAL ASSOCIATION

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November 25, 2019

City of Temiskaming Shores
325 Farr Drive
P.O. Box 2050
Haileybury ON P0J 1K0

Dear Mayor Kidd,

On behalf of the Northeastern Ontario Municipal Association, I would like to take this opportunity to thank the City of Temiskaming Shores for its many years of commitment and active participation in the advancement of pan-northeastern mutually beneficial municipal policy.

Over time, the contribution of the City as a Member of NEOMA has been characterized by its spiritedness and effort to increase the clout of NEOMA at the provincial level of government. The goodwill of the previous Councils of the City was valuable in supporting NEOMA and its mission of considering matters of general interest to municipalities and assisting in the procuring of such enactment through legislation for the benefit of our local communities. Moreover, together we took united action with other associations where the rights and interests of municipalities were affected. Moreover, we advanced the standards of municipal government through discussion and education and generally to promote our interests.

Your Worship, by all measures, NEOMA regrets the loss of the City of Temiskaming Shores as a Member, and we remain hopeful for your future return. Kindly consider joining the Association for the year 2020. Should you have any questions or concerns, please feel free to contact me at any time. It would be my pleasure to share NEOMA's latest initiatives!

Sincerely yours,



Johanne Baril
NEOMA President
705-367-6019
Johanne.Baril@hotmail.com



MUNICIPAL PROPERTY ASSESSMENT CORPORATION

November 21, 2019

To: Heads of Council
Municipal Billing Partners

From: Alan Spacek
Chair, MPAC Board of Directors

Subject: **Budget and Municipal Levy for 2020**

As the new Board Chair of the Municipal Property Assessment Corporation (MPAC), I would like to confirm my strong commitment to serving Ontario's municipalities through an efficient and reliable property tax and assessment system.

My years in municipal politics have provided me with a firsthand account of MPAC's evolution and this feeling of progress has been confirmed since joining MPAC's Board of Directors earlier this year. Today, MPAC has strong values of accountability, transparency and a customer-centric approach to how we operate.

We understand the financial pressure faced by municipalities and a constant through MPAC's evolution has been prudent financial management. I saw this in action as staff worked through the 2020 budget process in search of savings and new ways of delivering services. In addition to drawing on reserves, MPAC reduced administration costs, imposed a freeze on executive salaries and negotiated a contractual agreement to deliver a responsible budget that respects the financial realities faced by Ontario municipalities. If we had not done this, the levy increase would have been higher.

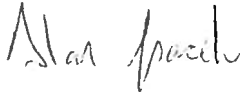
I am pleased to announce the Board has approved MPAC's 2020 budget that includes an overall municipal levy increase of 1.9%, which is lower than past years despite rising labour costs that are required to fund contractual obligations and maintain service levels.

The specific levy amount for each municipality is determined by the formula set out in the *Municipal Property Assessment Corporation Act*. Not all municipalities will see an exact 1.9% increase; each municipality's levy is dependent on the growth of their assessment base and the size of their assessment base proportionate to the whole province. Your staff can expect to receive more details about your specific 2020 levy in mid-December. In the interim, they can contact their local Account Manager with specific levy questions.

MPAC greatly values its partnerships with municipalities and we look forward to engaging you more closely through your organizations and at conferences. I am excited to contribute to the

agency's vision and direction into the future. I hope to meet many of you personally at next year's conferences and encourage you to review all the ways to connect with us in the document attached.

Sincerely,



Alan Spacek
Chair, MPAC Board of Directors

Attachment

Copy MPAC Board of Directors
Nicole McNeill, President and Chief Administrative Officer, MPAC
Executive Management Group, MPAC
Chief Administrative Officers, Chief Financial Officers, Clerks & Treasurers

**EARLTON-TIMISKAMING REGIONAL
AIRPORT AUTHORITY (ETRAA)
MINUTES**

Thursday, September 19, 2019
Corporation of the Township of Armstrong
Council Chambers
Earlton, Ontario

Attendance: Barbara Beachey, Doug Metson, Carman Kidd, Marc Robillard, Matt Golcic,
Debbie Veerman, Pauline Archambault, Kerry Stewart, Mitch Lafreniere,
Harold Cameron, Sheila Randell

Regrets : Laurie Bolesworth, Bryan McNair

Absent : Earl Read

Guests : Bruno Prazeres and Leo Kagan of MNP

1. Welcome - Meeting called to order

Moved by: Doug Metson

Seconded by: Kerry Stewart

BETT RESOLVED THAT "the meeting of September 19, 2019 be called to order at 6:30 p.m. "

Carried

2. Approval of Agenda

Moved by: Kerry Stewart

Seconded by: Doug Metson

BETT RESOLVED THAT "the Agenda be approved as presented."

Carried

MNP Representatives presented the year-end financial statements to the board.

Moved by : Doug Metson

Seconded by : Barbara Beachey

WHEREAS a draft of the Earlton-Timiskaming Regional Airport financial statements for year ended February 2019 has been presented to the ETRAA for their inspection and comments, and:

WHEREAS the Audit is deemed to be accurate and complete:

THEREFORE BETT RESOLVED THAT "the Audit Report prepared by MNP LLP dated February 28, 2019, be accepted as presented."

Carried

3. Approval of Minutes of Last Meeting

Moved by : Doug Metson

Seconded by : Mitch Lafreniere

BETT RESOLVED THAT "the Minutes of the Meeting held July 18, 2019, be adopted as presented."

Carried

4. Business Arising from Minutes

None

5. Committee Reports

(a) Financial Report:

Moved by : Doug Metson

Seconded by : Mitch Lafreniere

BETT RESOLVED THAT "the report of the Finance Committee for the month of August 2019 be adopted as presented and be attached hereto, forming part of these Minutes."

Carried

(b) Property & Maintenance

No Report

(c) Human Resources

No Report

6. Correspondence

Page 9 of Correspondence was a request from NAV CANADA to have a survey done.

Moved by : Doug Metson

Seconded by : Barbara Beachey

WHEREAS "NAV CANADA has requested a survey done to ensure there are no obstacle penetrations into the safety area, in order for them to provide LPV service; and

WHEREAS "Harold has obtained 3 quotes for this survey";

THEREFORE, BETT RESOLVED THAT "the ETRAA retain Surveyor On Site at quoted price of \$2,000 to perform the survey required by NAV CANADA."

Carried

Moved by : Matt Goleic

Seconded by : Doug Metson

BETT RESOLVED THAT "the Correspondence for August 2019, be filed."

Carried

7. Manager's Report

Moved by : Barbara Beachey

Seconded by : Kerry Stewart

BETT RESOLVED THAT "the Manager's Report for the month of August 2019 be adopted as presented, and attached hereto forming part of these Minutes."

Carried

8. **Chairman's Remarks/Report**

- Carman presented a breakdown on the Loomex Group T-Hangar contract
- Discussion on payroll and employee benefits. Payroll will eventually be done by Airport staff (not Armstrong Twp.)
- Contract from Grant Energy for Propane from Sept. 1, 2019 to Aug. 31, 2020 to be accepted at 63.9 cents per litre.

Moved by : Doug Metson

Seconded by : Matt Goleic

BETTER RESOLVED THAT "the Chairman's Remarks/Report be adopted as presented, and attached hereto forming part of these minutes."

Carried

9. **Any New Business**

Agriculture Lease Tenders

Moved by : Marc Robillard

Seconded by : Kerry Stewart

WHEREAS "the ETRAA advertised in the Temiskaming Speaker: Notice of tender for Leasing of Agricultural Lands"; and

WHEREAS "2 sealed tenders were received by closing date"; and

WHEREAS "Sealed tenders have been opened and discussed";

THEFORE, BETTER RESOLVED THAT "the ETRAA award the tender bid of \$50,176/year for 3 year lease, plus Appendix "A" (for installing roofing) to Koch Farms for the Leasing of Agricultural Lands as per Lease Agreement."

Carried

Generator Tenders

Moved by : Debbie Veerman

Seconded by : Matt Goleic

WHEREAS "the ETRAA advertised in the Temiskaming Speaker for Surplus Items for Tender: Deutz diesel electrical generator"; and

WHEREAS "2 sealed tenders were received by closing date"; and

WHEREAS "Sealed tenders have been opened and discussed";

THEFORE, BETTER RESOLVED THAT "the ETRAA award the tender bid of \$7,505 to Township of Hudson for the purchase of advertised Generator".

Carried

Surplus Fuel Tanks

Moved by : Doug Metson

Seconded by : Barbara Beachey

WHEREAS "ETRAA also advertised 2 each 2200 litre fuel tanks surplus";

BETTER RESOLVED THAT "the ETRAA award the tender of 2 each 2200 litre fuel tanks for \$1,001.00 to Koch Farms".

Carried

Moved by : Marc Robillard
Seconded by : Pauline Archambault
WHEREAS "Harold has obtained 3 quotes to replace the transmission in the small plow truck";
THEREFORE, BE IT RESOLVED THAT "the ETRAA approve the purchase of a replacement transmission from Pioneer Diesel at a cost of \$4,390 plus core".

Carried

10. Closed Session

Moved by : Mitch Lafreniere
Seconded by : Matt Golcic
BE IT RESOLVED THAT "the ETRAA approve to convene in Closed Session at 8:03 p.m."

Carried

Moved by : Pauline Archambault
Seconded by : Debbie Veerman
BE IT RESOLVED THAT "the ETRAA approve to adjourn from Closed Session at 8:10 p.m., with the following Motion:

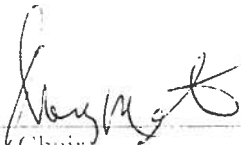
Moved by : Doug Metson
Seconded by : Barbara Beachey
WHEREAS "Max Runnalls has been employed at the Charlton-Limiskaming Regional Airport for over 3 months as Airfield Maintenance Person";
WHEREAS "Max was advised that his probation period was to be 3 months;
THEREFORE, BE IT RESOLVED THAT "the ETRAA increase Max Runnalls' rate of pay to \$22.00 per hour, effective on his probationary period ending".

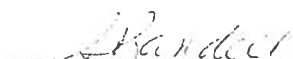
Carried

11. Adjournment

Moved by : Barbara Beachey
Seconded by : Matt Golcic
BE IT RESOLVED THAT "this meeting be adjourned at 8:00 p.m."

Carried


Chair

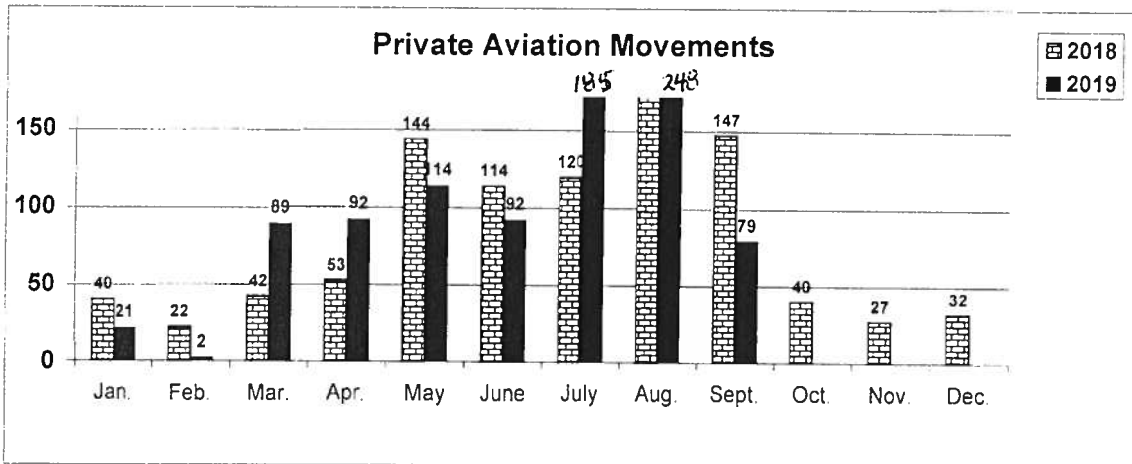
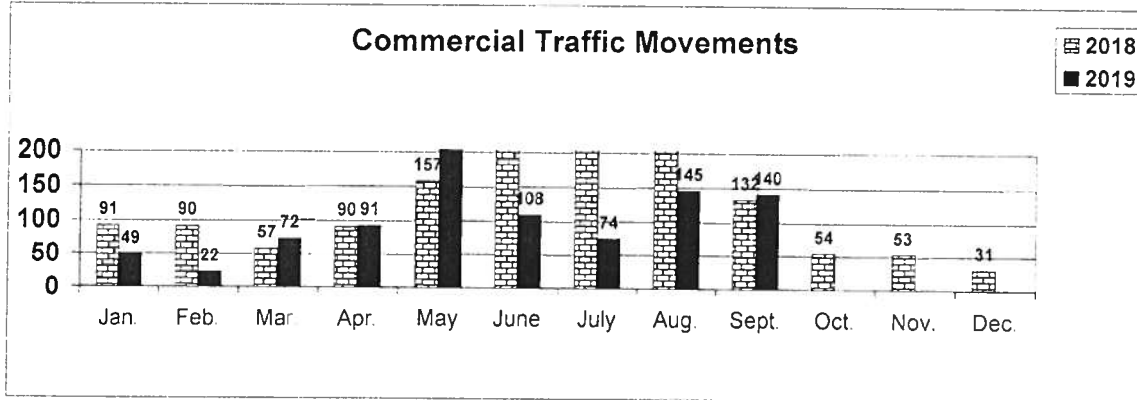
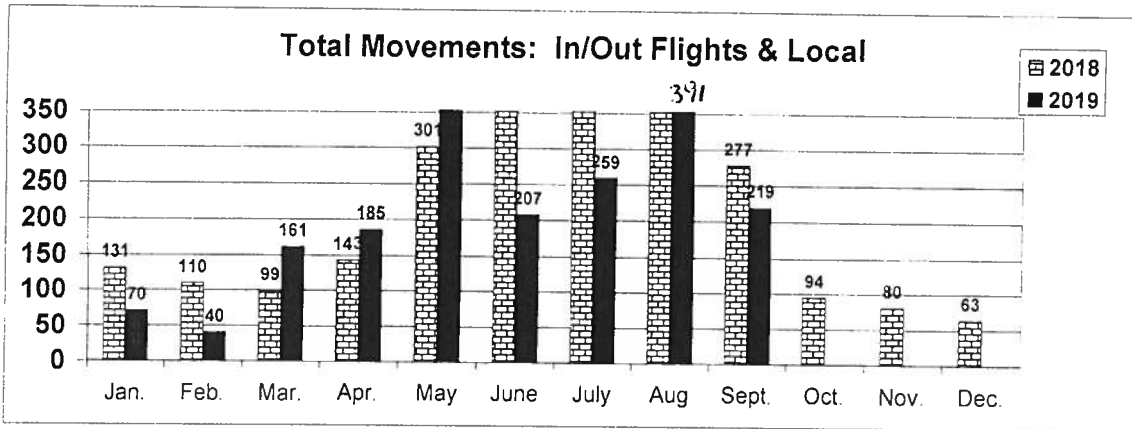

Secretary

EARLTON-TIMISKAMING REGIONAL AIRPORT SEPTEMBER 2019

<u>REVENUE</u>	<u>ACTUAL</u>	<u>YTD</u>
Fuel	\$40,589	\$264,300
Operations	\$15,396	\$475,432
	\$55,985	\$739,732
 <u>EXPENSES</u>		
Fuel	\$18,662	\$206,131
Operations	\$33,009	\$232,613
	\$51,671	\$438,744
 <u>NET PROFIT/LOSS</u>		
Fuel	\$21,927	\$58,169
Operations	-\$17,613	\$242,819
Capital Expenses	-\$49,200	-\$470,055
	-\$44,886	-\$169,067
 <u>FUEL INVENTORY - JET A1</u>	\$	12,425
<u>FUEL INVENTORY - AVGAS</u>	\$	18,144
<u>FUEL INVENTORY - DIESEL</u>	\$	1,656

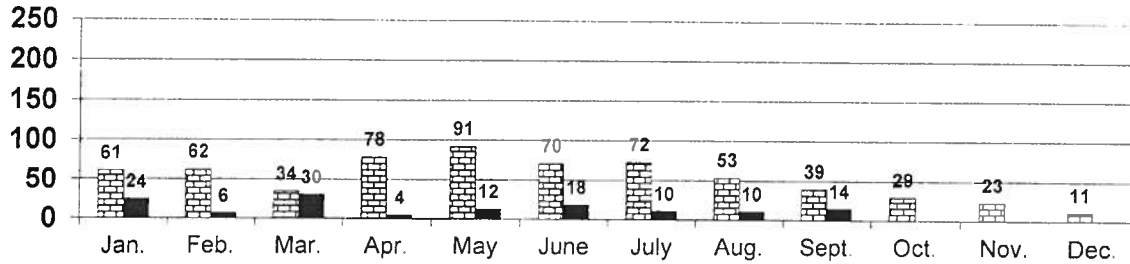
ANNUAL AIRCRAFT MOVEMENTS

AS OF SEPTEMBER 30, 2019



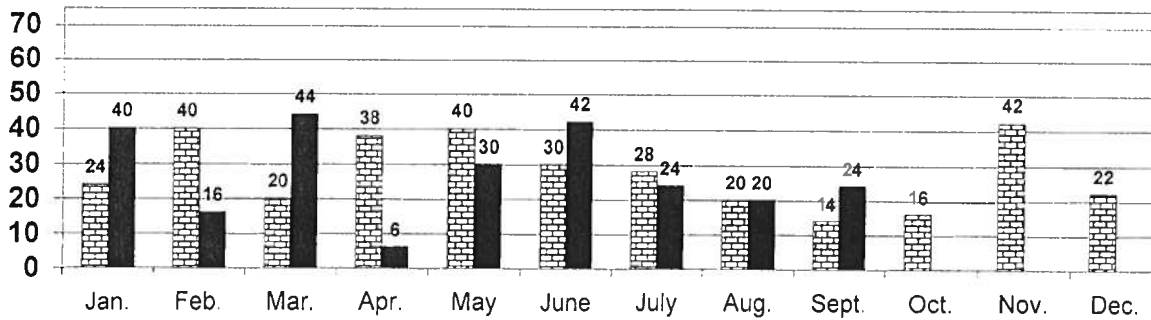
Air Carriers Movements

2018
2019



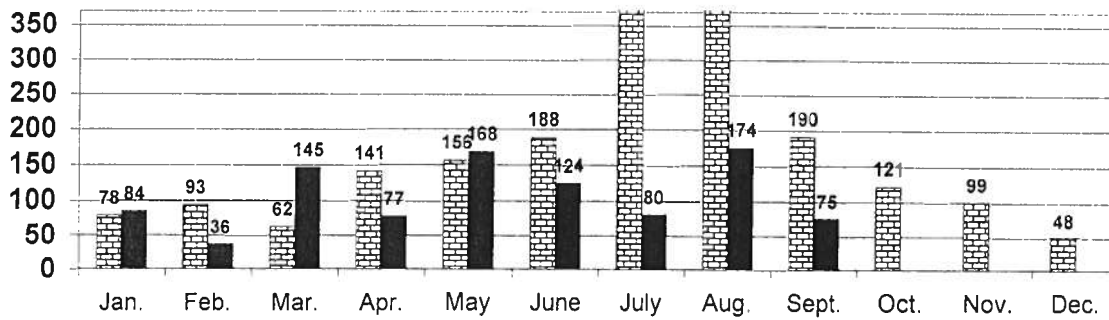
Air Ambulance Movements

2018
2019



Pgrs. via Air Charter

2018
2019



MANAGER'S REPORT SEPTEMBER 2019

Runway Repairs:

Cornell Construction spent a week here this month trying to complete 6000 meters of crack sealing on our main Runway 08-26. The weather did not co-operate with mastic application, which was stopped due to rain in the area many times. The material that is left will be stored by us until it can be applied around mid-June next year. This will give us an opportunity to add meters to the work, as the crew will already be mobilized.

We co-ordinated the grading and packing of the gravel on the runway edges while the workers were on the runway. It was completed at this time.

Fuel Sales:

Total fuel sales this September dwarfs all preceding Septembers at 23,686 litres. It breaks down to 1825 Avgas and 21,860 Jet A1. The drilling activity supported by an Astar helicopter accounts for most of these sales.

Harold Cameron
Earlton-Timiskaming Regional Airport Manager

Community Contribution Summary
2019 Sharing Contribution
Per Capita Contribution - \$9.33

<u>Community</u>	<u>Population</u>	<u>Contribution</u>	<u>Paid</u>
Armstrong	1166	\$10,879	\$10,879.00
Casey	368	\$3,433	\$3,433.00
Chamberlain	332	\$3,098	\$3,098.00
Charlton and Dack	686	\$6,400	\$6,400.00
Coleman	595	\$5,551	\$5,551.00
Englehart	1479	\$13,799	\$13,799.00
Evanturel	449	\$4,189	\$4,189.00
Harley	551	\$5,141	\$5,141.00
Hilliard	223	\$2,081	\$2,081.00
Hudson	503	\$4,693	\$4,693.00
Temiskaming Shores	9920	\$92,554	\$92,554.00
Thornloe	112	\$1,045	\$1,045.00
Total Contributions	16384	\$152,863	\$152,863.00

Donation

Kerns	358	\$3,340	
Total Contributions		\$156,203	\$152,863

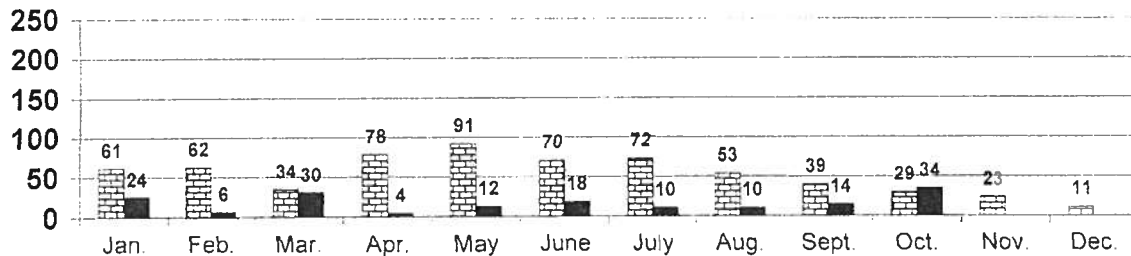
As of October 10, 2019

EARLTON-TIMISKAMING REGIONAL AIRPORT OCTOBER 2019

<u>REVENUE</u>	<u>ACTUAL</u>	<u>YTD</u>
Fuel	\$38,389	\$302,689
Operations	\$8,643	\$484,075
	<hr/>	<hr/>
	\$47,032	\$786,764
 <u>EXPENSES</u>		
Fuel	\$23,475	\$229,606
Operations	\$17,182	\$249,795
	<hr/>	<hr/>
	\$40,657	\$479,401
 <u>NET PROFIT/LOSS</u>		
Fuel	\$14,914	\$73,083
Operations	-\$8,539	\$234,280
Capital Expenses		-\$470,055
	<hr/>	<hr/>
	\$6,375	-\$162,692
 <u>FUEL INVENTORY - JET A1</u>	\$	7,645
<u>FUEL INVENTORY - AVGAS</u>	\$	20,317
<u>FUEL INVENTORY - DIESEL</u>	\$	4,400

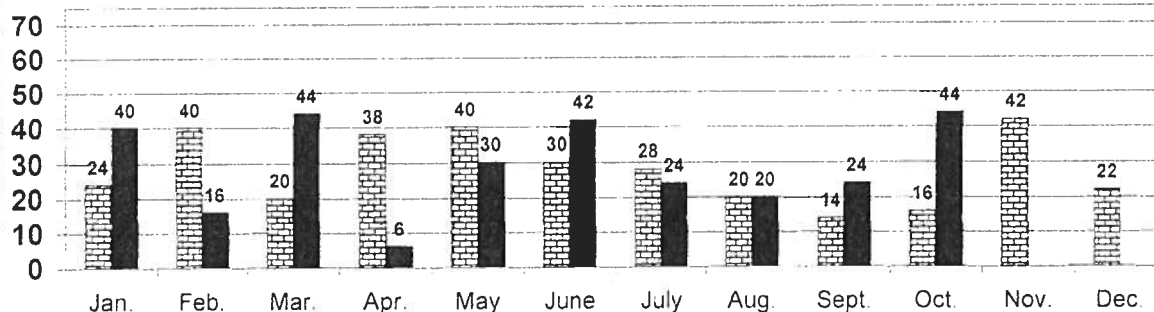
Air Carriers Movements

▨ 2018
■ 2019



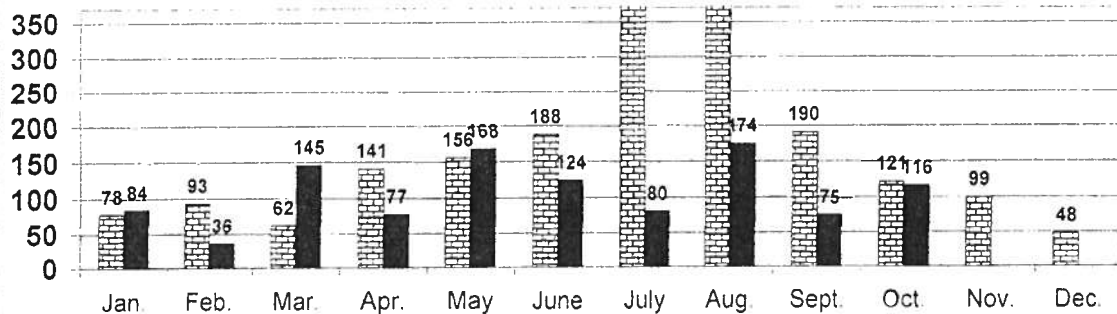
Air Ambulance Movements

▨ 2018
■ 2019



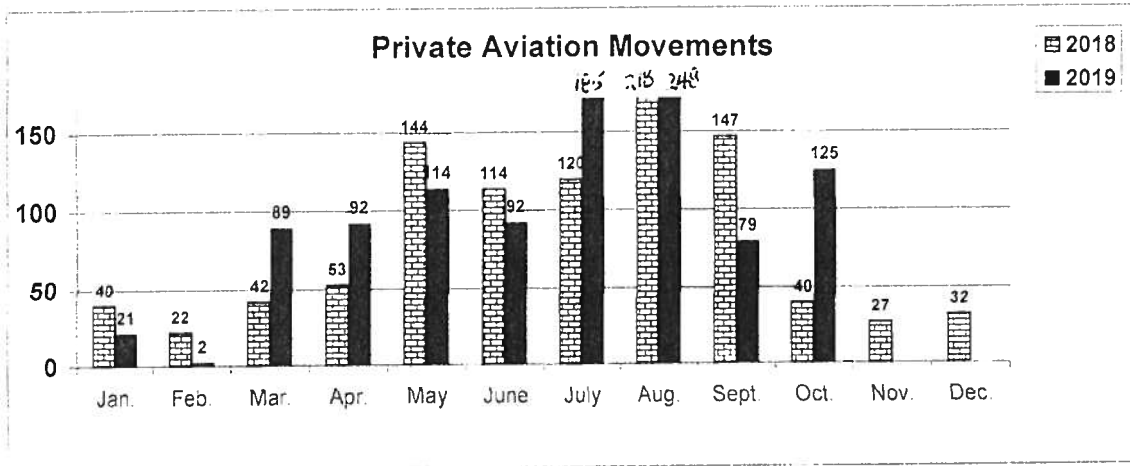
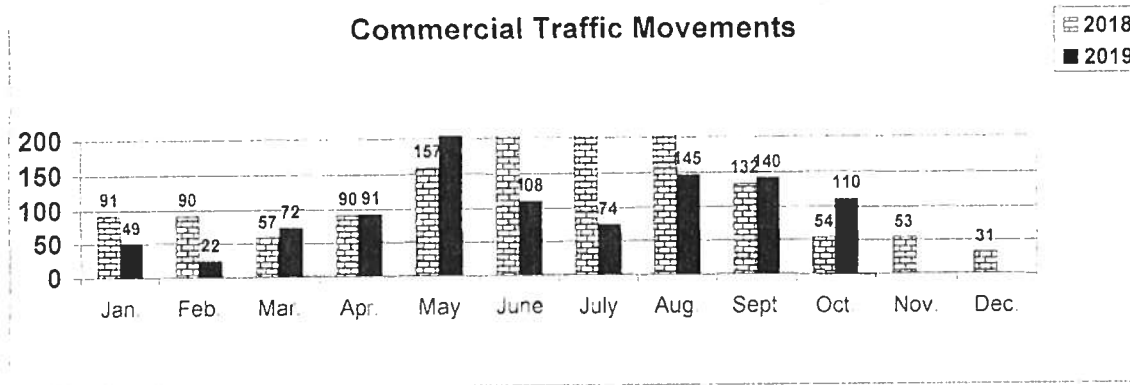
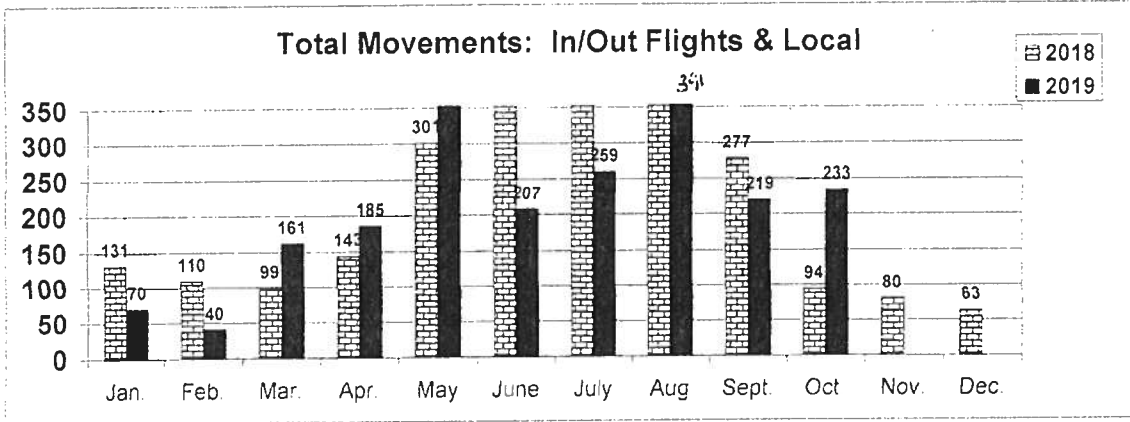
Pgrs. via Air Charter

▨ 2018
■ 2019



ANNUAL AIRCRAFT MOVEMENTS

AS OF OCTOBER 31, 2019



MANAGER'S REPORT OCTOBER 2019

Fuel Sales:

Fuel sales are again the lead story, with 21704 total litres dispensed. The breakdown is 2973 litres Avgas 100LL, and 18731 Jet A1. Again, the largest consumer was the Astar helicopter supporting the drilling activity in the area. We haven't sold this much Jet fuel in any October since before the corporate jets left here in 2008.

Labour Canada:

We were visited by a Labour Affairs Officer in October to do a follow-up on previous findings that were voluntarily complied with. She noted that we do not have a workplace health and safety representative appointed in accordance with the Canada Labour Code Part II.

Max will be taking the required training, and assuming that responsibility. It can't be someone from a management position, or I would look after it myself.

Vacation:

I managed to get some time off to go east and visit family. I thank Sheila and Max for pitching in, and holding down the fort.

Harold Cameron
Earlton-Timiskaming Regional Airport Manager

Community Contribution Summary
2019 Sharing Contribution
Per Capita Contribution - \$9.33

<u>Community</u>	<u>Population</u>	<u>Contribution</u>	<u>Paid</u>
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Donation

Kerns	358	\$3,340	
Total Contributions		\$156,203	\$152,863

As of November 1, 2019

TEMISKAMING MUNICIPAL ASSOCIATION

REGULAR MEETING

October 3, 2019

	MEMBER	MEMBER
Armstrong	Theo Cull	
Brethour	Julie Wilkinson	
Casey	Jacques Fortin	Guy Labonté
Chamberlain	Kerry Stewart	
Charlton/Dack	Jim Huff	Clem Yantha
Cobalt	George Ottmer	
Coleman	Lois Perry	
Englehart	Doug Metson	
Evanturel	Barb Beachey	
Harley	Auldin Bilow	
Harris	Al Licop	Ron Sutton
Hilliard	Carolyne Gilbert	
Hudson	Larry Craig	
James		
Kerns		
Kirkland Lake		
Larder Lake		
Latchford	Jo-Anne Cartner	George Lefebvre
Matachewan		
McGarry	Matt Reimer	
Temagami	Dan O'Mara	
Tem. Shores	Carman Kidd	
Thornloe	Earl Read	Jason Kramp
Unincorporated N.		
Unincorporated S.		
Speaker	Diane Johnson	
	John Vanthof MPP	

October 3, 2019

Regular Meeting called to order at 6:30 pm.

Moved by: Auldin Bilow
Seconded by: Carolyn Gilbert

That the minutes of the Regular Meeting held on May 30th, 2019 be accepted

Carried

DISCUSSIONS:

John Vanthof:

- Mr. Ford made new laws and policies only to retract them later on.
- New ministers with different portfolios
- Government really slowed down
- 340 million dollars over 10 years for broadband
- Communities need to band together if we want to increase internet access
- Income Tax forms, student programs, pension and/or assistance applications are only available on-line but if you live in rural Ontario, Internet is so slow that you cannot complete the forms before you are kicked out of the system. **UNACCEPTABLE**
- Too short of a notice is given between when Infrastructure funding is announced and applications need to be submitted for review.
- We need to do all we can in a unified manner to get government to listen to us.
- What is happening now is bigger outfits purchase the available broadband and then they do nothing with it.
- The small number of residents in our area works against us. Government ignores us.

George Lefebvre:

- Herbicide/Pesticide spraying
Municipalities were never notified when spraying was done this summer. Municipalities have no idea what was sprayed and why.
- ONR track maintenance
Maintenance of railroad tracks seem to be at an all-time low with section of tracks being in very bad shape.
- Ontario Northland Transportation Commission
At the moment the Temiskaming District is with no representation on the Ontario Northland Transportation Commission. Send motion to Honourable Greg Rickford, Minister of Northern Development and Mines demanding that our concern be addressed with the appointment of a resident of the District of Temiskaming to the Ontario Northland Transportation Commission.

Moved by: George Lefebvre
Seconded by: Theo Cull

WHEREAS the Ontario Northland Railway is the only, and therefore the primary rail service conduit for the District of Temiskaming and has been since its creation in 1902 which in turn resulted in the establishment of populated centres in Temiskaming;

AND WHEREAS the Ontario Northland Transportation Commission, the body responsible for guiding the operation of the railway and our passenger bus service, does not include any representation from the District of Temiskaming unlike commissions of the past where the District of Temiskaming always had representation;

AND WHEREAS the representatives of the member municipalities of the Temiskaming Municipal Association (TMA) consider it essential to have representation from this District on the Ontario Northland Transportation Commission;

THEREFORE BE IT RESOLVED that TMA respectfully request that the Honourable Greg Rickford, Minister of Northern Development and Mines address our concerns with the appointment of a resident of the District of Temiskaming to the Ontario Northland Transportation Commission.

Carried

Theo Cull

- Working on process whereby all elected officials would have the opportunity to submit their names if they wish to be part of the DTSSAB Board, TMSA Board, THU Board.....
- Would like to see training for new and old councillors on what you can and cannot do as councillors.....What is the proper process to bring an item for discussion at council table..... What makes up a good motion/resolution???

Lois Perry

- Blue green algae invasion
- Landfill in Northern Ontario

Brent Trach and René Duval will attend our November meeting to discuss these two topics. Stay Tune!!

Carman Kidd (Health Units)

- Five Health Units in the north will be fused into one.
- A coordinator is already hired to prepare recommendation
- Still waiting for ministry to give us some clear guidelines
- Land ambulances will probably go the same route
- We can expect more downloading with municipalities having no say or control

Internet

- We need to reach out to organizations such as NEONET, Parolink and Bell Mobility to put forth a combined effort to improve our situation. Possibility for future meetings.
- Should have a motion detailing what we feel are essential services and forward same to appropriate ministers.

Aggregates Act

- The proposed changes to the Aggregate Resources Act still does not take into account anything north of Highway 17.
- It is up to us if we want to have our voices heard or whether we are ready to accept any changes. if any.

CORRESPONDENCE:

- Casey Owens resignation / Urban North
No one came forward to replace Mr. Owens
- Bank Reconciliation

Moved by: Jacques Fortin

Seconded by: Guy Labonté

That the Regular Meeting be adjourned at 7:55pm.

Carried

Next meeting on November 28.2019

TEMISKAMING MUNICIPAL ASSOCIATION

EXECUTIVE MEETING

NOVEMBER 14, 2019

November 14, 2019

PRESENT: George Lefebvre; Theo Cull; Larry Craig

ABSENT: Lois Perry

GUEST: Danny Whalen / FONOM

Called to order at 6:30 pm.

DISCUSSIONS: Danny Whalen:

- Senior tax discount for those making less than \$34,000.
- TMA should adopt a motion asking both levels of government to maintain Federal Gas Tax Refund and then asking all municipalities to support this motion.
- With the amalgamations of Health Units there will be approximately \$3,000,000.00 in severance payment. The Temiskaming Health unit is currently sitting with \$1,000,000.00 in reserves. Temiskaming municipalities must demand complete distribution of this reserve back to each municipality on the same basis that the cost of the THU is currently allocated to municipalities.
- ONTC administration has been transferred to Ministry of Transport.
- TMA must present a candidate to sit on the Ontario Northland Commission Board.
- Discussions taking place on Regional Governance of Unincorporated Townships

Theo Cull:

- Will present different methods of naming representation on different local boards.
- Will contact Municipal Affairs, Lise Roy, on possible training for new and old councillors.
- Will ask David Barton, TMSA Building Official, to discuss the implication of the new administrative authority on the delivery of a new and enhanced services to support property owners, the building sector and municipalities.

Lois Perry

- Blue green algae invasion
- Landfill in Northern Ontario
- Brent Trach and René Duval will attend our November meeting to discuss these two topics.

Larry Craig:

- Loggers in the area pounding our roads with no compensation.
- Municipalities should be able to obtain some type of compensation for wear and tear to our roads. to our roads.

Urban North:

- Need representation for Urban North.

That the Executive Meeting be adjourned at 7:45pm to reconvene at call of the chair.

Temiskaming Shores Public Library Board

Meeting Minutes

Wednesday, October 16, 2019

7:00 p.m. at the Haileybury Branch

1. Call to Order

Meeting called to order by Chair Donald Bisson at 7:00 p.m.

2. Roll Call

Present: Chair Donald Bisson, Danny Whalen, Claire Hendrikx, Brenda Morissette, Jessica Cooper, Brigid Wilkinson, Jeff Laferriere and Rebecca Hunt, Library CEO.

Regrets: Anna Turner

Absent: Jamie Lindsey

Members of the Public: 0

3. Adoption of the Agenda

Moved by: Danny Whalen

Seconded by: Brenda Morissette

Be it resolved that the Temiskaming Shores Public Library Board accepts the agenda as amended.

Carried.

Additions:

Business arising: a. Updated Draft 1 2020 budget

New Business: d. Christmas Eve, New Years Eve library hours

4. **Declaration of conflict of interest:** There were no declarations of conflict of interest.

5. **Adoption of the Minutes**

Moved by: Brigid Wilkinson

Seconded by: Claire Hendrikx

Be it resolved that the Temiskaming Shores Public Library Board approves the minutes of the meeting held on Wednesday, September 18, 2019, as presented.

Carried.

6. **Business arising from Minutes**

a. **Updated draft 2020 library budget.** The CEO presented an updated draft 1 2020 library budget following a budget meeting the Board Chair and CEO attended with city administrative staff.

b. The Library Board Chair inquired about how the book sales are going and about any updates to the construction and preparations for the move.

7. **Correspondence:**

a. From Jude Schapelhouman, recipient of the May Ball Bursary. For information.

8. Secretary–Treasurer’s Report

Report and monthly financial statement included in the trustees’ information packet

Library CEO’s Report

October 8, 2019

Buildings and Equipment:

Fire safety checks were conducted in the library buildings.

New Building: The RFP for library office furniture closed on October 1, 2019 and there is an administrative report going to council on September 15 to award to Temiskaming Office Pro. The RFP for library shelving was issued on October 8 and closes on October 29.

Business:

Amalgamation of Library Branches: We have completed amalgamating most of the English non-fiction, English children’s books, audio and French collections. At this point all items remaining in Haileybury in those collections will need to be either moved to the Haileybury partner library location or deleted when we close the Haileybury Branch. Because we have staff all hands on deck weeding and evaluating collections, we have reduced slightly the amount of children’s programming we are doing this fall.

Digital Creator: The Digital Creator Lead and I had a meeting with representatives from the Near North Mobile Media Lab. They will require a letter of support for a Trillium grant application that they will submit for the November intake. I will bring the information to the board at the November meeting.

Federation of Ontario Public Libraries board: I attended the September 20 FOPL meeting in person. The FOPL Strategic Plan and 2020 budgets were reviewed. More work will be done on the Strategic Plan in the upcoming months and the 2020 budget will be approved at the January meeting.

JASI Steering Committee: The consortia voted to renew the contract with SirsiDynix Symphony and the committee endorsed the decision. There was a survey issued over the summer and the results were shared with the committee—overall the consortia is satisfied with the software and the support provided by Ontario Library Services North.

Ontario Library Association Superconference: I have been invited to present a session on the work Northern Libraries have done over the past few years, including

my work with Library Value Toolkit, the Northern Lights Library Network, the ILL study we did in 2012 and our involvement with the Digital Creator project. I have also been invited to participate in a presentation on research evaluation with the OPLA Research and Evaluation Committee.

Ontario Public Library Association (OPLA) Research and Evaluation Committee: We are still working on evaluating a patron registration survey sent out by the Ontario Public Library Association earlier this year. We plan on having a report for the OPLA November meeting.

Public Library Operating Grant: The Ministry has changed the process for application for the Public Library Operating Grant. The deadline for applications is October 24. I am taking a webinar on the new process on Monday, October 8 and will try to put through the application as soon as possible after that date.

Proctoring: Library staff have proctored a few exams over the months of August and September.

Programming

Visits to the Extendicare, Lodge and Manor nursing homes to exchange books
Ongoing on Fridays and Saturdays by staff members and volunteers.

Life Skills visits at the New Liskeard Branch

The Life Skills group visits will start up again in September.

Gadget Helper at both branches of the library

The Gadget Helper program will start up again on Thursday, September 19.

Fall Session Preschool Storytime at Both Branches of the Library

Preschool aged children accompanied by an adult are invited to join us for stories, rhymes, songs and a gentle introduction to early literacy and the library.

Every Wednesday, starting September 18 from 11:00 a.m.—11:30 a.m.

Pay as you Please Book Sales at Both Branches of the Library!

With all of the preparations for moving the libraries we are sorting through and combining many of our book collections. Items that are taken out of our collection are for sale at both branches. Stop in and take a look at what is for sale—the price is Pay as you Please!

Literary Pumpkin Painting Program at the New Liskeard Branch

On Saturday October 19 from 1:30 to 3:00 p.m. the New Liskeard Branch of the Temiskaming Shores Public Library is offering a Literary Pumpkin Painting Program at the New Liskeard branch. This program is for children aged 5 to 10 years.

Children will choose one of their favourite storybook characters to recreate with paint on a pumpkin. The Library will supply the paints, brushes and pumpkins.

Finances and Statistics

The Board reviewed the financial and statistical reports as provided by the CEO.

Motion #2019- 37

Moved by: Claire Hendrikx

Seconded by: Brigid Wilkinson

Be it resolved that the Temiskaming Shores Public Library Board accepts the October Secretary-Treasurer's report and Financial report.

Carried.

9. Committee Reports

- a. FINANCE AND PROPERTY: Nothing to report.
- b. PLANNING, POLICY, PERSONNEL AND PUBLICITY: Nothing to report.
- c. STRAT PLAN COMMITTEE: report on October 9 session.
- d. LIBRARY SERVICES COMMITTEE: Nothing to report.

10. New Business

- a. **Laying of wreath for Remembrance Day.** Volunteers for Haileybury and New Liskeard. Brigid Wilkinson will lay the wreath in New Liskeard and Claire Hendrikx will lay the wreath in Haileybury on behalf of the Library Board.

- b. Date of November meeting:** In order to accommodate a meeting with the Township of Hilliard on Wednesday, November 20, the Library Board decided to move its November meeting to Thursday, November 14.
- c. Report LIB-007-2019 CEO Attendance at OLA SuperConference and FOPL Meeting.** The Board reviewed the report. Motion.

Motion #2019-38

Moved by: Brenda Morissette

Seconded by: Jeff Laferriere

Be it resolved that the Temiskaming Shores Public Library Board accepts report LIB-007-2019 OLA conference and FOPL Meeting and approves sending Library CEO Rebecca Hunt to the Ontario Library Association 2020 conference and Federation of Ontario Public Libraries Annual General Meeting in Toronto from January 28-February 1, 2020.

Carried.

- d. Report -008-2019 Christmas Eve and New Years Eve Library hours.** The report was reviewed by the Board

Motion #2019-39

Moved by: Brenda Morissette

Seconded by: Jeff Laferriere

Be it resolved that the Temiskaming Shores Public Library Board closes the Library early on Christmas Eve and New Year's Eve in accordance with the

hours outlined in Report LIB-008-2019 Hours for Christmas Eve and New Year's Eve.

Carried.

11. Plan, Policy review and By-law review

a. Review Policy—Patron Code of Conduct

Motion #2019-40

Moved by: Claire Hendrikx

Seconded by: Brenda Morissette

Be it resolved that the Temiskaming Shores Public Library Board accepts the library's policy: Patron Code of Conduct Policy as reviewed and amended by the Board.

Carried.

12. Closed Session regarding identifiable individuals

Motion #2019-41

Moved by: Jessica Cooper

Seconded by: Jeff Laferriere

Be it resolved that the Temiskaming Shores Public Library Board go into Closed Session at 7:45 p.m. in regards to identifiable individuals.

Carried.

Motion #2019-42

Moved by: Jeff Laferriere

Seconded by: Jessica Cooper

Be it resolved that the Temiskaming Shores Public Library Board rise from
Closed Session at 8:15 p.m. without report.

Carried.

13. Adjournment

Adjournment by Jeff Laferriere at 8:16 p.m.

Chair – Donald Bisson



TEMISKAMING SHORES POLICE SERVICES BOARD

NOVEMBER 18, 2019 AT 1:00 P.M.

CITY HALL COUNCIL CHAMBERS – 325 FARR DRIVE

MINUTES

1. CALL TO ORDER

The meeting was called to order by Board Chair Doug Jelly at 1:00 p.m.

2. ROLL CALL

PRESENT: Board Chair Doug Jelly
Board Members Monique Chartrand, Ruth Shepherdson, Tyler Twarowski and Danny Whalen

ALSO

PRESENT: Inspector Joel Breault, O.P.P. – Detachment Commander
Christopher W. Oslund, Board Secretary

REGRETS: None

MEMBERS OF THE PUBLIC PRESENT: None

3. ADDENDUM / ANNOUNCEMENTS

Under New Business:

Item 15 f) **2020 Police Services Board Budget**

4. APPROVAL OF AGENDA

Resolution No. 2019-37

Moved by: Ruth Shepherdson

Seconded by: Tyler Twarowski

Be it resolved that the Temiskaming Shores Police Services Board approves the agenda as amended.

CARRIED

5. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

None

6. PRESENTATIONS/DELEGATIONS

None

7. APPROVAL OF MINUTES

Resolution No. 2019-38

Moved by: Danny Whalen

Seconded by: Monique Chartrand

Be it resolved that the Minutes of the Temiskaming Shores Police Services Board meeting held on September 16, 2019 be approved as printed.

CARRIED

8. COMMUNICATIONS

None

9. OPP BUSINESS

a) OPP Temiskaming Detachment Report – September/October, 2019

Resolution No. 2019-39

Moved by: Tyler Twarowski

Seconded by: Monique Chartrand

Be it resolved that the Temiskaming Shores Police Services Board acknowledges receipt of the September/October 2019 OPP Temiskaming Detachment Report.

CARRIED

10. NEW BUSINESS

a) OAPSB Board of Directors Update – Doug Jelly

The Board Chair provided the following update on the Ontario Association of Police Services Board:

- The Board of Directors has a teleconference scheduled for Tuesday, November 26, 2019 to discuss Zone dues and accounts.
- The next regular meeting of the Board of Directors is scheduled for Thursday, November 28, 2019 in Toronto.

- The OAPSB will be holding an OPP Summit for Section 10 Boards on January 30, 2020 in Toronto (motion under New Business).
- The OAPSB Spring Conference will be held May 27-30, 2020 in Toronto.

b) **OAPSB OPP Summit – January 30, 2020**

Resolution No. 2019-40

Moved by: Monique Chartrand

Seconded by: Tyler Twarowski

Be it resolved that the Temiskaming Shores Police Services Board approves the attendance of Board Chair Doug Jelly and Board Secretary Chris Oslund to the Ontario Association of Police Services Boards (OAPSB) OPP Summit to be held in Toronto, Ontario on January 30, 2020; and

Further that the expenses for attending the said meeting be paid in accordance with the Board's Expense Policy.

CARRIED

c) **Next Generation 9-1-1**

The Board received a package from the Interagency Advisory Panel for the Next Generation 9-1-1 (NG-911). The Panel has representation from the Association of Municipalities, the Ontario Association of Chiefs of Police, the Ontario Association of Fire Chiefs, the Ontario Association of Paramedic Chiefs and the Ontario Association of Police Services Board.

Much like technology, the ways and means in which people communicate continues to evolve. It is therefore imperative that first responders keep up to date with new technologies that meet the public's expectations for accessible, barrier-free ways to engage our 9-1-1 system that move beyond voice services and will include Voice over Internet Protocol (VoIP) and text messaging.

The purpose of the Panel is to provide expert analysis, advice and recommendations to the Government of Ontario which has formed the Inter-Ministerial Task Force on 9-1-1 Emergency Response. The Interagency Advisory Panel will focus its work on issues concerning the structure, delivery and funding of NG-911 to ensure that the Ontario Government is fully informed about the needs of all emergency service providers with respect to the implementation of NG-911.

d) **Community Safety and Well-Being Plan – Update**

The Board Secretary advised the Board that a group of Temiskaming District representatives met on November 13, 2019 to discuss a District-wide approach to the development and implementation of a Community Safety and Well-being Plan.

A motion will be presented at the next Temiskaming Shores Council meeting requesting endorsement of this approach.

The Board Secretary will keep the Community Safety and Well-Being Plan as a standing item on future Police Services Board meeting agendas.

e) **Joint Training with Temagami Police Services Board – Thursday, November 21, 2019**

Our Police Services Advisor with the Ministry of the Solicitor General, Graham Wright, will be providing training for both the Temiskaming Shores and Temagami Police Services Boards on Thursday, November 21, 2019 in Temagami. All members of the Board confirmed they would attend the training.

f) **2020 Police Services Board Budget**

The Board Secretary reviewed the Draft 2020 Police Services Board Budget and Board Training Plan for 2020.

Based on the OPP Billing Estimates, our contract costs will increase by \$99,351 over last year. We are also waiting to hear back on the Court Security and Prisoner Transportation Grant.

The Board is currently looking at an overall budget increase of \$86,675 (3.92%).

A final version of the Budget will be presented at the January 13, 2020 Board meeting as well as an analysis of the OPP Billing Estimates.

11. BY-LAWS

None

12. CLOSED SESSION

None

13. SCHEDULE OF MEETINGS

- a) Regular Police Services Board meeting – January 13, 2020 at 1:00 p.m. – Council Chambers, City Hall – 325 Farr Drive

The Board Chair suggested the Board consider a quarterly meeting schedule versus our current bi-monthly schedule. This item will be brought back at our January 13, 2020 Board meeting for discussion.

14. ADJOURNMENT

Resolution No. 2019-41

Moved by: Monique Chartrand

Seconded by: Danny Whalen

Be it resolved that the Regular Meeting of the Temiskaming Shores Police Services Board be hereby adjourned at 2:03 p.m.

CARRIED

CHAIR

SECRETARY

**The Corporation of the City of Temiskaming Shores
Committee of Adjustment**

Meeting Minutes

Wednesday, July 31, 2019

Present: Chair: Carman Kidd
Members: Dan Dawson; Florent Heroux; Suzanne Othmer; Voula Zafiris

Also Present: Jennifer Pye, Planner and Secretary-Treasurer

Public: Ardon Blackburn, applicant B-2019-05
Ruth Jones, P.A. Blackburn
Robert Koch, owner B-2019-05

1. Opening of Meeting

Resolution No. 2019-23

Moved By: Florent Heroux

Seconded By: Voula Zafiris

Be it resolved that the Committee of Adjustment meeting be opened at 1:29 p.m.

Carried

2. Adoption of Agenda

Resolution No. 2019-24

Moved By: Dan Dawson

Seconded By: Florent Heroux

Be it resolved that the Committee of Adjustment adopts the agenda as printed.

Carried

3. Declaration of Pecuniary Interest

None

4. Adoption of Minutes

Resolution No. 2019-25

Moved By: Dan Dawson

Seconded By: Voula Zafiris

Be it resolved that the Committee of Adjustment for the City of Temiskaming Shores hereby approves the minutes of the June 26, 2019 Committee of Adjustment Meeting as printed.

Carried

5. Public Hearings

Chair Carman Kidd advised that this afternoon a public hearing is scheduled for two consent applications.

The Planning Act requires that a public hearing be held before the Committee of Adjustment decides whether to approve such applications. The public hearing serves two purposes: first, to present to the Committee and the public the details and background to the proposed application and second, to receive comments from the public and agencies before a decision is made.

5.1 Consent Application B-2019-05 – P.A. Blackburn, OLS, OLIP on behalf of Robert Koch, 843313 Dale's Road

The Chair declared the public hearing for Consent Application B-2019-05 to be open.

**The Corporation of the City of Temiskaming Shores
Committee of Adjustment**

Meeting Minutes

Wednesday, July 31, 2019

The Chair asked the Planner, Jennifer Pye, to summarize the proposal, provide any additional information that may be relevant and summarize any correspondence received to date regarding this application.

Subject land: 843313 Dale's Road; Dymond Concession 6 South Part of Lot 9; Parcel 3807NND.

Purpose of the application: to a 2.24 hectare (5.5 acre) parcel of land containing an existing house and other farm-related accessory buildings which is surplus to the agricultural use of the property. The proposed retained portion has an area of ±62 hectares (153 acres) and is agricultural land. The retained portion is not proposed to be consolidated with a directly-adjacent farm property, however the owner has land holdings in the Earlington area and intends to use this property as part of the larger farm operation. The property owner has a home in Earlington and the dwelling on the subject land is surplus to his needs.

Statutory public notice: The application was received on June 11, 2019 and was circulated to City staff. Notice of the complete application and the public hearing was advertised in the Temiskaming Speaker on July 17, 2019 in accordance with the statutory notice requirements of the Planning Act. Notice was also mailed to property owners within 60m of the subject land.

Jennifer Pye reviewed the planning report and advised that in her opinion the application is consistent with the Provincial Policy Statement (2014), and meets the general intent and purpose of the City of Temiskaming Shores Official Plan and City of Temiskaming Shores Zoning By-law, and recommended that the Committee approve the application.

Ardon Blackburn, applicant, indicated that the application proceeded under the premise that it is a standard surplus farm dwelling severance and that Mr. Koch decided to move to Earlington as the majority of his landholding is there and he is sometimes needed at a moment's notice.

The Committee questioned the existing field access to Highway 11 and asked if it was up to an acceptable standard. Mr. Blackburn indicated that they were not focusing on the Highway 11 access and would be using existing access onto Dale's Road.

The Committee asked if there could ever be a business run out of the buildings on the severed property. Jennifer Pye indicated that the property is considered Prime Agricultural Land by the Province and any business would need to meet the requirements of the Provincial Policy Statement for a farm-related use or an on-farm diversified use.

The Committee asked if there could ever be livestock kept on the agricultural parcel or if it would continue as cash cropping. Mr. Koch indicated that as long as the property is in his ownership he intends to crop it exclusively. Jennifer Pye noted that if livestock barns were to be constructed on the retained portion they would be required to comply with the Minimum Distance Separation Formula for nearby residential uses.

The Committee considered the following resolutions:

**The Corporation of the City of Temiskaming Shores
Committee of Adjustment**

Meeting Minutes

Wednesday, July 31, 2019

Resolution No. 2019-26

Moved By: Florent Heroux

Seconded By: Voula Zafiris

Whereas the Committee of Adjustment for the City of Temiskaming Shores has considered Consent Application B-2019-05 as submitted by P.A. Blackburn on behalf of Robert Koch for the following lands: 843313 Dale's Road; Dymond Concession 6, South Part of Lot 9, Parcel 3807NND;

And whereas the applicant is requesting to sever the existing residential dwelling and farm buildings onto a 2.4 hectare parcel of land and retain the remaining agricultural portion;

And whereas the Committee of Adjustment for the City of Temiskaming Shores has received the Planning Report dated July 26, 2019 and has considered the recommendations;

Be it resolved that the Committee of Adjustment for the City of Temiskaming Shores approves Consent Application B-2019-05 subject to the following conditions:

- 1) The following documents shall be provided to the Secretary-Treasurer for the transaction described:
 - a) Two copies of the signed Acknowledgement and Direction;
 - b) The "Transfer in Preparation";
 - c) A Planning Act Certificate Schedule on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the "Transfer in Preparation";
 - d) A reference plan of survey which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel to which consent approval relates.
- 2) The submission of a letter from the Timiskaming Health Unit confirming that the existing septic system on the property is adequate for the proposed use.
- 3) The approval of a Zoning By-law amendment for the retained portion, the effect of which will be to prohibit future residential uses on this portion of the property.

Carried

6.2 Consent Application B-2019-06 – Gaston Coursol on behalf of Coursol Leasing Inc., 101 Grant Drive

The Chair declared the public hearing for Consent Application B-2019-06 to be open.

The Chair asked the Planner, Jennifer Pye, to summarize the proposal, provide any additional information that may be relevant and summarize any correspondence received to date regarding this application.

Subject land: 101 Grant Drive; Dymond Concession 3 South Part of Lot 9; RP 54R-4237 Parts 1 and 2; Parcels 24685SST and 24686SST.

Purpose of the applications: to sever the property to create two additional lots for future commercial development. The proposed retained property includes the existing building on the corner of Grant Drive and Wilson Avenue which contains Benson Auto Parts. Proposed severed property 1 is located

**The Corporation of the City of Temiskaming Shores
Committee of Adjustment**

Meeting Minutes

Wednesday, July 31, 2019

to the north of the existing building and fronts on Grant Drive, and proposed severed property 2 is located to the east of the existing building and fronts on Wilson Avenue. Specific future uses of the severed properties are not known at this time. Development of both of the severed properties will be subject to site plan control.

Statutory public notice: The application was received on July 15, 2019 and was circulated to City staff. Notice of the complete application and the public hearing was advertised in the Temiskaming Speaker on July 17, 2019 in accordance with the statutory notice requirements of the Planning Act. Notice was also mailed to property owners within 60m of the subject land.

Jennifer Pye reviewed the planning report and advised that in her opinion the application is consistent with the Provincial Policy Statement (2014), and meets the general intent and purpose of the City of Temiskaming Shores Official Plan and City of Temiskaming Shores Zoning By-law, and recommended that the Committee approve the application.

The Committee discussed tile drainage considerations of the adjacent agricultural property.

The Committee considered the following resolutions:

Resolution No. 2019-27

Moved By: Dan Dawson

Seconded By: Suzanne Othmer

Whereas the Committee of Adjustment for the City of Temiskaming Shores has considered B-2019-06 as submitted by Gason Coursol on behalf of Coursol Leasing Inc. for the following lands: 101 Grant Drive; Dymond Concession 3 South Part of Lot 9; RP 54R-4237 Parts 1 and 2; Parcels 24685SST and 24686SST;

And whereas the applicant is requesting to sever two vacant lots from the existing commercial property with proposed severed property 1 being located to the north of the existing development and measuring 28.9m x 60.96m, and proposed severed property 2 being located to the east of the existing development and measuring 30.48m x 76.2m;

And whereas the Committee of Adjustment for the City of Temiskaming Shores has received the planning report dated July 26, 2019 and has considered the recommendations therein;

Be it resolved that the Committee of Adjustment for the City of Temiskaming Shores hereby approves Consent Application B-2019-06 subject to the following conditions:

- 1) The following documents shall be provided to the Secretary-Treasurer for the transaction described:
 - a) Two copies of the signed Acknowledgement and Direction;
 - b) The "Transfer in Preparation";
 - c) A Planning Act Certificate Schedule on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the "Transfer in Preparation";

**The Corporation of the City of Temiskaming Shores
Committee of Adjustment**

Meeting Minutes

Wednesday, July 31, 2019

- d) A reference plan of survey which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel to which consent approval relates.

Carried

6. New Business

None

7. Unfinished Business

None

8. Applications for Next Meeting

Next meeting: Wednesday, August 28, 2019

9. Adjournment

Resolution 2019-28

Moved By: Florent Heroux

Seconded By: Dan Dawson

Be it resolved that the Committee of Adjustment meeting be closed at 2:09 pm.

Carried

Carman Kidd
Chair

Jennifer Pye
Secretary-Treasurer

1.0 CALL TO ORDER

The meeting was called to order at 6:34 p.m.

2.0 ROLL CALL

PRESENT:	Councillor Mike McArthur; Councillor Foley; Chris Oslund, City Manager; Tammie Caldwell, Director of Recreation; Jeff Thompson, Superintendent of Community Programs; Paul Allair, Superintendent of Parks and Facilities; Dan Lavigne; Chuck Durrant;
REGRETS:	Mayor Carman Kidd; Simone Holzamer; Richard Beauchamp;

3.0 REVIEW OF REVISIONS OR DELETIONS TO AGENDA

There were no revisions or deletions to the agenda.

4.0 APPROVAL OF AGENDA

Recommendation RS-2018-034

Moved by: Dan Lavigne

Seconded by: Chuck Durrant

Be it recommended that the Recreation Services Committee Agenda for the June 10, 2019 meeting be approved as printed.

CARRIED

5.0 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

There was no disclosure of pecuniary interest and general nature

6.0 REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation RS-2019-035

Moved by: Dan Lavigne

Seconded by: Jesse Foley

That the minutes of the Recreation Services Committee of May 13, 2019 be adopted as presented.

CARRIED

7.0 DELEGATIONS / PUBLIC PRESENTATIONS

There were no delegations/public presentations

8.0 UNFINISHED BUSINESS

- None

9.0 NEW BUSINESS

i) Programming Update

The Committee received the presentation by Jeff Thompson, Superintendent of Community Programming.

ii) Parks and Facilities Update

The Committee received the presentation by Paul Allair, Superintendent of Parks and Facilities

iii) Director's/Property Maintenance Update

The Committee received by presentation by Paul Allair, Superintendent of Parks and Facilities on behalf of the Director

iv) MS Walk 2020 – Request for Use of Riverside Place

The Committee considered the request from the MS Walk Committee for the use of Riverside Place for the annual MS Walk 2020 and that the rental fee be waived for the event.

Recommendation RS-2019-036

Moved by: Jesse Foley

Seconded by: Chuck Durrant

The Recreation Committee approved the fee be waived for the rental of Riverside Place for the 2020 Annual MS Walk.

CARRIED

v) Temiskaming Bulls Eye Club – May 2020 Event

The Recreation Committee considered the request from the Temiskaming Bulls Eye Club requesting approval to host a one day event at the Don Shepherdson Arena the weekend of May 23rd, 2020 for a gun and outdoor sport show, with the sale of items related to those sports.

Recommendation RS-2019-037

Moved by: Jesse Foley

Seconded by: Chuck Durrant

The Recreation Committee approved the rental of the Don Shepherdson Memorial Arena for the Temiskaming Bulls Eye Club for a one day event in May 2020 at a cost of \$901.00 plus applicable taxes.

CARRIED

10.0 SCHEDULE OF MEETINGS 2019

- **September 9**
- **October 7**
- **November 18**
- **December 9**

11.0 CLOSED SESSION

There was no closed session.

12.0 ADJOURNMENT

Recommendation RS-2018-038

Moved by: Dan Lavigne

Be it resolved that the Recreation Services Committee meeting of Monday June 10, 2019 be adjourned at 7:10 p.m.

CARRIED



Committee Chair



Recorder

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 ROLL CALL

PRESENT:	Mayor Carman Kidd; Councillor Mike McArthur; Chris Oslund, City Manager; Tammie Caldwell, Director of Recreation; Jeff Thompson, Superintendent of Community Programs; Paul Allair, Superintendent of Parks and Facilities; Dan Lavigne; Chuck Durrant; Richard Beauchamp
REGRETS:	Councillor Jesse Foley; Simone Holzamer;

3.0 REVIEW OF REVISIONS OR DELETIONS TO AGENDA

The Director requested that a letter of request for a donation from Northern Star be added under Section 9 x) New Business.

4.0 APPROVAL OF AGENDA

Recommendation RS-2018-039

Moved by: Dan Lavigne

Seconded by: Chuck Durrant

Be it recommended that the Recreation Services Committee Agenda for the September 9, 2019 meeting be approved as amended.

CARRIED

5.0 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

There was no disclosure of pecuniary interest and general nature

6.0 REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation RS-2019-040

Moved by: Chuck Durrant

Seconded by: Dan Lavigne

That the minutes of the Recreation Services Committee of June 10, 2019 be adopted as presented.

CARRIED

7.0 DELEGATIONS / PUBLIC PRESENTATIONS

There were no delegations/public presentations

8.0 UNFINISHED BUSINESS

- None

9.0 NEW BUSINESS

i) Programming Update

The Committee received the presentation by Jeff Thompson, Superintendent of Community Programming.

ii) Parks and Facilities Update

The Committee received the presentation by Paul Allair, Superintendent of Parks and Facilities

iii) Director's/Property Maintenance Update

The Committee received by presentation by Paul Allair, Superintendent of Parks and Facilities on behalf of the Director

iv) Recreation Master Plan/Productivity Improvement (Efficiency Funding)

The Director informed the Committee that Trace Planning and Design were awarded the contract for the Recreation Master Plan with preparation work in progress. It was noted that productivity improvements and efficiency funding will be addressed through the master plan process and begin work on an analysis of summer ice use, ice use in arenas, increasing use of ice and a fleet analysis.

v) Bucke Park Disposition

The Director informed the Committee of the Public Meeting for the Disposition of Bucke Park held at the regular meeting of Council of August 13, 2019 and the direction received from Council for staff to re-visit the motion from Council

to “begin the Request for Proposal process for Realtor Services for the disposition of Bucke Park” with the Recreation Services Committee, Building Maintenance Committee, and Corporate Services Committee with a report to Council for the September 17th, 2019 regular meeting. The Committee discussed the comments from the public favoring that the land remain a public park and preferably still under the operations of the municipality as well as a request to consider the lease of the park by an individual.

Recommendation RS-2019-041

Moved by: Chuck Durrant

Seconded by: Richard Beauchamp

Be it recommended that the Recreation Services Committee requests that Council reconsider Resolution No. 2019-3157 acknowledging receipt of Administrative Report No. CS-025-2019 and directing staff to release RFQ-CS-001-2019 to secure Realtor Services for the disposition of Bucke Park and consider that the land be sold by way of a Request for Proposal format with the evaluation weighted in favor of the land remaining as a public park and that the current date set for the removal of trailers from the park (October 14th, 2019) remain in effect.

CARRIED

vi) Investing in Canada Infrastructure Program – Funding Opportunity

The Director outlined the Investing in Canada Infrastructure Program – Community Culture and Recreation 2019 Intake and outlined three possible options for the funding including the splash pad project, the New Liskeard Community Hall Accessibility Project and the New Liskeard Arena Accessibility Project. The New Liskeard Arena is shovel ready in terms of accessibility upgrades and also requires the replacement of the lobby floor, roof replacement, air quality monitoring and seating. The NL Arena project would be the largest project.

Recommendation RS-2019-042

Moved by: Richard Beauchamp

Seconded by: Chuck Durrant

Be it recommended that the Recreation Services Committee approve the selection of the New Liskeard Arena Upgrades as the project for the application for funding to the Investing in Canada Infrastructure Program – Community Culture and Recreation 2019 Intake.

CARRIED

vii) Healthy Eating in Municipal Recreation Settings Policy

The Director presented the policy for review by the committee, summarizing the background from the Healthy Kids Community Challenge initiative and the phase-in approach to the policy.

Recommendation RS-2019-043

Moved by: Dan Lavigne

Seconded by: Chuck Durrant

Be it recommended that the Recreation Services Committee approve the Healthy Eating in Municipal Recreation Settings Policy and directs staff to submit an Administrative Report to Council for the September 17th, 2019 regular meeting of Council for consideration.

viii) Lesley Kaross – New Liskeard Community Hall Fundraiser for Zack’s Crib

The Committee reviewed the request form Lesley Kaross to waive the rental fee for the New Liskeard Community Hall for a fundraiser for Zack’s Crib and made the following recommendation.

Recommendation RS-2019-044

Moved by: Chuck Durrant

Seconded by: Richard Beauchamp

Be it recommended that the Recreation Services Committee approves waiving the rental fee for the New Liskeard Community Hall for the ‘Battle of the Bands’ fundraiser for Zack’s Crib.

CARRIED

ix) Small Pond Entertainers Inc. – NL Community Hall Rental Fee

The Committee reviewed the request from Small Pond Entertainer’s Inc. for the use of the New Liskeard Community Hall for the rehearsals of the community theatre production of Mary Poppins from September to November 2019.

Recommendation RS-2019-045

Moved by: Carman Kidd

Seconded by: Dan Lavigne

Be it recommended that the Recreation Services Committee approve the request to waive the rental fee for the use of the NL Community Hall by Small Pond Entertainer’s Inc. for the community theatre production of Mary Poppins from September to November 2019.

x) Northern Star – Request for Donation

The Director presented the request from Northern Star for a donation for the 2020 Art and Soul Retreat, the Superintendent of Community Programming has provided the organization with a one month membership at the Waterfront Pool/Fitness Centre.

10.0 SCHEDULE OF MEETINGS 2019

- **October 21**
- **November 18**
- **December 9**

11.0 CLOSED SESSION

There was no closed session.

12.0 ADJOURNMENT

Recommendation RS-2018-046

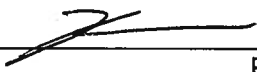
Moved by: Dan Lavigne

Be it resolved that the Recreation Services Committee meeting of Monday September 9, 2019 be adjourned at 7:45 p.m.

CARRIED



Committee Chair



Recorder

Memo

To: Mayor and Council
From: Shelly Zubycck, Director of Corporate Services
Date: December 3, 2019
Subject: Appointment of Alternate CEMC – Shelly Zubycck

Mayor and Council:

Under the Emergency Management and Civil Protection Act (EMCPA), every municipality is required to appoint a Community Emergency Management Coordinator (CEMC).

By-law No. 2005-118, as amended, identifies Fire Chief Tim Uttley as the CEMC and in 2016 Executive Assistant, Kelly Conlin had been appointed as the Alternate CEMC while performing the duties of Acting Director of Corporate Services.

On May 7, 2019 Council adopted By-law No. 2019-076 being an Organizational Chart for the City of Temiskaming Shores. The chart restructures the role and responsibilities associated with Emergency Management from Fire Services to Corporate Services.

Effective November 5, 2019 I have obtained the Community Emergency Management Coordinator Certification in order to become the City's Community Emergency Management Coordinator by successfully completing the following courses:

- EM200 – Basic Emergency Management
- IMS100 – Introduction to Incident Management System
- IMS 200 – Basic Incident Management System
- EM 240 – Note Taking
- EM 300 – Community Emergency Management Coordinator

It is recommended that Council direct staff to prepare the necessary by-law to appoint Shelly Zubycck as the Community Emergency Management Coordinator and Kelly Conlin and Timothy Uttley as the Alternate CEMCs effective January 1, 2020. It is further recommended that By-law 2005-118 and all of its amending by-laws (By-law 2007-170, By-law 2013-171 and By-law 2014-167) be hereby repealed effective January 1, 2020.

Prepared by:

Reviewed and submitted for
Council's consideration by:

“Original signed by”

“Original signed by”

Shelly Zubycck
Director of Corporate Services

Christopher W. Oslund
City Manager

Subject: Multi-Year Accessibility Plan
2019-2023

Agenda Date: December 3, 2019
Report No.: CS-067-2019

Attachments

Appendix 01: Draft Multi-Year Accessibility Plan

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-067-2019; and
2. That Council directs staff to prepare the necessary by-law to adopt a Multi-year Accessibility Plan 2019-2023 for consideration at the December 3, 2019 Regular Council meeting.

Background

In accordance with the Integrated Accessibility Standards Regulation (IASR) and the Accessibility for Ontarians with Disabilities Act, 2005 municipalities shall:

- a) establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this Regulation;
- b) post the accessibility plan on their website, if any, and provide the plan in an accessible format upon request; and
- c) review and update the accessibility plan at least once every five years.

The Temiskaming Shores Accessibility Advisory Committee has been working on the 2019-2023 Plan for the past year and finalized it for Council's review and adoption at their November 20, 2019 meeting.

Analysis

In 2013, Council adopted By-law 2013-201, being a By-law adopt a Multi-year Accessibility Plan (2014-2018) as per the standards and the Accessibility for Ontarians with Disabilities Act (AODA). Together with the Temiskaming Shores Accessibility Advisory Committee (TSAAC), Council and City staff remained committed to the plan and the goals outlined therein. Notable accomplishments from the 2014-2018 plan include the installation of audible pedestrian signals, accessible fleet upgrades to the Temiskaming Transit and several public education and community engagements. The City also completed significant accessibility upgrades to some of most frequented

facilitates such as Riverside Place, Dymond Community Centre and the Waterfront Pool and Fitness Centre.

Using the momentum from the previous plan, TSAAC set out to create the new plan for the period 2019-2023. The Committee worked diligently to prioritize projects, objectives and goals that they would like to see accomplished. In May 2019, the new draft Multi-year plan was sent to local stakeholders as identified by TSAAC as having a vested interest in accessibility in our community. Following their review, the plan was circulated to senior management staff for review and comment in November 2019.

The 2014-2018 plan focused on the IASR requirements and it is the intent of this plan (2019-2023) to focus on the following pillars as we move towards eliminating barriers in our Community:

- 1) Education/Advocacy
- 2) Facilities
- 3) Infrastructure
- 4) Programming

Although 2019 was the review period for the plan, as per the AODA requirement, several of the outlined priorities from the 2019-2023 have currently started or been completed (i.e. John Street Crosswalk).

Highlights of the 2019-2023 Plan include consideration by Council of the following projects/programs to reduce and/or eliminate barriers;

- Accessibility upgrades to the Don Shepherdson Memorial Arena
- Accessibility upgrades to the New Liskeard Community Hall
- Accessibility upgrades to the Haileybury Arena
- Website upgrades to meet accessibility requirements by January 1, 2021
- Haileybury Medical Centre Parking Lot upgrades
- Review of Accessible Parking spots
- Sidewalk & curb-cut program

It is recommended that Council adopt a new Multi-Year Accessibility Plan for 2019-2023 at the December 3, 2019 Regular Council meeting.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Priorities identified by TSAAC are considered as part of the budget process on an annual basis.

Alternatives

No alternatives were considered in the preparation of this report.

Submission

Prepared by:

Reviewed and submitted for
Council's consideration by:

“Original signed by”

“Original signed by”

Kelly Conlin
Executive Assistant

Christopher W. Oslund
City Manager

The Corporation of the City of Temiskaming Shores

By-law No. 2019-000

**Being a by-law to adopt a Multi-Year
Accessibility Plan 2019-2023**

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council considered Administrative Report No. CS-067-2019 at the December 3, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to adopt a Multi-Year Accessibility Plan 2019-2023 for Council's consideration at the December 3, 2019 Regular Council meeting.

Now therefore the Council of the City of Temiskaming Shores enacts the following as a by-law:

1. That Council of The Corporation of the City of Temiskaming Shores hereby adopts a Multi-Year Accessibility Plan 2019-2023, a copy of which is hereto attached as Schedule "A" forming part of this by-law;
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule "A" to

By-law No. 2019-181

**Multi-Year Accessibility Plan
2019-2023**

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Accessibility Plan and Policies for the City of Temiskaming Shores

The 2019-2023 Accessibility Plan outlines the policies and actions that the City of Temiskaming Shores will enact to improve opportunities for people with disabilities.

1.0 Introduction

The *Ontarians with Disabilities Act* (ODA) was passed by the Provincial Government in December, 2001. Subsequently the *Accessibility for Ontarians with Disabilities Act* (AODA) was passed in June, 2005. The AODA lays the framework for the development of province-wide mandatory standards for improving accessibility in certain areas of daily life.

The purpose of these acts is to improve the opportunities for persons with disabilities and to provide for their participation in the identification, removal, and prevention of barriers to allow for their full participation in the City of Temiskaming Shores.

Under the AODA, the Provincial Government has enacted regulations, including the Integrated Accessibility Standards Regulation (IASR), to require government agencies and the broader public sector to develop standards to address accessibility in the areas of: customer service; transportation; employment; information and communications; and design of public spaces. The municipal obligations include the following:

- a) establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this Regulation;
- b) post the accessibility plan on their website, if any, and provide the plan in an accessible format upon request; and
- c) review and update the accessibility plan at least once every five years.

The purpose of preparing an Accessibility Plan is to:

- Report on the steps that have been taken to identify, remove and prevent barriers to persons with disabilities;
- Describe the measures in place to ensure that the municipality assesses its proposals for by-laws, policies, programs, practices, and services to determine their effect on accessibility for persons with disabilities;
- Identify the by-laws, policies, programs, practices, and services that the municipality will review in the coming year to identify barriers to persons with disabilities;

- Describe the steps that the municipality intends to take in the coming year to identify, remove, and prevent barriers to persons with disabilities.

The Accessibility Plan includes the recommendations of the Temiskaming Shores Accessibility Advisory Committee (TSAAC).

1.1 Definitions and Acronyms

AAC- Accessibility Advisory Committee

AODA- Accessibility for Ontarians with Disabilities Act

City- City of Temiskaming Shores

IASR- Integrated Accessibility Standards Regulation

ODA- Ontarians with Disabilities Act

Service Provider- The service provider in all Transportation Requirements refers to the contractual obligation with Stock Transportation

TSAAC- Temiskaming Shores Accessibility Advisory Committee

TTY Machines- Teletype machines which is a telecommunication device for the deaf

WCAG- World Wide Web Consortium Web Content Accessibility Guidelines 2.0: Set of guidelines developed to support web-based accessibility

WSIB- Workplace Safety and Insurance Board

1.2 Statement of Commitment

The City of Temiskaming Shores is committed to treating all people in a manner that allows them to maintain their dignity and independence. The City believes in integration and equal opportunity. The City is committed to meeting the needs of people with disabilities in a timely manner and will do so by preventing and removing barriers to accessibility and meeting accessibility requirements under the Accessibility for Ontarians with Disabilities Act.

1.3 Key Contacts

PLAN INQUIRIES

David B. Treen, Municipal Clerk

Telephone: 705 672 3363 ext 4136

Email address: dtreen@temiskamingshores.ca

SITE PLAN AGREEMENT

Jennifer Pye, City Planner

Telephone: 705 672 3363 ext 4105

Email address: jpye@temiskamingshores.ca

CAPITAL FACILITIES

Mitch Lafreniere, Manager of Physical Assets

Telephone: 705 672 3363 ext 4113

Email address: mlafreniere@temiskamingshores.ca

COMMITTEE SUPPORT

Shelly Zubyck, Director of Corporate Services

Telephone: 705 672 3363 ext 4107

Email address: szubyck@temiskamingshores.ca

Organization

The City of Temiskaming Shores is located on the shores of beautiful Lake Temiskaming. The City is located approximately 500 km north of the City of Toronto, 150 km north of the City of North Bay, and 250 km south of the City of Timmins. Temiskaming Shores is just 20 km from the Ontario/Quebec border, which enhances the francophone culture in the community. Rich soils in the local area and in the region have created a proud agricultural heritage for the community.

The City is now home to approximately 9,500 people and acts as the economic and service hub for many communities in the region.

Local Community Services

The following community services are a sample of those available to support individuals in the local community and surrounding areas:

- Timiskaming Home Support;
- Temiskaming Hospital;
- Timiskaming Health Unit;
- District of Timiskaming Social Services Administration Board;
- Canadian Mental Health Association;
- Community Living Temiskaming South;
- One Kids Place;
- Cochrane Temiskaming Resource Center;
- Northern College;
- Le Centre de santé communautaire du Témiskaming;
- Timiskaming Diabetes Clinic;
- Community Cancer Care;
- Literacy Council of South Timiskaming;
- Great Northern Family Health Team;
- Haileybury Family Health Team.
- March of Dimes
- Canadian National Institute for the Blind (CNIB)
- Area Food Banks

2.0 Plan Statement

This plan addresses accessibility considerations for the City of Temiskaming Shores and its requirements under the Integrated Accessibility Standards Regulation (IASR). This plan builds on prior plans developed and goals achieved. The Plan will be reviewed every five years to address future requirements under the IASR and, when available, the Built Environment improvements to public infrastructure.

The 2014-2018 plan focused on the IASR requirements and it is the intent of this plan to focus on the following pillars as we move towards eliminating barriers in our Community:

- 1) Education/Advocacy
- 2) Facilities
- 3) Infrastructure
- 4) Programming

2.1 Plan Consultation

This plan was prepared in consultation with the City of Temiskaming Shores senior management team, members of Council, and members of the Temiskaming Shores Accessibility Advisory Committee (TSAAC). The City also asked various community organizations to review the plan and provide feedback.

For further information on this plan please contact the Municipal Clerk (contact information listed on page 5).

3.0 Temiskaming Shores Accessibility Advisory Committee

3.1 Accessibility Advisory Committee

Under the ODA, municipalities with populations of or exceeding 10,000 are required to establish an Accessibility Advisory Committees (AAC) and a majority of the Committee members must be persons with disabilities. As a result of the 2016 census, the City's population is now below the 10,000 threshold, however, the City remains committed to the elimination of barriers and accessibility in our community and continues to have a functioning and active AAC.

In response to this requirement, the City of Temiskaming Shores formed its AAC in February 2004. The Temiskaming Shores Accessibility Advisory Committee (TSAAC) has been assigned the task of advising Council on all

matters pertaining to accessibility considerations for persons with disabilities.

3.2 Terms of Reference for TSAAC

Please see By-law No. 2012-186 for The Temiskaming Shores Accessibility Advisory Committee Terms of Reference attached in section 7.0.

3.3 Accessibility Accomplishments 2014-2018

- Audible Pedestrian Signals
- Accessible fleet upgrades to Temiskaming Transit
- Facility Accessibility Upgrades
 - Riverside Place
 - Dymond Community Centre
 - Waterfront Pool Fitness Centre
- STATO Trail Extension
- Haileybury Medical Centre Parking Lot Upgrades
- Refurbishment of municipal playgrounds to include accessible equipment and rubberized surface.
 - Camsall Park
 - Algonquin Beach Park
 - Spurline Park
 - Farr Park
 - Dymond Firefighters Park
- Multiple Site Plan control reviews and input on a variety of City and private developments.
- Community Engagement
 - Participation at a variety of tradeshow, workshops and fairs
 - Forrest Willet Presentation – May 2016
 - CNIB "awareness tours"

3.4 Planned Strategies and Actions for the Identifications, Removal and Prevention of Barriers Temiskaming Shores 2019– 2023

Accessibility Priorities

Over the course of the term of the current Accessibility Advisory Committee and in the development of the 2019-2023 plan, the following were continually identified as priorities and goals that our municipality will strive to achieve moving forward.

Education and Awareness:

The City of Temiskaming Shores is committed to promoting a culture of accessibility awareness and understanding within its organization, as well as among its residents, businesses and visitors. In order to achieve this goal, the Accessibility Advisory Committee emphasized the importance of staff training, and overall promotion of accessibility in the workforce. The City will continue to work with community partners to ensure that information regarding accessibility of municipal programs, services and facilities is communicated through available channels.

1. Inform the general public, businesses, children, local contractors, city councillors, staff, and city contractors on:
 - a. the importance of accessibility;
 - b. design guidelines to make Temiskaming Shores an accessible community;
 - c. the IASR;
2. Follow available accessible design guidelines that have been developed by industry professionals that will assist in guiding developers, designers, contractors, renovators, homeowners, and city staff in their support of accessible design. Accessible guidelines include:
 - a. Site Plan control guidelines;
 - b. Subdivision design guidelines;
 - c. Interior design of buildings;
 - d. Design guidelines for the future Built Environment: Outdoor Public Spaces requirements under the IASR;
3. Review and abide by the developed accessible policies and procedures in accordance with the IASR. Policies include:
 - a. Procurement policies and procedures;
 - b. Templates for accessible documents;

- c. Accessible website development
 - d. Human resources and hiring;
4. Continue to source all available accessibility specific funding opportunities that may be available through both provincial and federal levels of government and other sources.

Facilities:

Together with City representatives, TSAAC will complete a semi-annual review of City facilities, with hopes of identifying one priority project based on community usage and needs. With the prioritization, the City can budget engineering costs in Year 1 and construction/renovations as a capital project in Year 2. To date, the Committee has identified the following facilities as being in need of accessibility upgrades:

- Don Shepherdson Memorial Arena (Engineering completed in 2018)
- New Liskeard Library Relocation (Engineering completed 2018)
- New Liskeard Community Hall (Engineering completed 2018)
- Haileybury Medical Centre Parking Lot (Paving)
- Haileybury Arena
- Haileybury Beach

The Committee will continue to work with community partners such as the STOP GAP group for the promotion of accessible features on existing buildings and facilities.

Infrastructure:

Throughout the duration of the plan, the Committee, together with the Public Works Department will develop a plan that will include a traffic review to better determine where repairs to existing intersections and crosswalks need to be addressed such as:

Intersections:

- Whitewood/Armstrong
- Whitewood/Paget
- Whitewood/Wellington
- Whitewood/John – Pedestrian Crosswalk

Moving forward, the Committee also recommends the City continue with the allocation of \$25,000 annually within the budget for accessibility related costs such as curb cuts, sidewalk repairs, and accessible parking spaces. The Committee will meet with City representatives annually to identify areas of priority.

The Committee will also conduct a review of accessible parking spaces during the plan period and work with the Public Works Department to identify needs and appropriate curb cuts to improve access and eliminate barriers.

The Committee will work with other City groups such as the Temiskaming Transit Committee on ensuring the transit fleet and transit shelters remain in compliance with accessibility standards, as well as, with Recreation on any future refurbishment of playgrounds and community trails.

Programming:

The City remains committed to supporting programming initiatives such as the Age Friendly Committee, as well as, working towards developing Accessibility work shops for businesses and the general public to further motivate and educate our population on accessibility.

Subject: MOU with Northern College for provision of library services in Haileybury **Report No.:** LIB-002-2019
Agenda Date: December 3, 2019

Attachments

Appendix 01: Memorandum of Understanding

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. LIB-002-2019; and
2. That Council directs staff to prepare the necessary by-law to enter into a Memorandum of Understanding with Northern College of Applied Arts and Technology for the provision of library services at the Haileybury Campus of Northern College at an annual cost of \$18,000 including applicable taxes for consideration at the December 17, 2019 Regular Council meeting.

Background

During the 2019 Capital budget deliberations, Council approved the relocation of the New Liskeard Library to 285 Whitewood Avenue (former New Liskeard Medical Centre). As part of that project, the Temiskaming Shores Public Library Board decided to amalgamate main library services into a single location to aid with the cost of financing the renovations of the new building. However, the Board wishes to maintain some library service in the southern part of the municipality. The Board approached Northern College to see if they would be open to hosting a satellite location with a deposit collection of public library materials in the Haileybury Campus of Northern College's library, wifi and some public access computers.

Analysis

Over the course of meetings and negotiations in the Summer and Fall of 2019 a Memorandum of Understanding (MOU) between the parties was drafted. The Temiskaming Shores Public Library Board has reviewed and approved the MOU at their November 26, 2019 board meeting. Should the agreement be ratified by all parties, the Temiskaming Shores Public Library Board would commence the satellite service from the Northern College location on June 1, 2020.

Relevant Policy / Legislation/City By-Law

By-Law No. 2017-015 - Procurement Policy

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Total proposed cost for the term of the agreement is as follows:

2020/21	\$18,839.52
2021/2022	\$19,404.71
2022/2023	\$19,986.84
2023/2024	\$20,586.46
2024/2025	\$21,204.05

The Temiskaming Shores Public Library Board will include the amount negotiated for the service in their draft of the 2020 budget estimates.

Alternatives

No alternatives are being considered at this time.

Submission

Prepared by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

Rebecca Hunt
Library CEO

Christopher W. Oslund
City Manager

The Corporation of the City of Temiskaming Shores

By-law No. 2019-000

Being a by-law to enter into a Memorandum of Understanding between Northern College of Applied Arts and Technology, the City of Temiskaming Shores and the Temiskaming Shores Public Library for library Services at Northern College – Haileybury Campus

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council considered Administrative Report No. LIB-002-2019 at the December 3, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to enter into a Memorandum of Understanding for library services between Northern College of Applied Arts and Technology, The City of Temiskaming Shores and the Temiskaming Shores Public Library Board at the Haileybury Campus of Northern College at an annual cost of \$18,000 including taxes for consideration at the December 3, 2019 Regular Council meeting;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the Mayor and Clerk be authorized to execute a Memorandum of Understanding between Northern College of Applied Arts and Technology, the City of Temiskaming Shores and the Temiskaming Shores Public Library Board for the provision of Library Services at the Haileybury Campus of Northern College for the period of June 1, 2020 to May 31, 2025, a copy of which is attached hereto as Schedule "A" and forms part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

**Memorandum of Understanding between
Northern College of Applied Arts and Technology (“Northern”)**



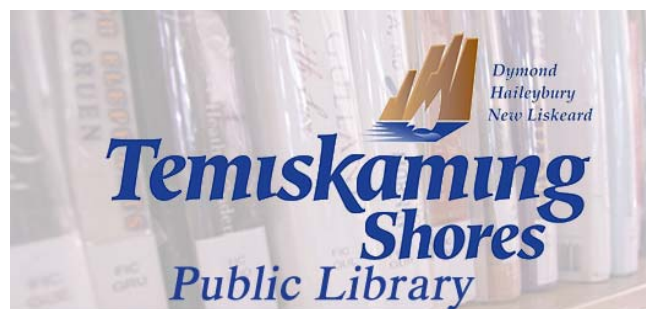
And

City of Temiskaming Shores (the “CTS”)



And

Temiskaming Shores Public Library (the “TSPL”)



**Regarding colocation of Temiskaming Shores Public Library Haileybury branch services to the
Haileybury Campus of Northern College**

November 11, 2019

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Preamble

WHEREAS the TSPL, the CST and Northern wish to enter into an agreement for the co-location of the Haileybury branch of the TSPL with Northern’s existing College library;

AND WHEREAS The TSPL, the CTS and Northern wish to enter into this Memorandum of Understanding to outline the terms and conditions upon which the co-location of the TSPL Haileybury branch shall operate within the Northern College library and to further set out the rights and obligations of the parties;

The Parties herein therefore agree as follows:

Scope of Services

“Public Access shall be defined as being those members of the TSPL holding a valid TSPL card.”

1. Provide public access to TSPL’s fiction collection, including circulation services using TSPL’s integrated library system (SirsiDynix Workflows), and processing requests in accordance with TSPL’s policies as developed or amended from time to time (See Appendices 3, 4, 5 for membership, loan periods, and fees and fines policies)
 - Northern will work with TSPL to provide adequate shelving of the TSPL fiction collection, currently planned at approximately 1000 books, ensuring physical separation of that collection from the Northern collection. Final allocation of public library collection space shall be at Northern’s discretion following consultation. The approximate location and length of shelving to be provided by Northern is outlined in the floorplan found in Appendix 1 – Existing Northern Haileybury Campus Library Floorplan.
 - TSPL will provide transportation services for inter-branch book requests (holds) between Northern College and the New Liskeard branch, and be responsible for any costs, if any, for inter-library loans.
 - Northern’s library staff will collect overdue fines from patrons, will keep a record of these fines and will provide payment to TSPL on a quarterly basis. Disputes, larger overdue fines (i.e., over \$20) and charges for lost or damaged books shall be resolved by staff at the Northern library following the TSPL’s Policy #CIRC-4 (see Appendix 3), but may be referred to the TSPL Chief Librarian for resolution.
2. Provide public access to TSPL’s DVD collection
 - Northern shall provide space and circulation services to support TSPL’s collection of approximately 500 DVDs, with TSPL to provide the storage cabinet.
3. Provide public access to TSPL’s (and Northern’s) periodicals collection
 - Northern shall provide space and circulation services to support TSPL’s collection of periodicals.

4. Provide public access to WIFI
 - Members of the public accessing the library services will be provided Guest WIFI access (i.e., wireless internet access point) to the Northern College WIFI network as per Northern's usual guest WIFI access procedures.
 - Northern's staff will not require presentation of a TSPL library card before providing WIFI Guest access since this is the current TSPL practice.
5. Provide public access to computers & workstations
 - Northern shall provide access to two (2) public computers for up to one (1) hour per guest subject to availability, and in accordance with our Guest Use of Computer & Electronic Resources procedure. (See appendix 10).
6. Provide public access to library printing, scanning and copying services
 - Northern shall provide access to printing, scanning and copying services in accordance with the current rates determined by Northern College.
7. Provide public access to general library seating.
8. Provide public access to washrooms.

Staffing Model – Northern as Independent Contractor

- TSPL would purchase the library services described in this Agreement from Northern that will be delivered by Northern's Library Technician and Clerks. Northern is an independent contractor with respect to the provision of said services. In no way shall any provisions of this Agreement be construed to create an employee-employer relationship between Northern, Northern's staff and the TSPL or the CTS.
- Additionally, nothing contained in this agreement shall be deemed to constitute the Parties hereto as partners nor as agents of the other. The Parties are wholly separate legal entities. Neither Party shall have any authority to act for the other or to incur any obligations on behalf of the other.

Computerized Library Workflow / Management Software

- Northern and TSPL use the same ILS software (i.e., SirsiDynix/Workflows). Library staff will operate both systems simultaneously and perform circulation functions based on the patron type presenting for service, adhering to the Borrowing of materials between TSPL and NCL (See Appendix 8).
- Assuming the separate installation of the TSPL's licensed version of Workflows on the existing Northern computer system, with licensing arrangements and costs for this instance being the responsibility of the TSPL.
- Northern's staff will use the TSPL Workflows software to record public use of the TSPL collection, thus maintaining information required by TSPL for its statistical reporting purposes.

Hours of Operation

- Hours of operation vary according to the semester. Summer hours (May-Sept.) are from 8am-4pm Monday-Friday, closed for lunch between 12-1. Winter hours (Sept. – May) are from 8am-8pm Monday-Thursday, 8-4 Friday, 10-3 Saturday & Sunday.
- Hours are posted on Northern's website and will be communicated to the TSPL in advance for their own informational/promotional purposes.
- Any changes to the hours of operation shall be at the sole discretion of Northern.

Access, Parking & Handicapped Access

- The existing Northern Library is on a bus route, is barrier-free, accessible, and has designated handicapped parking areas in its paved parking areas.
- Northern, like other Ontario Colleges receives no provincial funding for parking lot paving and maintenance, so requires that there be a user fee for all parking to recover these costs.
- Northern agrees that that three (3) spaces shall be identified with signage (at the TSPL's expense) indicating that these spots are reserved for public patrons of the TSPL, two (2) of which will be in the parking area outside the west gymnasium entrance, and one (1) which shall be a Handicapped accessible space at the front of the building.

Risks & Responsibility for Costs

- **Loss of Books**
TSPL and Northern agree and acknowledge that each shall be fully responsible to cover the costs of any losses relating to theft or overdue materials associated with their respective collections. The Parties further acknowledge that Northern shall not be required to purchase, install or implement any security system such as an RFID (radio frequency identification) or magnetic or hybrid security systems.”
- **Ownership, maintenance and replacement of shared access computers**
The computers that will be installed for public use will come from non-current inventory stock and be provided at no charge for the hardware or the support. The computers will have Internet browser and Open Office (Microsoft Office compatible) software. Should the TSPL wish to have newer computers or specialized software, this shall be provided at its expense.

Future campus expansion

- Northern is developing very preliminary plans for a future campus expansion which would likely involve a new library. It would require infrastructure funding from higher levels of government to proceed.
- Northern agrees to consult with TSPL should such a project proceed, taking TSPL's needs into account where possible.
- Any incremental capital and operating costs associated with addressing the public library needs would have to be recovered by Northern, either through a capital contribution with an operating lease, or a lease that sees Northern recover capital costs – if that is TSPL's preference, along with a lease to cover annual operating costs.

Duration of Agreement & Cancellation

- This Agreement shall be for an initial period of five [5] years, subject to cancellation by either party with advance notice of one (1) year, and which notice must be provided no later than April 1st of that fiscal year in which the party plans to withdraw. The effective date of this agreement shall be June 1, 2020.

Indemnification and Insurance

- The CTS and the TSPL hereby agree to indemnify, defend and hold harmless Northern and its directors, officers, employees, agents and other representatives and the TSPL (the “Indemnified Parties) from and against any and all liability, losses, costs, damages, penalties, interest, expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits or other proceedings, by whomever made, sustained, incurred, brought or prosecuted, in any way arising out of or in connection with this Agreement, unless solely caused by the negligence or willful acts or omissions of Northern.
- The CTS represents and warrants that it has, and will maintain for the duration of this Agreement, at its own cost and expense, with insurers having a secure A.M. Best Rating of B+ or greater, or the equivalent,

all the necessary and appropriate insurance that a prudent person carrying out a project similar to that described in this Agreement would maintain, including commercial general liability (CGL) insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than two (2) million dollars CAD. The policy will include, the Indemnified Parties as additional insureds with respect to liability arising in the course of performance of the CTS and TSPL obligations under, or otherwise in connection with, this Agreement; a cross-liability clause; contractual liability coverage, and; a 30-day written notice of cancellation to the Indemnified Parties.

- The CTS will provide Northern with certificates of insurance (or other proof as may be requested) that confirms the insurance coverage as provided above.

Fee for Independent Contractor Services

- The City shall pay to Northern the sum of eighteen thousand dollars (\$18,000) per annum inclusive of applicable taxes payable.
- This amount shall increase annually by three (3) percent to reflect Northern's collective agreement rate changes and increased cost of utilities.
- The City shall pay to Northern a separate fee of \$275.00 plus applicable taxes per annum for each of the three (3) parking spaces provided under this Agreement (i.e., \$825.00 total, per annum) payable in equal monthly amounts due on the 1st day of each month the services described in this Agreement are provided. This amount shall increase annually by three (3) percent to to reflect increases in parking lot maintenance and replacement cost.
- Payment shall be made in full (lump sum) on June 1st of each year of the agreement.

Compliance with Laws

Each Party shall comply in all respects with all applicable legal requirements governing the duties, obligations and business practices of that Party and shall obtain any permits or licenses necessary for its operations. Neither Party shall take any action in violation of any applicable legal requirement that could result in liability being imposed on the other Party.

Amendments

This MOU may be amended or modified, in whole or in part, only by an instrument in writing signed by all Parties hereto.

Documents

The Parties agree to sign and execute and cooperate in the completion of any and all documentation necessary to give effect to this Agreement.

Notices

Any notices or other communications required hereunder shall be in writing and shall be deemed to be given when delivered in person or when mailed to that party.

Governing Law

This MOU shall be governed by and construed and interpreted in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

Entire Agreement

This MOU, including all Appendices, constitutes the entire agreement between the Parties with respect to the subject matter and supersedes all prior agreements, understandings, negotiations and discussions, whether written or oral. There are no conditions, covenants, agreements, representations, warranties or other provisions, express or implied, collateral, statutory or otherwise, relating to the subject matter except as provided in this MOU.

Signature Page

This Agreement made the __ day of _____, 2019.

Carman Kidd
Mayor, City of Temiskaming Shores

Donald Bisson
Temiskaming Shores Public Library,
Library Board Chair

I have authority to bind the Corporation

I have authority to bind the Board.

David Treen
City of Temiskaming Shores,
City Clerk

Rebecca Hunt
Temiskaming Shores Public Library,
CEO

I have authority to bind the Corporation

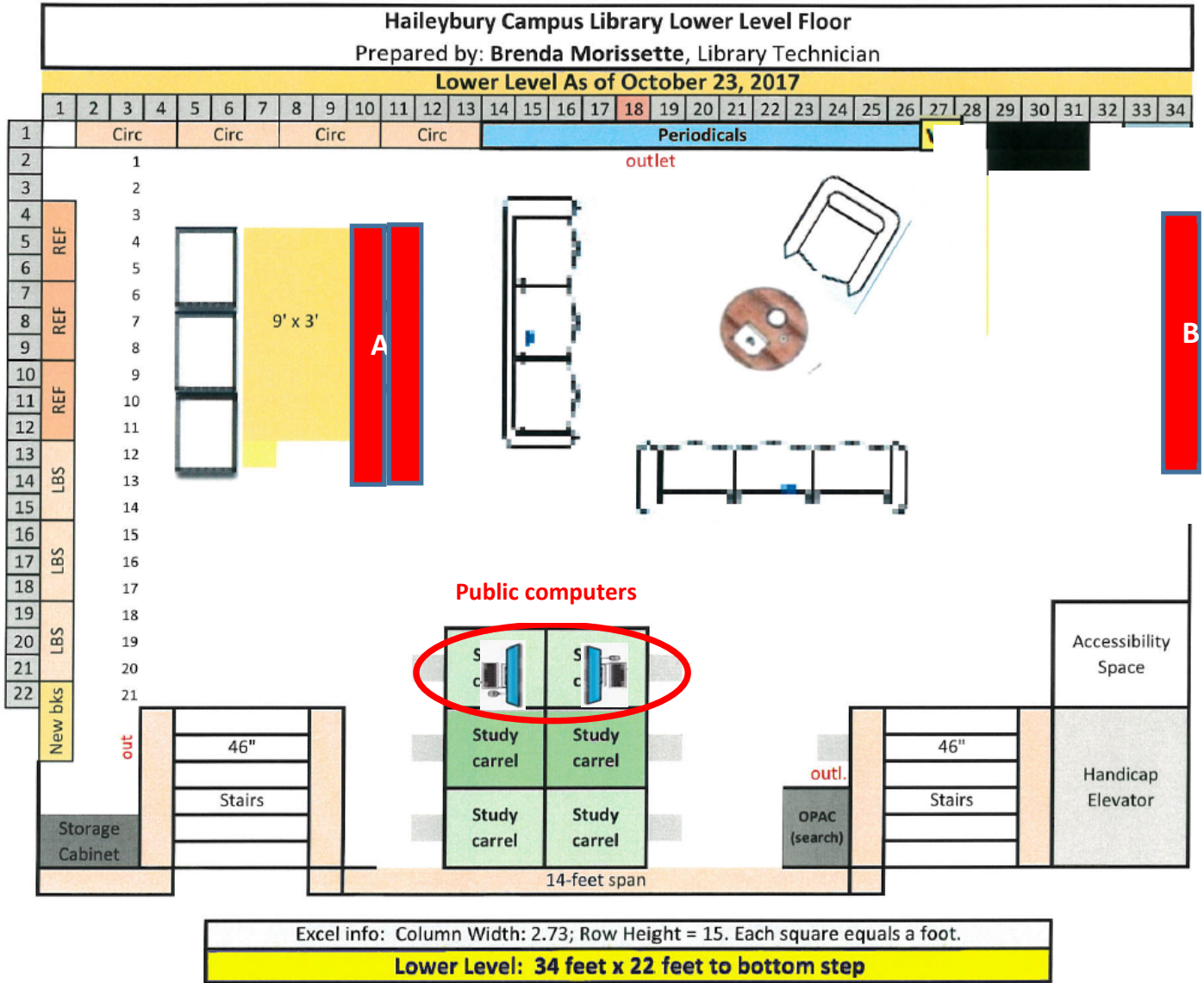
I have authority to bind the Board.

Dr. Fred Gibbons
Northern College, President and CEO

Dr. Audrey Penner
V.P. Academic & Student Success

We have authority to bind the Corporation.

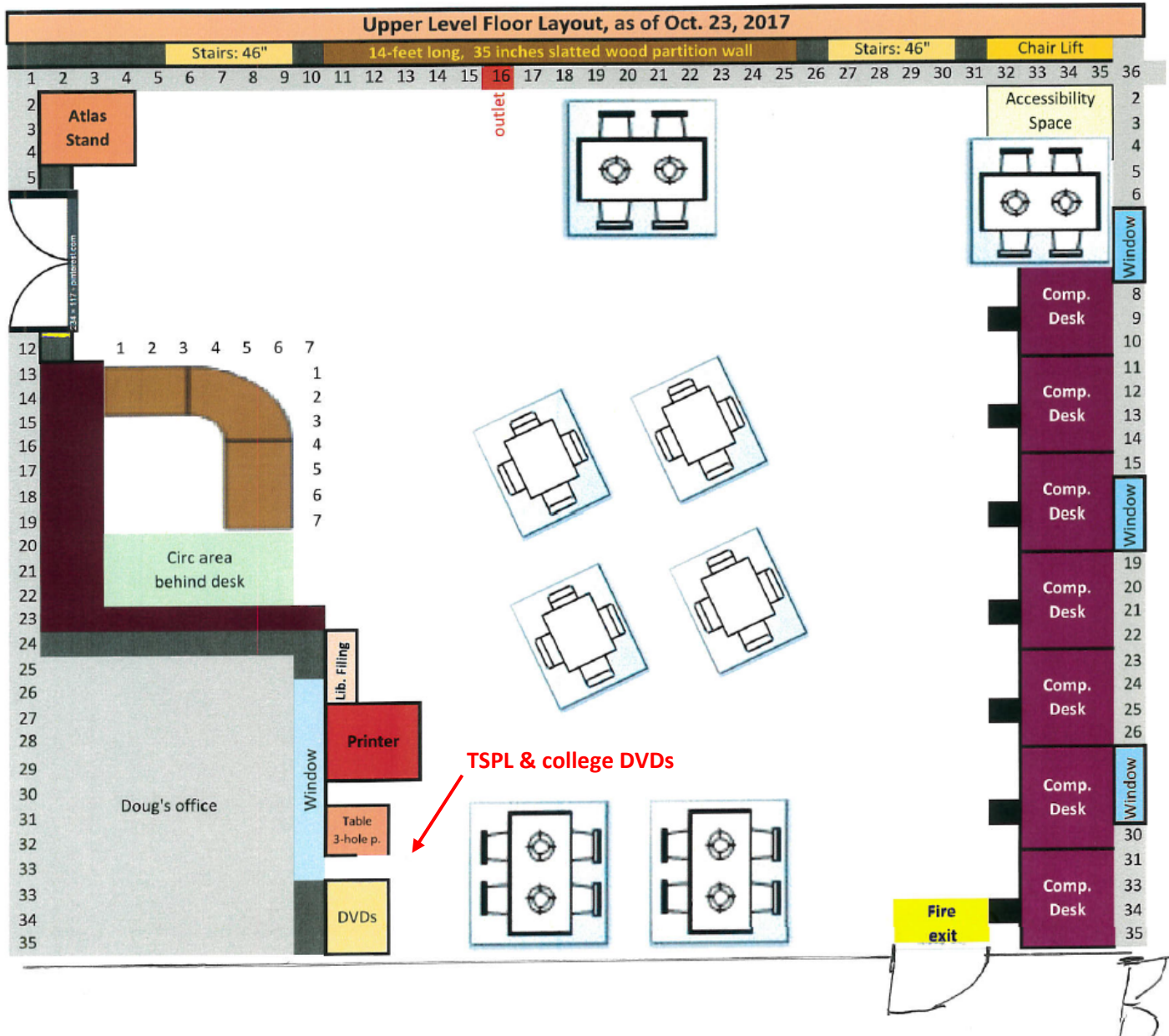
Appendix 1 – Existing Northern Haileybury Campus Library Floorplan



Blocks in Red represent public library shelving:

(A) = double-sided free-standing shelving (existing shelving; provided by NC; 1 additional section shown added)

(B) = single-sided wall-mounted shelving (to be provided by TSPL; illustrative 9' run shown)



Appendix 2 – List of activities, duties, and related policies

Temiskaming Shores Library Activity	Duties--Northern College Staff	Duties--TSPL Staff	TSPL Policies Applicable to Activity
<p>Circulation of TSPL materials (Fiction, DVDs, Periodicals) to TSPL patrons</p>	<ul style="list-style-type: none"> • Sign up patrons and issue TSPL library cards • Explain circulation policies: i.e. loan periods, fines, etc. • Direct patrons to materials • Check materials out • Renew materials for patrons on demand • Collect membership fees, replacement card feed, accrued fines and any other fees as needed on behalf of TSPL--cash or cheque only • Renew patron memberships as needed • Update patron information as needed • Replace membership cards as needed • Discharge materials • Re-shelve materials • Notify TSPL CEO of any issues • Uphold confidentiality and Intellectual Freedom policies 	<ul style="list-style-type: none"> • Manage overdues • Pick up cash from fees for deposits weekly • Notify NC staff of any policy changes • Supply Northern College with necessary circulation materials • Update the library calendar according to Northern College operating hours to ensure cohesiveness with loan periods 	<ul style="list-style-type: none"> • Membership Policy--Circ-2 • Loan periods, renewal, reserves--Circ-3 • Fines and fees--Circ-4 • Confidentiality of patron information--Circ-5 • Resource Sharing--Circ-6 • Intellectual Freedom--Col-2
<p>Check out Northern College items to Public Library TSPL Patrons</p>	<ul style="list-style-type: none"> • Create a brief record/fast add of the Northern College item in TSPL WorkFlows using a TSPL barcode • Northern College item will then be treated as a borrowed TSPL item • Discharge material 		

	<ul style="list-style-type: none"> • Ensure brief record/fast add is removed from TSPL WorkFlows • Mark item used in Northern College Workflows 		
<p>Check out TSPL items to Northern College Patrons</p>	<ul style="list-style-type: none"> • Create a brief record/fast add of the TSPL item in Northern College WorkFlows using a TSPL barcode • TSPL item will then be treated as a borrowed Northern College item • Discharge material • Ensure brief record/fast add is removed from Northern College WorkFlows • Mark item used in TSPL Workflows 		
<p>Fill TSPL Holds requests</p>	<ul style="list-style-type: none"> • Search TSPL collection for requested book • Check holds list. • Place holds on TSPL books that are found in the New Liskeard location • Receive Holds books when delivered-- check in and print holds slip • Call patrons to let them know Holds are available • Check out held books to patrons • Put returned Holds books in a location to be picked up by TSPL Staff and returned to the New Liskeard location 	<ul style="list-style-type: none"> • Notify NC staff of any holds coming from NC branch • Check Holds list twice a week • Transport Holds books to Northern College once a week • Transport returned holds back to the New Liskeard location 	

Inter-Library Loans-- TSPL patrons	<ul style="list-style-type: none"> • Search TSPL collection for requested book • Provide patrons with ILL form to fill out if book not found in TSPL collection • Place ILL form in a location to be picked up by TSPL staff to be taken to the New Liskeard location and processed • Receive ILL books when delivered-- check in and print holds slip • Call patrons to let them know ILLs are available • Check out ILL books to patrons • Put returned ILL books in a location to be picked up by TSPL Staff and returned to the New Liskeard location 		<ul style="list-style-type: none"> • Resource Sharing-- Circ-6
Provide access to WIFI	<ul style="list-style-type: none"> • Provide WIFI password and support to patrons as needed 	None	None--Northern College policies can be used
Provide access to public access computers	<ul style="list-style-type: none"> • Provide any passwords and support to patrons as needed 	None	None--Northern College policies can be used
Provide access to printing, scanning and copying	<ul style="list-style-type: none"> • Collect fees for services as per Northern Colleges' policies 	None	None--Northern College policies can be used
Provide access to general library seating	<ul style="list-style-type: none"> • Monitor 	None	None--Northern College policies can be used
Provide access to washrooms	<ul style="list-style-type: none"> • Monitor 	None	None--Northern College policies can be used

**TEMISKAMING SHORES PUBLIC LIBRARY
CIRCULATION POLICY**

SUBJECT: Fines and Fees

POLICY NO: Circ-4

APPROVAL DATE: March 21, 2007

MOTION NO: 2007-9

REVIEW/AMENDMENT DATE: January 17, 2018

2018-02

REVIEW DATE: 1st quarter, 2022

1. Overdue fines will be charged according to the following table:

Material	Fine per item per day	Maximum per item
Adult material	\$0.25	\$5.00
Children's material	\$0.25	\$2.00
DVDs and Videos	\$1.00	\$5.00
Magazines	\$0.25	\$2.00
Walking poles	\$0.25	\$5.00
Backpacks and Games	\$1.00	\$5.00

2. Exceptions to Standard Fine Rates
- Institutional Cards (Teachers' cards) Fines not applied. Responsible for any lost or damaged materials
3. Library patrons shall be advised at the circulation desk if they owe fines. Patrons may not borrow additional materials if the amount they owe exceeds \$20. The library staff will not accept book donations, coffee, baking or other favours in lieu of fines.
4. At its discretion, supervising staff may waive some fines or fees for patrons who have experienced extreme hardship such as long-term hospitalization, imprisonment, eviction, fire or theft. It is the patron's responsibility to complete a form and to provide valid supporting documentation verifying the hardship. Library Pages are not to forgive fees or fines.
5. Patrons will be charged the replacement cost at today's retail value for lost, damaged or unreturned materials. The Temiskaming Shores Public Library does not accept substitutes for lost or damaged materials in lieu of replacement costs.
6. Replacement of the item will be left to the discretion of the Chief Executive Officer or the designate, in keeping with the library's Collection Development policy.

Circ-4

7. The library charges fees for some services:

Service	Fee
Photocopying	\$.25/page
Printing	\$.50/page
Faxing (long distance-local and 800 free)	\$1.50/page
Receiving fax	\$.50/page
Replacement Library Card	\$2.00
Nonresident fees (see Policy Circ-2)	\$75/year, \$50/6-months
Research fee	\$30/hour, \$10.00/15 minute lookup

8. Found / Returned Items

If the lost item is found and returned, you will be eligible for reimbursement of the replacement fee as long as the following criteria are met:

- It is within one year of the due date. No refund will be permitted after one year months.
- Proof of payment of replacement fee is provided in the form of the original receipt, or library staff are able to find proof of transaction in the account on the library system. No refund will be permitted without proof of payment.

9. Payment options

- Payment can be made at either branch of the library via cash, cheque or money order.

**TEMISKAMING SHORES PUBLIC LIBRARY
POLICY**

SUBJECT: Membership
APPROVAL DATE: May 18, 2005
LAST AMENDMENT DATE: November 18, 2015
REVIEW DATE: 4th Quarter 2019

POLICY NO: Circ-2
MOTION NO: 2005-34
2015-31

The Temiskaming Shores Public Library makes materials widely available to the community, in an equitable manner, in order to maximize the use of the collections. The Board ensures fair conditions for library membership and borrowing privileges while protecting resources in a responsible manner and in accordance with the *Public Libraries Act*, R.S.O. 1990, c. P44.

Library Membership and Borrowing

1. Membership for the Temiskaming Shores Public Library is free of charge to all taxpayers and residents of The City of Temiskaming Shores and contracting townships: Township of Casey, Township of Kerns, Township of Harley, and the Township of Hudson.
2. For all other membership applicants there is an annual, non-refundable, fee of \$75 per card per year. If members of a nonresident household wish, they may all use the same card with the checkout limits and restrictions of a single membership card upheld. A six month, non-refundable, membership may be purchased for \$50 with the same option of having a household card.
3. The information required from an applicant includes: name, address (street and postal), home and/or business phone number, or a telephone number where a message can be left, and an email address. An application form must be filled out and signed in person. Individuals must provide verification of address and identification by showing a document bearing his/her name and current address.
4. An application by a child under the age of 12 years shall be made on the child's behalf by the child's parent/guardian. Both the parent and the child must be present when the card is issued and the parent or guardian must present identification with name and address, and sign for responsibility for fines, damages or lost items.
5. Notwithstanding any provision of this policy, the CEO may issue a library card to individuals, groups, institutions or bodies, whether resident, incorporated or otherwise, upon such terms and conditions as the CEO may determine.
6. Personal information collected will be subject to the Temiskaming Shores Public Library Policy on Confidentiality & the Protection of Privacy (Policy Circ-5).

Conditions of Membership and Card Use

Circ-2

1. Membership is not transferable to other individuals, but may be used by the members of the same nonresident household as above.
2. An individual is entitled to only one library card. Lost or damaged cards will be replaced for a fee.
3. The card is the property of the Temiskaming Shores Public Library and must be returned on request.
4. Lost or theft of a card must be reported immediately; members are responsible for any materials borrowed on their cards until loss or theft is reported.
5. Change of address, name or phone number must be reported immediately.
6. Membership expires annually. Renewal requires verification of the member's name, address, telephone number and payment of outstanding monies owed to the library.
7. Membership is suspended when fines exceed \$20.00 and will be re-instated when all outstanding accounts are settled.
8. Membership can be suspended for violating library policies.
9. Children under 18 may not borrow DVDs or Videos.
10. A patron may borrow up to fifty items at a time on their card including no more than 6 videos/DVDs per card.
11. The library staff at their discretion and based on the member's borrowing history may limit the number of items borrowed by a member.
12. The Library reserves the right to restrict the number of books and/or the loan time of books in circumstances of heavy demand - i.e. school assignments, book club borrowing etc.
13. Reference materials are non-circulating to ensure ready access to information resources. In exceptional circumstances and at the discretion of the in-charge staff, reference material may be borrowed for a limited time. Photocopies may be taken free of charge (within reason) of non-circulating material.
14. Unique and/or fragile materials from the Local History collection cannot normally be borrowed from the library.
15. Microfilm reels may be used only in the library.
16. Where designated by the lending library, some interlibrary loan materials may be used only in the library.

Appendix 5 – Policy No: Circ-3 Loan Periods, Renewal, Reserves

TEMISKAMING SHORES PUBLIC LIBRARY POLICY

SUBJECT: Loan periods, Renewal, Reserves
APPROVAL DATE: Sept. 20, 2006
AMENDMENT DATE: January 18, 2017
REVIEW DATE: 1st quarter 2021

POLICY NO: Circ-3
MOTION NO: 2006-20
MOTION NO: 2017-3

Loan Periods

1. The normal loan period for all circulating library materials is twenty-one (21) days.
2. The video/DVD loan period is seven (7) days.
3. The lending library sets the loan period for inter-library loan materials.
4. Some reference works, some local history materials and all newspapers are not available for loan
5. At the discretion of the librarian, a longer loan time may be available for library patrons who will not be available to return materials within the 21 day loan period.

Renewals

1. All circulating library materials may be renewed for up to two (2) loan periods (original 3 week loan period and up to 2 more loan periods for a total of nine (9) weeks).
2. No renewals will be granted for items that are on reserve for another patron.
3. Renewals may be made by telephone, in person by email or via the patron's online library account.
4. Interlibrary loans will only be renewed with the cooperation of the lending library.

Reserves

1. Library items may be reserved in person, by telephone, by email or via the patron's online library account.
2. When the item becomes available, the patron will be notified and asked to pick up the item within the next 5 business days.

3. Items will be held for 5 business days before being passed along to the next patron on the list.

Returns

1. Materials borrowed may be returned to the library at the circulation desk or in the drop-box at either branch of the library.
2. Patrons are required to return or renew materials on or before the due date.

Circulation Records

Library Circulation and membership records will be used in accordance with *Confidentiality of Patron Information, Circulation Policy Circ-5*

Appendix 6 – Policy No: Circ-5 Confidentiality of Patron Information

Circ-5

TEMISKAMING SHORES PUBLIC LIBRARY POLICY

SUBJECT: Confidentiality of Patron Information
APPROVAL DATE: December 19, 2007
LAST AMENDMENT DATE: February 17, 2016
REVIEW DATE: 2nd quarter 2020

POLICY NO: Circ-5
MOTION NO: 2007-46
MOTION NO: 2016-6

The Temiskaming Shores Public Library adheres to its legal responsibility to protect the rights of the Library's patrons to privacy. In order to achieve the mission of the Library, and to encourage the uninhibited use of the Library's services, library patrons must be confident that the personal information they entrust to the Library remains confidential as required by law. The Temiskaming Shores Public Library abides by the provisions of the *Public Libraries Act, R.S.O. 1990, Chapter P. 44* and the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56*.

Definition:

A 'record' means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

1. Correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary materials, regardless of physical form or characteristics, and any copy thereof
2. Any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

The Library may keep collected confidential patron information on a permanent basis. This information includes, but is not limited to:

- All records identifying the names, addresses, contact information, or identification numbers of library patrons
- All records identifying the materials borrowed by any library patron
- All outstanding financial account balances
- All inter-library loan transactions
- All reserves placed, caught or held
- All sign-in sheets for internet

The following confidential patron information may be kept for up the twelve months:

- Reference questions asked by a library patron
- Items photocopied for library patrons
- Items faxed to or from library patrons
- Suggestions for purchase of library materials submitted by library patrons

Circ-5

- Sign in sheets for programs and other reasons
- Databases and other files or materials consulted by, or on behalf of, library patrons
- Internet or other online searches conducted by, or on behalf of, library patrons.
- Comments submitted by library patrons

The confidential information of library patrons will not be released to any person, other than the library patron, or his/her legal guardian, in the case of a child patron (under the age of 12, Policy Circ-2), or to any institution or agency for any reason save as may be required by Federal or Provincial legislation.

Requests for information from patron records by police and/or government officials shall only be provided on the presentation of a warrant. The CEO or his/her designate shall consult the Library Board's solicitor to ensure that the warrant is properly executed and to seek further advice. When appropriate, information shall be given only to the extent stated in the warrant.

Rights of Library Users

1. Library patrons are able to obtain information from their patron record:
 - a. In person by presenting his/her library card or by showing identification with their name and address
 - b. By telephone to a library staff member by having his/her library card number and verification of address and/or telephone number.
2. Library patrons are entitled to know:
 - a. What information is recorded in their patron records
 - b. What materials are charged out to them
 - c. The outstanding balance of their financial accounts, if any
 - d. The status of reserves placed on their behalf
3. Library patrons are entitled to ask that information in their records be corrected if possible.
4. Parents of children who have a children's library card may see the list of material their child has overdue. The parent must come in person; either be accompanied by the child or present the child's library card to verify that they are the child's parent/guardian. Requests by parents to see the list of material overdue for children who have an adult card must be referred to the Chief Executive Officer (CEO).
5. Library patrons are to be given a copy of this policy if there is a concern about privacy of information or if a patron has been refused access to confidential information as a result of this policy.

Appendix 7 – Policy No: Circ-6 Resource Sharing

Circ-6

TEMISKAMING SHORES PUBLIC LIBRARY POLICY

SUBJECT: Resource Sharing

POLICY NO: Circ-6

APPROVAL DATE: December 19, 2007

MOTION NO: 2012-30

LAST AMENDMENT DATE: June 21, 2012

LAST REVIEW DATE: February 17, 2016

2016-7

REVIEW DATE: 2nd quarter, 2020

Resource sharing through the provincial interlibrary loan network is a primary service that supports the mission of the Library by providing enhanced access to library materials and information. By participating in resource sharing, the Temiskaming Shores Public Library provides library patrons with access to shared collections, the collections of other libraries, and makes its collections available to other libraries. This policy establishes a commitment to resource sharing partnerships.

1. The Library will participate in resource sharing opportunities by:
 - a. joining collaborative initiatives such as material pools, and the provincial interlibrary loan network
 - b. using resource sharing as an adjunct to, not a substitute for, the library's collection
 - c. purchasing frequently requested titles
 - d. offering provincial interlibrary loan service to users in good standing

2. Interlibrary loan is a transaction in which the Temiskaming Shores Public Library borrows materials directly from another library on behalf of a patron, or another library borrows materials from the Temiskaming Shores Public Library on behalf of its user through INFO (Information Network for Ontario). The Library will:
 - a. adhere to the provincial interlibrary loan policies and participation standards
 - b. make its database of holdings available to the provincial interlibrary loan network
 - c. promote awareness of the interlibrary loan service
 - d. request materials not owned by the library or missing from the library's collection
 - e. request any type of library materials needed for the purpose of study, instruction, information, recreation, or research
 - f. not request items owned by the library and temporarily in use or on reserve
 - g. support the Library's book clubs and other book-based programming by requesting multiple copies of a book even if the library already owns a copy
 - h. strictly observe any conditions for use of loaned materials that are imposed by a lending library
 - i. not charge users a fee for borrowing via interlibrary loan

- j. consult with patrons in advance regarding fees charged by lending libraries
- k. be responsible for materials borrowed on behalf of patrons and pay for overdue charges, damage, or loss of material borrowed on interlibrary loan

Conditions of Interlibrary Loan--Borrowing

1. Requests for interlibrary loans may be made in person, by telephone or by email. A form must be filled out, and the borrower must be a library member in good standing with the library.
2. Borrowers shall be advised that interlibrary loans are sent by regular mail and that depending on the availability of the item there is a waiting period for requested material.
3. Borrowers shall be advised that not all materials may be available for interlibrary loans. For example, local history documents, DVDs, audiobooks, and very new books may not be available.
4. For microfilms, no more than 6 films per person can be on order at a time.
5. For all other items, no more than 3 items per person can be on order at a time.
6. Lists of items will not be accepted.
7. Items on loan from other libraries will not be held for pickup for longer than 5 business days.
8. The borrowing period for interlibrary loan materials is in accordance with the Temiskaming Shores Public Library's Loan Period policy
9. Renewal of interlibrary loan items is dependant on approval from the lending library. If a lending library has indicated that an item is not renewable, the patron will be advised.
10. Accurate records shall be kept by the Library staff of:
 - a. requests for materials made to other libraries;
 - b. materials which have been received from other libraries;
 - c. the date on which such materials are due back at the lending library;
 - d. the date on which materials are returned to the lending library.
11. All interlibrary loan materials must be returned to Temiskaming Shores Public Library and must not be returned to the lending library directly by the borrower.

12. Any member who shows repeated disregard for the rules concerning the borrowing of interlibrary loan materials may be denied this privilege.

Conditions of Interlibrary Loan—Lending

1. As a partner in the Provincial Inter Library Loan system, the Library will lend items to other libraries when requested through the INFO system.
2. Items on loan to other libraries will be processed using the INFO system and checked out on the home library system.
3. Items will be mailed to the borrowing library via Canada Post, using the Canada Post Shipping tool to print shipping labels.
4. The normal loan period will be one month. Exceptions may occur (book club requests, etc.) and will be assessed on a case by case basis.
5. Renewal requests will be accepted based on the popularity of the item on loan for up to one renewal.
6. The borrowing library will not be charged overdue fines, but will be charged for lost or damaged items.
7. Because of replacement costs the Library will not lend DVDs in series, audiobooks, microfilms, CDs or videos.
8. The Library may choose not to lend newer or popular titles that are in high demand at our libraries.
9. The Library reserves the right to recall items, with five days notice, before the given due date.

(February 17, 2016)

**TEMISKAMING SHORES PUBLIC LIBRARY
POLICY**

SUBJECT: Intellectual Freedom

POLICY NO: Col-2

APPROVAL DATE: December 16, 2010

MOTION NO: 2010-35

REVIEW/AMENDMENT DATE: February 20, 2019

2019-07

REVIEW DATE: 1st Quarter 2023

Recognizing that the board has a fundamental responsibility for upholding the principles of, as well as advocating for, intellectual freedom, this policy ensures the rights of individuals to access information.

1. The board adopts the Canadian Library Association's *Position Statement on Intellectual Freedom*, approved by the CLA Executive Council ~ June 27, 1974; Amended November 17, 1983; and November 18, 1985.
2. It is the responsibility of the board, and those who work in the library, to:
 - a) ensure that all library users have the fundamental right to have access to all expressions of knowledge, creativity and intellectual activity, and to express their thoughts publicly
 - b) guarantee and facilitate access to all expressions of knowledge and intellectual activity, including those which some elements of society may consider to be unconventional, unpopular or unacceptable
 - c) make available all of the library's public facilities and services to all individuals and groups who need them
 - d) resist all efforts to limit the exercise of these responsibilities, while recognizing the right of criticism by individuals and groups
3. The board directs the Chief Executive Officer to ensure that the principles of intellectual freedom are integrated into all organizational policies, procedures and practices.

Related Documents:

CLA Executive Council. *Position Statement on Intellectual Freedom*, approved ~ June 27, 1974; Amended November 17, 1983; and November 18, 1985
(Appendix A)

Appendix A



Canadian Library Association

200 Elgin Street, Suite 602, Ottawa, Ontario K2P 1L5
Telephone: (613) 232-9625 Fax: (613) 563-9895

Position Statement on Intellectual Freedom

All persons in Canada have the fundamental right, as embodied in the nation's *Bill of Rights* and the *Canadian Charter of Rights and Freedoms*, to have access to all expressions of knowledge, creativity, and intellectual activity, and to express their thoughts publicly. This right to intellectual freedom, under the law, is essential to the health and development of Canadian society.

Libraries have a basic responsibility for the development and maintenance of intellectual freedom.

It is the responsibility of libraries to guarantee and facilitate access to all expressions of knowledge and intellectual activity, including those which some elements of society may consider to be unconventional, unpopular, or unacceptable. To this end, libraries shall acquire and make available the widest variety of materials.

It is the responsibility of libraries to guarantee the right of free expression by making available all the library's public facilities and services to all individuals and groups who need them.

Libraries should resist all efforts to limit the exercise of these responsibilities while recognizing the right of criticism by individuals and groups.

Both employees and employers in libraries have a duty, in addition to their institutional responsibilities, to uphold these principles.

Adopted and approved by CLA Executive Council June 27, 1974;
Amended November 17, 1983 and November 18, 1985.

Borrowing of materials between Temiskaming Shores Public Library (TSPL) and Northern College Library (NCL)

At times TSPL patrons may wish to check out a NCL item or two or vice versa amongst the items they wish to borrow from the Northern College Library location. This is acceptable if there are only a few items from the other collection among the items the patron wishes to borrow. If there are more than a few items, then a card for the library which owns the items should be issued to the patron under the reciprocal borrowing agreement.

The procedure for checking out a few items is to log in to the version of WorkFlows to which the patron belongs and create a Fast Add/Brief Record for the item using a barcode index card from the library to which the patron belongs. The item is then circulated to the patron and is subject to the circulation policies of the lending library. When the item is checked in, the brief record is deleted and the item is marked used in the home library system.

The maximum number of college items to be loaned at a time to members of the public is 2.

1. Log in to the version of WorkFlows to which the patron belongs. If the patron is a TSPL patron then log into the TSPL WorkFlows. If the patron is a Northern College patron then log into NCL WorkFlows. It will be necessary to create a brief record for the item.
2. In the Circulation module under the Items menu, click the “Add brief title” wizard. This will open up a brief cataloguing record
3. In the upper middle of the upper group of information there is a Title field, number 245 with ****REQUIRED FIELD**** showing in the data field. Enter the title of the book being borrowed in the following format: NCL—[TITLE OF BOOK BEING BORROWED], or TSPL—[TITLE OF BOOK BEING BORROWED]. Enter the title in all caps to help flag the item when it is returned.
4. Next move to the lower group of information. Ensure that the “Item Type” matches the type of material in hand by clicking on the dropdown and selecting it if necessary. Click on the Item ID field and scan a Barcode Index Card into the item ID field.
5. Next, click on the Common Tasks menu. Click the Check Out wizard and check the item out to the patron using the Barcode Index Card. File the Barcode Index Card.
6. When the item is returned, click on the Items menu and use the Delete Call Number, Title or Items Wizard to delete the item.
7. In the item’s home library, Click on the Special menu and use the Mark item used Wizard to log the checkout stat for the item’s home library.
8. Re-shelve the item.

An Agreement for Reciprocal Borrowing Between

**The Temiskaming Shores Public Library—Haileybury Satellite Location
And
The Northern College Library—Haileybury Campus**

Temiskaming Shores Public Library has entered into a reciprocal borrowing agreement with The Northern College Library—Haileybury Campus. This agreement permits Temiskaming Shores Library cardholders to get a free library card from the Northern College Library—Haileybury Campus and borrow items from its collection. Cardholders from the Northern College Library—Haileybury Campus are also eligible to get a free library card from the Temiskaming Shores Public Library and borrow items from its collection.

Terms of the Reciprocal Borrowing Agreement

- Patrons must present a valid library card from their home library, as well as an official piece of identification with correct name and current address.
- Patrons will accept the borrowing terms, policies and procedures of the lending library.
- Materials available for reciprocal borrowing will be at the discretion of the owning library.
- Patrons will be held responsible for overdue, lost or damaged items.
- Patrons who abuse their privileges will be disqualified from reciprocal borrowing privileges.

Termination of this agreement shall take place under the following provision:

- By mutual agreement of both parties

This agreement will become effective after ratification and signing by the authorized representatives of each party.

Library Representative

College Representative

Date

Date

Appendix 11 – Guest Use of Computer & Electronic Resources

Guest Use of Computer & Electronic Resources

Computers, electronic information resources, and other technology devices are essential resources for accomplishing Northern College's mission of excelling in quality, accessible education through innovative programs, services and partnerships for the benefit of our northern communities.

This procedure governs access to public computers by guests unaffiliated with the Northern College community. The objectives of this procedure are:

- To ensure that Northern College Library public computers are available and accessible to current Northern College and affiliated post-secondary institutions students.
- To provide all other guests with courtesy access to public computers for limited periods of time and to provide a mechanism for guests with legitimate research needs to extend their courtesy access.

In using the library's computing and technology resources, all users agree to abide by all relevant Library and Northern College procedures as well as all federal, provincial and local laws. Users must adhere to the Northern College [Information Technology Policy](#), which outlines acceptable and unacceptable uses, privacy and security measures, and enforcement of the policy. For use of Library-provided computing and technology resources, the College's Information Technology policy is amplified as follows:

1. Access to and use of Library computing and technology resources

a. With few exceptions at the Library's discretion, Northern College authentication is required for use of all Library computers, hardware and software, technology resources, and networks. Northern College strongly discourages the sharing of your Northern College account, privileges granted to it, and its access credentials (i.e., passwords, login codes, etc.) with anyone else.

b. While unaffiliated guest users are welcome to register for and use most library computing and technology resources, priority use is given to Northern College students. These resources are primarily intended for research, study, and professional activities. There may be restrictions on some workstations, equipment and software applications in the Libraries, based on workstation location, licensing terms, and/or demand for use.

The library will provide up to one (1) hour of computer access to any guest, independent of affiliation. At the expiration of this period, computer access will end. Guests who wish additional time will be required to meet with a library staff member for a research consultation to certify that their research needs require access to computer resources. This access will be granted at the discretion of the library staff.

c. Users of workstations shall not make any attempt to damage computer equipment or software, alter software configuration, conduct any malicious activities using the College network or data, or engage in any illegal or criminal activities.

2. Acceptable use of electronic information resources

Electronic information resources made available by Northern College Libraries to students, staff, faculty, and other authorized users are for instructional, research, and other activities that support the College's mission. Contractual license agreements and Canadian Copyright Law govern the access, use, and reproduction of these resources.

4. Internet content

a. Library workstations provide unfiltered access to the Internet. Patrons should be aware that some Internet sites may contain materials that some find offensive or controversial.

Subject: ZBA-2019-06 – Jarlette Ltd.
Grant Dr. & Drive-In Theatre Rd.

Report No.: CS-068-2019
Agenda Date: December 3, 2019

Attachments

- Appendix 01:** Planning Justification Report
- Appendix 02:** Application and Public Notice
- Appendix 03:** Site Servicing and Stormwater Management Report
- Appendix 04:** Scoped Species at Risk Review and Results of Bobolink and Meadowlark Survey
- Appendix 05:** Draft By-law to amend City of Temiskaming Shores Zoning By-law 2017-154

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CGP-068-2019;
2. That Council agrees to amend the provisions of the City of Temiskaming Shores Zoning By-law 2017-154 to permit the zone change from Highway Commercial (C2) and Development to Community Facilities Exception (CF-2);
3. That Council directs staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law 2017-154 for consideration at the December 3, 2019 Regular Council Meeting.

Background

The applicant, Jarlette Ltd, is the owner of the Temiskaming Lodge facility in Haileybury, and is seeking approval of a Zoning By-law amendment to permit the development of up to a 256-bed long-term care facility on the subject property, which would include ancillary commercial uses and potentially a seniors residence in the second phase of the development. The first phase will include 128 beds as well as the common areas, service, and administration areas. The proposed building would be 2-storeys in height and the property would have two entrances onto Drive In Theatre Road, one on the east side of the building and the other on the west side of the building.

In May, 2019 the applicant submitted consent applications to the City in order to create the area needed for the long-term care facility. Provisional consent was granted by the Committee of Adjustment on June 26, 2019, subject to a number of conditions that must be fulfilled. As per Section 53(41) of the Planning Act, the conditions must be fulfilled within one year of the giving of the notice of approval in order to finalize the consent. If the conditions are not fulfilled within this timeframe then the consent approval lapses and submission of a new application would be required. Approval of the Zoning By-law

amendment is one of the conditions of provisional consent that must be fulfilled before the consent can be finalized.

Notice of the application was advertised in the Temiskaming Speaker on October 30, 2019 in accordance with the requirements of the Planning Act. Notice was also mailed to property owners within 120m of the subject property in accordance with the City's common practice.

The Planning Act also sets out the list of agencies and public bodies that must be circulated notice of Planning Act application. These notices were sent out in accordance with the Planning Act requirements and no comments have been received as of November 25, 2019.

Municipal department heads were circulated on these applications, including the supporting information. The following comments were received:

Director of Public Works

- ✓ *The subject lands are located in the former Township of Dymond, east of Highway 11 and fronting Drive-In Theatre Road at the corner of Grant Drive. This property may be serviced with municipal water and sanitary sewer from Grant Drive, and there are current plans to upgrade the water distribution system in this area to accommodate this and other future developments.*
- ✓ *Water metering and back flow prevention devices may be required at this development.*
- ✓ *As noted above, the subject lands can be accessed directly off of Drive In Theatre Road via Highway 11 north, as well as Grant Drive, from the south, off of Highway 65. All roadways have a bituminous asphalt surface and are maintained on a year-round basis. Future plans include the resurfacing of Drive In Theatre Road as well as an extension to Grant Drive from Wilson Avenue to Highway 65E.*
- ✓ *There are no concrete sidewalks or curb & gutter present and roadway drainage is by open ditch. A lot grading plan will be required and a storm water management plan may also be required by the Ministry of Transportation.*
- ✓ *Currently there are no street lights in this area of the municipality, however preliminary discussions have initiated plans for future installations.*
- ✓ *MTO review of the application may be required.*
- ✓ *An Entrance Permit for the construction, modification or upgrade to a driveway/entrance will be required from the City of Temiskaming Shores.*
- ✓ *The Public Works Department has no objections to this application.*

Fire Chief – *I do not have any objections to this application but do make the following comments regarding water servicing requirements for this facility:*

1. *The Site Servicing Report indicates under Subsection 3.2 that “Based on this current information a 200mm service connection has adequate capacity to service the proposed building for domestic water consumption, and to service the fire*

hydrant onsite.” Water Servicing Requirements must also take into consideration other fire protection systems such as sprinkler systems and fire hose cabinets where required within the facility. The Site Servicing Report does not appear to mention these other fire protection systems.

- 2. With the current construction of the residential units on Grant Drive and the proposed construction of the Temiskaming Lodge facility, we must ensure sufficient water pressure within the City’s water main systems are capable to provide the pressures required to meet the water servicing requirements for this facility and to this area of the City particularly for fire protection.*

Director of Recreation – *The STATO trail runs along the east side of Grant Drive. Should any further amendments be proposed that include an entrance off Grant Drive there needs to be consideration made for the trail.*

City Manager – *I have no concerns.*

Clerk – *The Clerk’s office has no objections to ZBA-2019-06 – Temiskaming Lodge.*

Economic Development Officer – *Looks great! I hope they are able to move ahead in the spring!*

Treasurer – *I have no issues with the application.*

The statutory public meeting was held on November 19, 2019. No members of the public made oral submissions at the public meeting and no formal or informal comments have been received as of November 25, 2019.

Analysis

The applicant provided a comprehensive application package, including a Planning Justification Report, architectural and engineering drawings, a Site Servicing and Storm Water Management Report, and a species at risk assessment as well as a report completed subsequent to on-site observations. No concerns or issues were identified in any of the reports submitted by the applicant.

As stated in the comments from the Director of Public Works, although direct access to the property is via municipal roadways, access to the area in general is available primarily by either Highway 11 or Highway 65. As such, the Ministry of Transportation (MTO) was consulted on this request. Through consultation with MTO on a previous iteration of this proposal it was indicated that the long-term care home portion of the project was sufficiently considered in the City’s Grant Drive Traffic Impact Study and as such further traffic information would not be required, however future phases, including any residences for seniors, were not covered in the City’s study and would need to be addressed prior to development. The applicant has been made aware that the MTO will require further traffic study as part of a complete site plan control application for the future phase including the seniors residence.

The applicant engaged the services of Brandi Clement from the Jones Consulting Group to prepare a Planning Justification Report and draft the required amendment in

support of the proposal. The Planning Justification Report is attached as Appendix 01 and provides information regarding the application within the policy framework. City staff concur with Ms. Clement’s conclusion that the proposed Zoning By-law amendment is consistent with the Provincial Policy Statement (2014), does not conflict with the Northern Ontario Growth Plan, complies with the City of Temiskaming Shores Official Plan, and represents good planning. It is recommended that Council adopt the proposed Zoning By-law amendment.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Staffing implications related to this matter are limited to normal administrative functions and duties.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and approved by:

Reviewed and submitted for Council’s consideration by:

“Original signed by”

“Original signed by”

“Original signed by”

Jennifer Pye, MCIP, RPP
Planner

Shelly Zubyck
Director of Corporate Services

Christopher W. Oslund
City Manager



Excellence Reliance Innovation

Southeast Corner of Drive-in Theatre Road and Grant Street,
 Dymond, City of Temiskaming Shores

Jarlette Ltd.

Planning Justification Report
Zoning By-law Amendment

October 2019

The Jones Consulting Group Ltd.
 #1-229 Maplevue Drive East, Barrie ON L4N 0W5

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1.0 INTRODUCTION

On behalf of our client, Jarlette Ltd., we are pleased to provide this Planning Justification Report in support of a Zoning By-law Amendment application for lands located at the southeast corner of Drive-in Theatre Road and Grant Drive, City of Temiskaming Shores, District of Timiskaming. This planning report reviews factors relating to location, existing and proposed land uses, existing land use policies, and is supplementary to the application and reports submitted in support of the development proposal.

2.0 PROPERTY LOCATION AND SITE DESCRIPTION

The subject lands are located in the City of Temiskaming Shores along Drive-in Theatre Road and Grant Street (**Figure 1**). The subject lands are legally described as Part of North Half of Lot 9, Concession 3, Geographic Township of Dymond, City of Temiskaming Shores, District of Timiskaming. The lands subject to the Zoning By-law Amendment application comprise a total area of approximately 4.5 hectares (11.1 acres).

Figure 1: Location Map



The lands are located within the settlement boundary of the Town of Dymond, are rectangular in shape, and have frontage directly onto Drive-in Theatre Road to the north and Grant Drive to the west, both of which are existing local roads. A daylight triangle is provided at the intersection that has been dedicated previously to the Municipality. The lands are currently vacant of any structures, and contain few trees and gentle slopes, 5% or less. The lands were subject to two applications for a Consent to Sever which are detailed below. The applications were approved on June 26, 2019. The lands are actively farmed even though they are located within the settlement boundary.

3.0 EXISTING AND SURROUNDING LAND USES

The subject lands are currently vacant of any structures and have been in hay for years. Other lots adjacent to the subject lands have been built on, are currently being built on, and/or are vacant. Our understanding is that a reference plan completed in approximately 2007 was done to create Grant Drive to the west of the subject lands.

The surrounding land uses are as follows (**Figure 2**):

- North: Residential Subdivision
- East: Vacant Lands
- West: Residential and commercial uses
- South: Vacant Lands and commercial uses to the southwest

Figure 2: Surrounding Land Uses



The subject lands are situated on the eastern limit of Dymond, within the settlement boundary, and are surrounded by existing areas of mixed-use, residential development and open space uses, including Canadian Tire, Walmart, HUSKY, Holiday Inn Express, and the New Liskeard Golf Club. Throughout Dymond there are several small undeveloped parcels of land, however, the subject lands represent a large majority of the undeveloped land supply in the Town. The proposal will facilitate development in the southeast quadrant of the settlement, which is primarily undeveloped.

4.0 PROPOSED DEVELOPMENT CONCEPT

An application has been submitted to the Municipality that includes a Zoning By-law Amendment Application and all accompanying materials. Previously, Consent to Sever applications were approved that created the subject lands where the development will be sited. This is discussed in more detail below. The Zoning By-law Amendment Application will provide the appropriate policy structure for the proposed development and will recognize exceptions to specific permitted uses.

More specifically, the proposed Zoning By-law Amendment application will rezone the subject lands from the Development (D) and Highway Commercial (C2) Zones to the Community Facilities Exception (CF-2) Zone to facilitate a proposed multi-phase Continuum of Care Campus. Designed as a comprehensive nucleus of seniors' services, the Continuum of Care Campus may offer all levels of care, ranging from independent and assisted living, to both long- and short-term skilled nursing care. In this, Temiskaming Lodge will become a centralized hub for both residents and the elderly population living in the surrounding area.

Included in this proposed Continuum of Care Campus, will be a Long-Term Care Centre (hereafter referred to as LTC Home), and ancillary commercial services such as a beauty salon, café, retail/tuck shop, and medical services and offices. Currently Jarlette Ltd. operates an existing long-term care facility within the municipality, located in Haileybury. The proposed LTC Home on the subject lands will facilitate the expansion of operations and their capacity to accommodate residents. Residents of the existing home will be transferred to the new facility in Dymond as they wish, and the balance of residents will move to the new home in Dymond.

The proposed LTC Home on the subject lands will contain up to 256 beds within a two-storey building with a main floor area of 8,097 square metres. The building is proposed to be centrally located on the east half of the site and will be built in two phases. Total gross floor area for Phase 1, which consists of 128 LTC beds and the common areas, support and services space will be approximately 8,263 square metres. Within Phase 1, a common area, support and services space will be built comprising an area of approximately 1,578 square metres on the first floor and approximately 252 square metres on the second floor and will be located central to the north wing (Phase 1) and south wing (Phase 2). Two accesses from Drive-in Theatre Road will be constructed as part of Phase 1, including the main entrance that feeds into a drop-off area in front of the common area space. Phase 1 will also see the construction of 126 parking stalls with 6 barrier free parking stalls and landscape buffers around the perimeter of the property. Parking for Phase 1 will be situated to the east and west of the building

Long Term Care facilities are also proposed in Phase 2 and may contain approximately 128 units within a two-storey building with a main floor area of approximately 3,281 square metres. The building is proposed to mirror Phase 1 and will be oriented away from the property frontage along Drive-In Theatre Road on the east half of the site, south of the common areas, support and services space. Parking will be located to the east and west of the building. Approximately 85 parking spaces are proposed for Phase 2. In addition, Phase 2 may include a Seniors' Retirement Residence on the western portion of the subject lands. The design and site layout of the Seniors' Retirement Residence will be determined during the detailed Site Plan process.

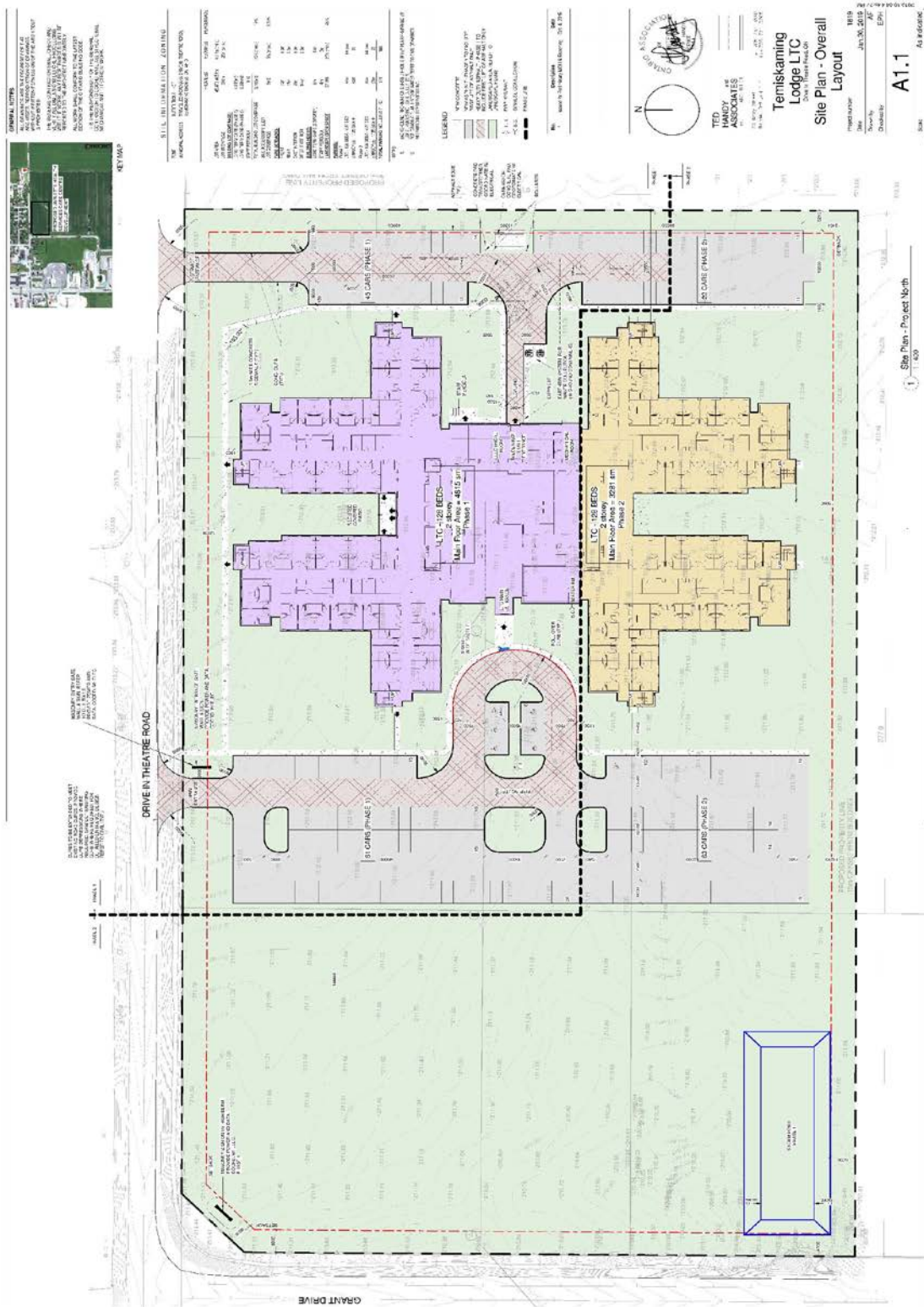
As previously noted, the subject lands are approximately 4.5 hectares (11.1 acres) in size with approximately 275 metres of frontage provided along Drive-in Theatre Road and approximately 164 metres of frontage along Grant Drive. The lands are currently farmed and void of any structures. The

proposed development will frame the frontage south of Drive-in Theatre Road across the street from an existing residential subdivision. Two accesses to the development will be provided from Drive-in Theatre Road, the main entrance will be from the western access from Drive-in Theatre Road where a drop-off area has been located. A 0.3 metre reserve along Grant Drive will be dedicated to the City through the consent process. A daylighting triangle has previously been dedicated at the corner. These lands are within the settlement of Dymond and through current Official Plan policies have been identified for future development.

The lands will be serviced by municipal water and sewer services. A Site Servicing and Stormwater Management Report has been prepared in support of the proposed development. The findings of this Report are outlined further in Section 6.0 of this Report, however, it was concluded that the proposed development can be adequately serviced with respect to existing water and sewer services. Stormwater management will be provided by a pond located to the southwest of the site which will provide both quality and quantity measures. A Scoped Species at Risk Assessment was prepared in November of 2018 in support of the application and concluded that there may be potential for Bobolink and Eastern Meadowlark habitat subject to further review in the summer of 2019. As such, in August of 2019 a Bobolink and Meadowlark Survey was conducted on the lands which concluded there is no potential for Bobolink and Easter Meadowlark breeding habitat on the lands.

The lands are currently designated Mixed-Use Areas within the City of Temiskaming Shores Official Plan, and zoned Development (D) and Highway Commercial (C2) in the City of Temiskaming Shores Zoning By-law 2017-154. In order to permit the proposed uses on the subject lands, a Zoning By-law Amendment Application has been submitted to rezone the lands to the Community Facilities Exception (CF-2) Zone which permits the proposed Continuum of Care Campus building. This is discussed further in Section 5.6.

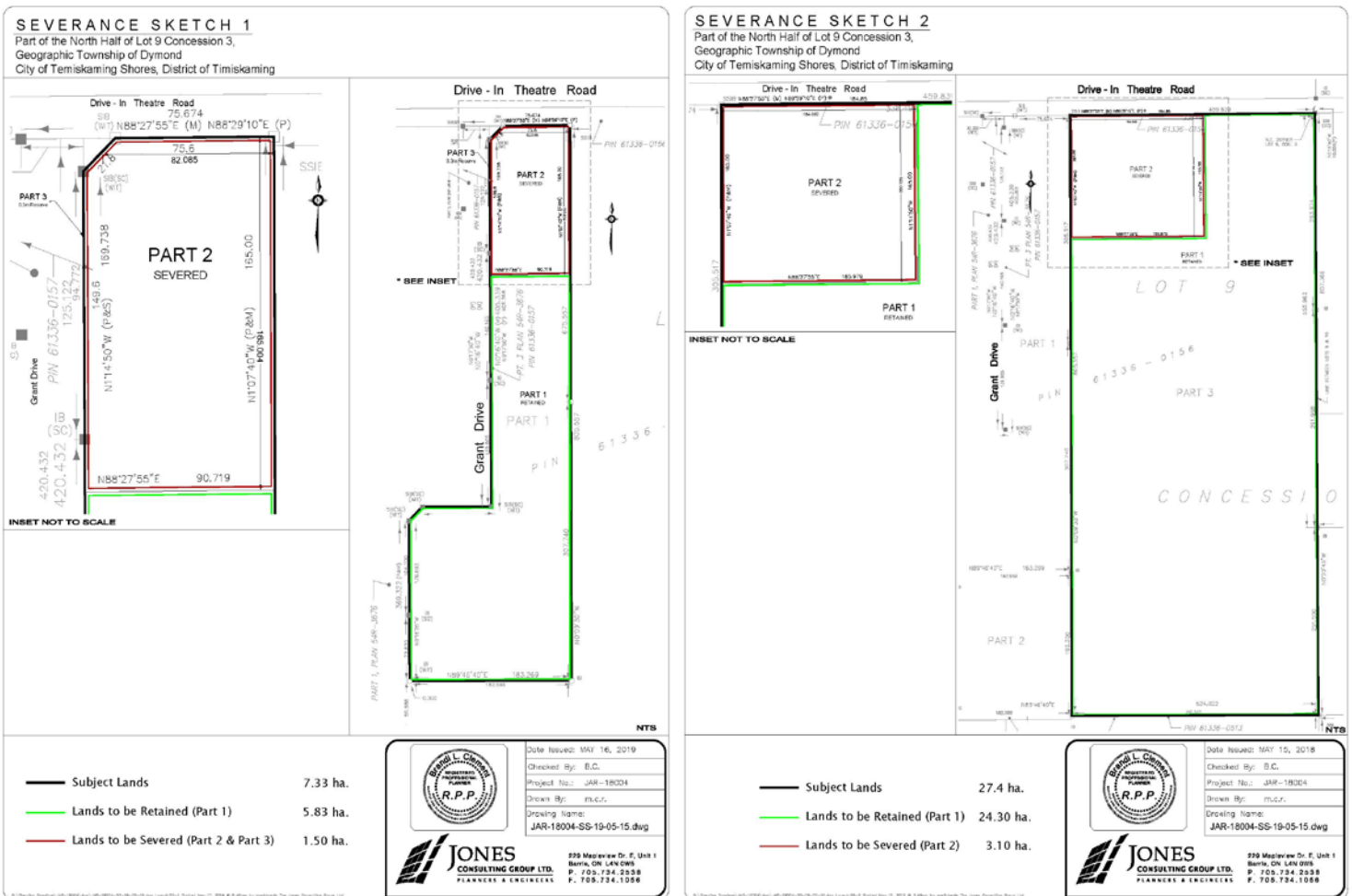
Figure 3: Concept Plan



Consent to Sever

Two applications for Consent to Sever were submitted resubmitted in May 2019 and subsequently approved on June 26, 2019. These two applications will create the subject lands where the proposed development will be situated. The property boundary to be created straddles two separate parts on a reference plan, as such, the subject property will be created through two separate severance applications (**Figure 4**). Legally, these lands will be merged together once created so that for the purposes of this development the subject property will be considered as one. There is no intention of these lots to work independently of each other or for them to be separately conveyed.

Figure 4: Consent to Sever Sketches



5.0 PLANNING ACT AND POLICY ANALYSIS

The following subsections summarize land use planning policies established by the Province of Ontario and the City of Temiskaming Shores.

5.1 Planning Act (R.S.O. 1990, c. P.13)

The Planning Act is a comprehensive legislative framework that provides the enabling authority for land use planning and development within Ontario and delegates power to the different levels of government including the Province, upper and lower-tier municipalities, as well as to the role of the former Ontario Municipal Board (OMB), now the Local Planning Appeal Tribunal (LPAT). The Act describes how land uses may be controlled and who may control them within the Province. The Planning Act requires planning decisions to “conform to” Provincial policy and “be consistent with” Provincial Policy Statements, such as the Growth Plan for Northern Ontario, 2011, and The Provincial Policy Statement (PPS), 2014, discussed in detail in this Report.

The purpose of the Act is to promote sustainable economic development in a healthy natural environment through a land use planning system led by provincial policy which integrates matters of provincial interest into provincial and municipal planning decisions. Upper-tier plans are approved by the Minister of Municipal Affairs and Housing and must be consistent with Provincial Policy enabled by the Planning Act. By virtue, municipal Official Plans that are required to conform to the upper-tier municipal plan, are consistent with Provincial policy. The Act provides the basis for preparing Official Plans and policies to guide development, regulating and controlling land uses through zoning by-laws and minor variances, dividing land through plan of subdivision or land severance, ensuring citizens are notified about proposals and given an opportunity to express their views before municipal council and in cases of appealed decisions, the Local Planning Appeal Tribunal (LPAT), and exempting official plan and official plan amendments from provincial or upper-tier approval.

Recent Bills that have come into force, such as Bill 131 and Bill 73, are legislative amendments to the Planning Act which change the framework for which planning in Ontario can be undertaken. The policy changes introduced in Bill 73 are intended to encourage greater community involvement in the planning process, whereas, the changes introduced in Bill 131 are intended to ensure the land use planning appeals system is efficient and effective, by introducing a new Local Planning Appeal Tribunal (LPAT).

All planning decisions within the Province must be carried out in accordance with the Planning Act. The following subsections discuss how the application has regard to matters of Provincial Interest and the powers for municipalities to approve requests to amend the Comprehensive Zoning By-law.

5.1.1 Matters of Provincial Interest

The Planning Act requires planning decisions to have regard to the following matters of Provincial interest:

- (a) the protection of ecological systems, including natural areas, features and functions;

The Scoped Species at Risk Assessment prepared concludes that there are no natural heritage features of protected habitat that would prevent development of these lands.

- (b) the protection of the agricultural resources of the Province;

The application proposes to develop lands designated and zoned for development.

- (c) the conservation and management of natural resources and the mineral resource base;

No mineral resources have been identified on the lands.

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

An Archaeological Assessment was not required as the lands are not identified as having archaeological artifacts.

- (e) the supply, efficient use and conservation of energy and water;

The development will be connected to full municipal services efficiently utilizing existing infrastructure without the need for expansion, and will provide stormwater management in accordance with the most current standards.

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

The development will be accessed from one existing local road Drive-in Theatre Road, will be connected to full municipal services, and will utilize the City's waste management services.

- (g) the minimization of waste;

The proposed development will adhere to the existing waste management program and the operations currently in place within the City and will adhere to any waste management conditions contained within a future Site Plan Agreement.

- (h) the orderly development of safe and healthy communities;

The proposed development is surrounded by a range and mix of uses and will be built in phases. The site plan will be designed in consideration of the Crime Prevention through Environmental Design (CPTED) principles which promote safe and healthy communities.

- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

The final site plan for the development will be designed in accordance with the Ontario Provincial Standards (OPSD) as required and necessary for the type of development that is proposed.

- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

The application proposes the development of a Long Term Care Centre and Seniors' Retirement Residence which will facilitate the relocation/expansion of an existing operation. Programming within the Home will foster a social, cultural, recreational and educational environment for the residents

- (j) the adequate provision of a full range of housing, including affordable housing;

The application proposes the development of housing for seniors in retirement and those requiring long term living assistance within a larger facility than what currently exists in the City.

- (k) the adequate provision of employment opportunities;

The proposed development will create a total of approximately 50 jobs within the LTC Home and shared common space. If and when the Seniors Retirement Residence is constructed additional jobs will be created at this time.

- (l) the protection of the financial and economic well-being of the Province and its municipalities;

The City's financial and economic well-being will not be negatively impacted as a result of the proposed development.

- (m) the co-ordination of planning activities of public bodies;

Coordination with required public bodies was undertaken as part of this application and the associated Consent to Sever application. This includes discussions with the Ministry of Natural Resources and Forestry, Ministry of Transportation and various departments within the City of Temiskaming Shores.

- (n) the resolution of planning conflicts involving public and private interests;

The application will be considered at a statutory Public Meeting which will provide the public the opportunity to comment on the proposed development. The comments provided will be reviewed by the applicant and City staff to identify if the application is acceptable and if revisions are required to the proposal to a reasonable degree. During circulation of the application by the Municipality various agencies are also provided the opportunity to comment on the proposed development. Furthermore, the developer is hosting an Open House to introduce the project to the Long Term Care Home residents and the Dymond neighbourhood prior to the statutory public meeting.

- (o) the protection of public health and safety;

The proposed development will be constructed to the building code requirements in terms of health and safety. Furthermore, special consideration will be given throughout the design of the building due to the nature of the development being proposed.

- (p) the appropriate location of growth and development;

The proposed development is located in an area with a range and mix of existing uses. The subject lands are already designated and zoned for development suggesting that the Municipality has identified this is an appropriate location for development.

- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

The proposed development will be sited on the subject lands to support a pedestrian scale environment along Drive-in Theatre Road and Grant Drive. The development will efficiently use existing land and infrastructure and is in proximity to the City's transit system which provides connections to the Hospital and various other public services facilities, commercial and recreation uses.

- (r) the promotion of built form that,

(i) is well-designed,

(ii) encourages a sense of place, and

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The application proposes to develop the site with a high quality built form and attractive design which complements the existing built form and character of the area and which will contribute to establishing a sense of place southeast of Drive-in Theatre Road and Grant Drive. The development will be an asset to the neighbourhood.

5.1.2 Zoning By-laws (Section 34)

Zoning by-laws

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

The lands proposed for development are currently located within the Development (D) and Highway Commercial (C2) zones within the City Zoning By-law 2017-154.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the

minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

The built form of the development is proposed in accordance with the development standards within the Zoning By-law as they relate to minimum lot area, frontage, setbacks, and height. An application for a Zoning By-Law Amendment is proposed to rezone the subject lands to the Community Facilities Exception (CF-2) zone which permits the land uses proposed and is more appropriate for the type of uses proposed.

Consultation

(10.0.1) The council,

(a) shall permit applicants to consult with the municipality before submitting applications to amend by-laws passed under this section; and

(b) may, by by-law, require applicants to consult with the municipality as described in clause (a). 2006, c. 23, s. 15 (3).

A preliminary consultation meeting was held via teleconference prior to preparing or submitting any applications to amend the City By-law 2017-154.

Prescribed information

(10.1) A person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section shall provide the prescribed information and material to the council. 1996, c. 4, s. 20 (5).

The required information identified during the Preliminary Consultation meeting has been prepared and submitted in support of the applications for the proposed development.

Other information

(10.2) A council may require that a person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section provide any other information or material that the council considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 15 (4).

All information requested in support of the application to amend the City by-law has been submitted. If throughout the process additional information is requested, then additional materials can be submitted as necessary.

Notice of particulars and public access

(10.7) Within 15 days after the council gives an affirmative notice under subsection (10.4), or within 15 days after the Tribunal advises the clerk of its affirmative decision under subsection (10.5), as the case may be, the council shall,

(a) give the prescribed persons and public bodies, in the prescribed manner, notice of the application for an amendment to a by-law, accompanied by the prescribed information; and

(b) make the information and material provided under subsections (10.1) and (10.2) available to the public. 2006, c. 23, s. 15 (4); 2017, c. 23, Sched. 5, s. 80.

The expectation is that the notice of particulars and public access will be carried out by City Council in accordance with the requirements of Section 34 (10.7) (a and b).

Information and public meeting; open house in certain circumstances

(12) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (26),

(a) the council shall ensure that,

(i) sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by the council, and

(ii) at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the proposed by-law; and

Information regarding the proposed development and associated Zoning By-law Amendment shall be distributed by the City and a Statutory Public Meeting will be held to give the public an opportunity to make representations in respect of the application for amendment. Furthermore, the developer has opted to host an Open House to introduce the development to the public and provide the public with an additional opportunity to comment.

Notice

(13) Notice of the public meeting required under subclause (12) (a) (ii) and of the open house, if any, required by clause (12) (b),

(a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and

(b) shall be accompanied by the prescribed information. 2006, c. 23, s. 15 (6).

The City will ensure a notice of the public meeting is circulated to the prescribed persons and bodies and is accompanied by the prescribed information.

Timing of public meeting

(14.1) The public meeting required under subclause (12) (a) (ii) shall be held no earlier than 20 days after the requirements for giving notice have been complied with. 2006, c. 23, s. 15 (6).

The statutory public meeting will be scheduled and held in accordance with the timing requirements of Section 34 (14.1).

Participation in public meeting

(14.2) Every person who attends a public meeting required under subclause (12) (a) (ii) shall be given an opportunity to make representations in respect of the proposed by-law. 2006, c. 23, s. 15 (6).

It is expected that all of those who attend the statutory public meeting with respect to the proposed application for amendment will have an opportunity to make representations

In our professional opinion, the proposed application for Zoning By-law Amendment has regard to the Planning Act.

5.2 Places to Grow (PTG) Growth Plan for Northern Ontario, 2011

The Places to Grow Act was established in 2005 and was the catalyst for the Growth Plan for the Greater Golden Horseshoe, 2006 and the Northern Ontario Growth Plan, 2011, which took effect on March 3, 2011. The Northern Ontario Growth Plan is an important tool for the Provincial Government to implement growth management for the Northern Ontario region and to plan for growth in a way that supports economic prosperity and achieves a high quality of life up until the year 2036. The City of Temiskaming Shores is within the Northern Ontario Growth Plan Area.

The Plan is in part an economic development plan, an infrastructure investment plan, a labour market plan and a land-use plan. It is a Plan that recognizes the interconnected contribution of people, communities, infrastructure, and the environment to a successful and sustainable economy. It is a Plan that recognizes and builds upon the unique characteristics of Northern Ontario, including a bilingual workforce in many communities. It also recognizes that a successful future for Northern Ontario can only be achieved if it is built upon a new relationship and a new spirit of partnership with Aboriginal peoples.

This Plan includes policies for enhanced collaboration on various matters with Aboriginal communities and their representative organizations but has no force or effect on First Nation reserve lands.

The lands within the Northern Ontario Growth Plan Area are also governed by the Public Lands Act, the Far North Act, 2010, and the Planning Act. The Public Lands Act applies to public lands, which include Crown lands administered by the Ministry of Natural Resources and Forestry. Land-use planning in the Far North is also governed by the Far North Act, 2010, and provides that where there is a conflict between a Far North land use strategy and a growth plan, the strategy prevails. Further, if there is a conflict on matters related to land use between a growth plan and the mandatory requirements of a community-based land-use plan, those matters included in the community-based land-use plan prevail. In instances where there is a conflict between a provincial policy statement issued under section 3 of the Planning Act and the Northern Ontario Growth Plan, this Plan prevails. Important to note is that the subject lands are not subject to a Far North land use strategy.

This Plan is to be read in conjunction with the Crown Land Use Policy Atlas, any applicable Far North land use strategy, community-based land-use plan or provincial policy statement.

The Plan's vision will involve the combined efforts of governments and diverse partners across Northern Ontario, focused on six key principles:

1. Creating a highly productive region, with a diverse, globally competitive economy that offers a range of career opportunities for all residents.
2. Developing a highly educated and skilled workforce to support an evolving knowledge-based economy and excellence in the trades.
3. Partnering with Aboriginal peoples to increase educational and employment opportunities.
4. Delivering a complete network of transportation, energy, communications, social and learning infrastructure to support strong, vibrant communities.
5. Demonstrating leadership in sustainable growth and environmental management.
6. Establishing innovative partnerships to maximize resources and ensure this Plan achieves its ambitious vision and is fiscally sustainable.

Policies within The Growth Plan for Northern Ontario are structured around six themes: economy, people, communities, infrastructure, environment and Aboriginal peoples. Policies of this Plan are reviewed in the following sections.

5.2.1 Economy (Section 2.0)

The Plan supports and complements the workforce of Northern Ontario including regional businesses entrepreneurs and institutions, to build a strong, resilient, and more diversified economy. The health sciences sector is benefitting from regional innovations in health delivery and acclaimed medical research and science facilities. Policies are in place to nurture traditional resource-based industries and to develop new and emerging economic sectors using a forward-thinking approach, to establish new jobs and opportunities.

An Economic Action Plan for Northern Ontario (Section 2.2)

- 2.2.6 The Province will work to attract investment to Northern Ontario through:
- a) integrated and timely one-window response to investment opportunities
 - b) measures to address barriers to investment, such as information and communications technology infrastructure, energy costs, labour and transportation
 - c) working with other orders of government to co-ordinate approvals and address complex interjurisdictional issues.

The Province is supportive of the expansion of this business, facilitated by funding that will be provided through the Ministry of Health and Long-Term Care. The Ministry will ensure that proper planning approvals, as necessary, are obtained through the municipality in order to proceed with development on the subject lands.

5.2.1 People (Section 3.0)

People are the most important resource of Northern Ontario and are the driving force behind the economy. Access to health care, education, training and skills development within the region is paramount and will facilitate a skilled and innovative workforce within Northern Ontario that takes advantage of new and emerging opportunities. The Plan's policies support a healthy population by encouraging improved access to health care services, the number of health professionals, and communities which support and promote health living, with particular attention to supporting under-represented groups.

A Healthy Population (Section 3.4)

- 3.4.1 The Province will seek to increase the number of health professionals practicing in Northern Ontario by:
- a) continuing to recruit and retain qualified health professionals
 - b) promoting health care as a career choice for more northerners, including Francophone and Aboriginal residents of Northern Ontario
 - c) increasing rural and remote clinical education opportunities for medical students
 - d) supporting education, recruitment and retention, mentorship and clinical placements for all health care students
 - e) continuing to reduce barriers and supporting training and assessment programs for qualified internationally educated health care professionals
 - f) using technology to share expertise and mentorship between Northern Ontario hospital, and practitioners and specialists from outside the region.

The proposed development will facilitate the expansion of an existing health care services business and create new jobs in the health care sector that will attract health care professionals to the area and support an increase to the number of professionals within Northern Ontario.

- 3.4.2 The Province will seek to improve access to health care services for Northern Ontario residents by:

- a) supporting and strengthening health care planning and delivery approaches in Northern Ontario
- b) providing programs that facilitate aging at home to allow seniors to live healthy, independent lives in the comfort and dignity of their own homes

The application proposes the expansion of an existing health care service within Northern Ontario which is supported by the Province through available provincial funding. This allows for residents in this area to age in place without having to relocate from their current communities. The expansion of the existing facility and subsequent relocation provides additional opportunities for beds/residents and health care professionals. The application will facilitate a greater operational capacity for Jarlette Ltd. to provide assisted living services and accommodations to seniors which is more sustainable in the long term for this community.

- 3.4.3 Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality public open spaces, and easy access to local stores and services.

The development is proposed in an area that contains a mix of land uses at various densities, including residential, commercial, and open space uses, which offer a comprehensive range of employment and housing opportunities suitable to the area. The proposed development will contribute to the existing range and mix of uses in the community, and residents and employees of the development will have convenient access to adjacent commercial goods and services.

5.2.2 Communities (Section 4.0)

Community planning which balances the priorities of human, economic, and environmental health is a pillar of the Plan. Policies are in place to support the establishment of well-planned and thoughtfully designed communities that attract investment and support economic development, including the attraction and retention of skilled workers, to strengthen the cultural identity and heritage of the Region, and to maintain a clean and healthy environment. Strong, individual communities and a regional approach to economic development are required to achieve a vibrant and resilient northern economy.

Long-Range Planning for All Communities (Section 4.2)

- 4.2.1 All municipalities should, either individually, or collaboratively with neighbouring municipalities and Aboriginal communities, prepare long- term community strategies. These strategies should support the goals and objectives of this Plan, identify local opportunities to implement the policies of this Plan, and be designed to achieve the following:

- c) economic, social and environmental sustainability
- d) accommodation of the diverse needs of all residents, now and in the future
- e) optimized use of existing infrastructure
- f) a high quality of place
- g) a vibrant, welcoming and inclusive community identity that builds on unique local features
- h) local implementation of regional economic plans, where such plans have been completed.

The proposed development will be connected to full municipal services and provide accommodations to seniors at a greater capacity than currently permitted within the existing facility. A high quality sense of place will be provided through built form and design that is complementary with and suitable to the existing area. The nature of the development will support the seniors' community in the City now and in the future.

- 4.2.2 Municipalities and planning boards are encouraged to:

- a) align their official plan policies with their long-term community strategies developed in accordance with Policy 4.2.1
- b) employ the use of available tools to support and facilitate land-use planning that implements their long-term community strategies.

The subject lands are designated Mixed-Use Areas within the City of Temiskaming Shores Official Plan which permits the proposed Continuum of Care Campus building. The application proposes a Zoning By-law Amendment to rezone the lands from the existing Development (D) and Highway Commercial (C2) zones to a more appropriate Community Facilities Exception (CF-2) zone to facilitate the development of the subject lands with the proposed uses.

5.2.3 Infrastructure (Section 5.0)

Transportation, education, health, energy, water and wastewater infrastructure, information and communications technology and community infrastructure are noted as the building blocks for economic growth in Northern Ontario. The ability to support the policies of the Plan and achieve the Plan's objectives is highly dependent on the provision of infrastructure necessary to support and sustain such.

A Multi-Modal Transportation System (Section 5.3)

5.3.2 The transportation system within Northern Ontario will be planned and managed with an emphasis on opportunities to:

- a) optimize the capacity, efficiency and safety of the existing transportation system
- b) link major markets, resource development areas, and economic and service hubs
- c) meet the needs of the existing and emerging priority economic sectors and help implement regional economic plans
- d) enhance connectivity among transportation modes including rail, road, marine and air
- e) create or strengthen linkages between economic and service hubs and rural and remote communities
- f) reduce emissions and other environmental impacts associated with transportation.

The proposed development will be in proximity to the City's transit system which provides connections to the local Hospital and a range and variety of commercial, institutional, and recreational uses along the system route. The existing transit system in the City will connect residents and employees of the proposed development to other land uses and destinations throughout the City optimizing use of the transportation network. Furthermore, the lands are close to Highway 11 a major north-south Provincial highway system.

5.2.4 Environment (Section 6.0)

The natural environment and natural resources within Northern Ontario have sustained the population and driven the economy for generations. A large proportion of emerging economic sectors within the Region are dependent upon the regions natural resources. The Regions natural environment is the basis for a strong economy and supports the health, quality of life, and identity of northerners.

Environmental Protection (Section 6.3)

6.3.2 Municipalities are encouraged to contribute to the protection of surface water features and ground water features by:

- a) planning and designing municipal water and wastewater systems that return water to the Great Lake watershed from which the withdrawal originates

- b) co-ordinating planning for potable water, stormwater, and wastewater systems with communities with which they share inland water sources and/or receiving water bodies.

The proposed development will be connected to full municipal services including municipal water and sewer services. Stormwater for the proposed development will be mitigated pre-and post-construction through drainage swales providing both quantity and quality control. All systems will be designed to current standards and through best management practices as approved by the City.

- 6.3.5 The Province will work with the federal government, municipalities and others to include measures to protect and preserve air quality, water quality and quantity, and natural heritage in planning for climate change impacts and environmental sustainability.

A Scoped Species at Risk Assessment was prepared in support of the proposed development which concludes there may be potential for Bobolink and/or Eastern Meadowlark habitat on the lands and that additional field work is required to confirm such. The additional fieldwork confirmed the subject lands are not conducive to breeding habitat for the Bobolink and Eastern Meadowlark. ,

5.2.5 Aboriginal Peoples (Section 7.0)

The First Nations and Metis communities are an integral component of Northern Ontario and the Province is committed to respecting the rights of Aboriginal peoples and upholding the duty to work co-operatively and consult with these communities to build relationships of mutual understanding, enhance opportunities for collaboration, and establish effective, accountable and culturally appropriate governance structures.

Collaboration with Aboriginal Communities in Land-Use Planning (Section 7.5)

- 7.5.1 The Province will work with Aboriginal communities to improve their participation and knowledge sharing in existing land-use planning and policy processes throughout Northern Ontario.
- 7.5.2 The Province will continue to support and value community-based land-use planning undertaken by the First Nations community in the Far North, and to encourage co-ordination of planning among First Nations communities outside of the Far North, on their reserves, and municipalities.
- 7.5.3 Provincial planning affecting Crown land and resources will include Aboriginal communities and their representative organizations by considering:
 - a) available Aboriginal traditional knowledge
 - b) unique internal decision-making structures
 - c) appropriate dispute resolution approaches, processes and other methods.

Opportunities for collaboration with aboriginal communities will be facilitated through the Open House, the Statutory Public Meeting, and the circulation of the submitted materials by the Municipality, and through any additional means as considered appropriate and beneficial to the proposed development.

5.2.6 Implementation (Section 8.0)

The Plan identifies a vision for the region and establishes policies to support the long-term achievement of that vision. Both short-term and long-term goals will be supported by implementing actions in the near future and over the course of many years. The overall success of the Plan requires a collaborative effort and the involvement of all communities, all orders of government, and all sectors of Northern Ontario to implement the Plan's policies.

Monitoring and Performance Measures (Section 8.4)

8.4.3 Success in achieving this Plan's outcomes will, in part, be measured by assessing progress in:

- a) attracting investment and business growth in Northern Ontario
- b) diversifying the North's economic base
- c) supporting education and skills development of the North's workforce
- d) increasing the involvement of Aboriginal peoples in the northern economy
- e) improving the connectivity of the northern population through information technologies.

It is further acknowledged that long-term progress in these areas requires sustained, co-ordinated efforts by the Province and all its external partners.

The proposed development will facilitate the expansion of an existing Health Services operation located within the City of Temiskaming Shores. Furthermore, the proposed development is expected to generate up to 50 jobs and will contribute to this area of the City becoming a complete community by providing housing opportunities for seniors in need of assisted living. The application for Zoning By-law Amendment to permit the uses proposed will promote investment and a greater variety of housing types to suit the needs of the diverse population within the City of Temiskaming Shores.

In summary, it is our professional planning opinion that the Zoning By-law Amendment application conforms to the policies of the Places to Grow Growth Plan for Northern Ontario, 2011.

5.3 Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement (PPS) was revised on March 1, 2005 to include new and revised policies along with the requirement to 'be consistent with' those policies. The PPS was more recently revised in April of 2014 bringing policies more current with changes to the PTG Plan with a heavier emphasis on protecting the natural environment. The PPS does not require absolute conformity, however, planning decisions must be consistent with the PPS. Furthermore, the approval authority must consider all the components of the PPS and how they interrelate rather than looking at one particular policy on its' own.

Part of the vision of the PPS is to build strong communities to ensure that development patterns are efficient in terms of optimizing the use of land, resources and public investment in infrastructure and public service facilities. Land use patterns should promote a mix of housing, employment, parks and open spaces, and transportation choices that facilitate pedestrian mobility and other modes of travel. In addition, cost-effective development standards are promoted in order to minimize land consumption and servicing costs. The Vision of the PPS is to promote the long-term prosperity and social well-being of Ontarians by maintaining strong communities, a clean and healthy environment, and a strong economy. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS places considerable focus on promoting opportunities for intensification, development in compact form and the establishment of a mix of uses and densities to allow for the efficient use of land. Provincial Plans, such as the PPS, and municipal official plans, provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

The three principal parts of the PPS include (i) Building Strong Communities, (ii) Wise Use and Management of Resources, and (iii) Protecting Public Health and Safety. The following sections of this Report assess the proposed development's consistency with these Sections and the PPS as a whole.

1.0 Building Strong Communities

1.1 **Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 *Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial, commercial and institutional uses), institutional, recreation, parks and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting cost-effective development standards to minimize land consumption and servicing costs; f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society; g) ensuring the necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and h) promoting development and land use patterns that conserve biodiversity and consider the impacts of climate change.*

Development is proposed on lands within the settlement area of Dymond that are currently designated and zoned for development in the City of Temiskaming Shores Official Plan and Zoning by-law, which will facilitate the expansion of an existing Health Services operation, providing accommodation and assistance to Seniors and providing well paying job opportunities.

There are no environmental or public health concerns associated with development on these subject lands, and locating the expanded facility on these lands will promote cost-efficient development patterns as it will utilize existing servicing and transportation infrastructure in the City. The development promotes inclusivity for seniors within the community and allows those that wish to stay in the community during their aging process to remain in this location.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment, and, if necessary, designated growth areas.

Development is proposed for the subject lands which have been severed from a larger parcel of land that extends to the east and south within the settlement area of Dymond. The parcel proposed for development is approximately 4.5 hectares in size and designated Mixed Use Areas within the City Official Plan which permits a range of uses, including the Continuum of Care Campus uses being proposed. The application will facilitate Jarlette Ltd. to have a greater capacity to accommodate seniors within their facilities, as their existing site within the City is not adequate to serve the existing and anticipated needs of the senior's population. The proposed development will contribute to additional accommodation and growth capacity, as well as jobs, within the City of Temiskaming Shores into the future.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. The vitality of settlement areas is critical to the long-term economic prosperity of our communities. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

The application for a Zoning By-law Amendment proposes development on lands within the settlement area of Dymond located in the City of Temiskaming Shores. The application will facilitate a greater capacity to accommodate seniors with appropriate housing that meets their needs within the City.

1.1.3.2 Land use patterns within settlement areas shall be based on: (a) densities and a mix of land uses which, among other things, efficiently use land and resources, avoid the need for unjustified expansion of services; (b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

The proposed development is located within the settlement area of Dymond in the City of Temiskaming Shores and proposes an LTC Home, Seniors' Retirement Residence, and common areas, support and services space that will contribute to the mix of land uses in the area, be connected to full municipal services, will be in proximity to the City transit system, and will be accessed by existing local roads that do not require an expansion to facilitate the proposal. The proposed development density is appropriate for this area.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 3.5 of the City Official Plan indicates that 220 units are targeted for construction in Dymond by the year 2031, however, none of these units are anticipated in high density housing forms. The application, however, proposes the construction of new residential units within a medium density built form for this area which is an opportunity for intensification within the settlement boundary. The application proposes such development on vacant lands that are designated as Mixed Use Areas within the City Official Plan and partially zoned Development (D) within the City Zoning By-law suggesting that the City has always intended that these lands be developed.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

The proposed development will establish a compact built form of high quality design that promotes public health and safety through general urban design principles, and facilitated by connectivity to other health services and institutional uses provided by the City transit system. In addition, the mix and range of uses in the area is sufficient to meet the everyday needs of the community and those of the proposed development. Development standards will be further identified in the implementing zoning by-law amendment.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

Section 3.5 of the City Official Plan states that 220 units are targeted to be constructed in Dymond by 2031, and a 0% target exists for High Density housing forms, such as apartments. The proposed LTC Home and Seniors' Retirement Residence will be constructed with an apartment style built form and will contribute to the establishment of additional residential units within the City.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and*
- d) ensuring the necessary infrastructure is provided to support current and projected needs.*

The application for Zoning By-Law Amendment proposes to facilitate the expansion of an existing health care services operation for seniors within the City of Temiskaming Shores. The development proposes institutional uses with a greater capacity than what currently exists within the existing Home located within Haileybury, in the City of Temiskaming Shores. In addition, the development proposed for the subject lands will establish up to 50 jobs which provides additional employment opportunities within the City. The proposed development will assist in meeting the long-term needs of the City, including to provide for a range of employment opportunities, and establish compact mixed-use development that incorporates compatible employment uses to support liveable and resilient communities. Furthermore, the lands are located in a mixed use area containing residential uses, and are well served by public transit creating accessible connections throughout the City to the subject lands for employees, residents, and visitors, and

the establishment of a complete, liveable, and resilient community which meets the everyday needs of residents and employees now and in the future.

1.4 Housing

1.4.1 *To provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) *maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b) *maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

The proposed development will establish additional housing opportunities for senior residents within a proposed LTC Home and a Seniors' Retirement Residence located in the settlement area of Dymond. The development is an expansion/relocation of an existing health care services operation located within Temiskaming Shores, and will facilitate Jarlette Ltd. to accommodate a greater number of residents within the new facility to meet the current and future needs of the population.

1.4.3 *Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

- b) *permitting and facilitating:*
 - 1) *all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and,*
 - 2) *all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3.*
- c) *...directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed; and*
- e) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

The application for a Zoning By-Law Amendment proposes to establish additional residential and institutional care capacity for existing and future senior residents within the City of Temiskaming Shores within a proposed LTC Home and Seniors' Retirement Residence which will be up to two storeys in height. The application proposes development for vacant lands designated and zoned with the intention for development, will be connected to full municipal services, and will utilize the existing transportation network, including the public transit system in consideration of its proximity. The subject lands are located in an area of the City where appropriate levels of

infrastructure to support the development exist in addition to a range and mix of land uses providing access to goods and services to meet the needs of residents.

1.6 Infrastructure and Public Service Facilities

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

- a) *direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:*
 1. *municipal sewage services and municipal water services; and*
 2. *private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available;*
- b) *ensure that these systems are provided in a manner that:*
 1. *can be sustained by the water resources upon which such services rely;*
 2. *is feasible, financially viable and complies with all regulatory requirements; and*
 3. *protects human health and the natural environment;*
- c) *promote water conservation and water use efficiency;*
- d) *integrate servicing and land use considerations at all stages of the planning process; and*
- e) *be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.*

The proposed development will efficiently utilize and optimize existing municipal water and sewer services within the City of Temiskaming Shores without the need for an expansion to the system. Furthermore, stormwater management will be provided through drainage swales on the property that will provide both quality and quantity control designed to achieve best management practices to the satisfaction of the City and Province.

1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.*

The proposed development is located within the settlement area of Dymond in the City of Temiskaming Shores and will be connected to full existing municipal water and sewer services.

1.6.6.7 *Planning for stormwater management shall: (a) minimize, or, where possible, prevent increases in contaminant loads; (b) minimize changes in water balance and erosion; (c) not increase risks to human health and safety and property damage; (d) maximize the extent and function of vegetative and pervious surfaces; and (e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.*

Mitigation measures will be undertaken in accordance with the Site Servicing and Stormwater Management Report prepared in support of the proposed development to control pre-and post-development Stormwater Management and associated impacts. The findings and recommendations of this Study are further detailed in Section 6.2 of this Report.

1.6.7 Transportation Systems

1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

The proposed development will be accessed from Drive-in Theatre Road, which is an existing local road capable of accommodating the additional traffic generated from the proposed development. In addition, the City transit system is located in proximity to the subject lands, as such, it is expected that employees, residents, and visitors of the proposed development will utilize the existing public transit system.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

A shared services and commercial space building is proposed central to the development (Phase 1 and Phase 2) and will provide limited goods and services to residents, employees, and visitors of the development without the need to leave the lands. Proposing such will reduce the need for residents to travel beyond the subject lands for everyday basic needs. Where goods and services required are not located within the proposed development, residents, employees, and visitors may travel to the adjacent commercial area located less than a kilometer to the west, to access a broader range of goods and services. In addition, the public transit system in proximity to the proposed development will provide connections to an extensive range of land uses, goods and services within the City of Temiskaming Shores.

1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

Entrances to the subject lands will be constructed in Phase 1 to correspond to the built form proposed for development and anticipated associated traffic movements. Two entrances will be constructed from Drive-in Theatre Road in Phase 1 with the LTC Home and shared services and commercial space building.

1.6.10 Waste Management

1.6.10.1 Waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.

The proposed development will utilize the City's waste management system and undertake waste management practices in accordance with any waste management conditions required by the City.

2.0 Wise Use and Management of Resources

Relevant policies under Section 2.0 Wise Use and Management of Resources include those that deal with natural heritage and water resources. Natural heritage features and areas are to be protected for the long term. By definition, the natural features and areas include significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands, significant valley lands, habitat of endangered species and threatened species, significant wildlife habitat and significant areas of natural and scientific interest which are important for their environmental and social values as a legacy of the natural landscapes of an area.

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

The subject lands are currently vacant and have been in hay for years, according to the Scoped Species at Risk Assessment prepared in support of the proposed development. Furthermore, this Assessment concluded the lands do not contain any wetlands, woodlots, and ANSI's, and are not in proximity to any well-defined watercourses, or valleylands. As such, no negative impacts to natural heritage features and areas are expected to occur as a result of the proposed development.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

The Scoped Species at Risk Assessment prepared concludes that the proposed development will not have negative impacts on natural heritage features or their long-term ecological function, or linkages.

2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.

The subject lands are located north of Ecoregions 6E and 7E and as such, a natural heritage system has not been identified.

2.1.4 Development and site alteration shall not be permitted in a) significant wetlands in Ecoregions 5E, 6E and 7E, and b) significant coastal wetlands.

Development is not proposed within significant wetlands or significant coastal wetlands.

2.1.5 Development and site alteration should not be permitted in b) significant woodlands in Ecoregions 6E and 7E, d) significant wildlife habitat, e) significant areas of natural and scientific interest.

The subject lands are located north of Ecoregions 6E and 7E, regardless, development is not proposed within significant woodlands, significant wildlife habitat, or significant areas of natural and scientific interest.

2.1.6 Development or site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Development is not proposed within fish habitat.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

The Scoped Species at Risk Assessment concluded that additional field work is required in June 2019 to confirm the potential for habitat of protected birds, Bobolink and Eastern Meadowlark. The additional fieldwork concluded there is no potential for Bobolink and Eastern Meadowlark breeding habitat on the subject lands.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, 2.1.6 unless the ecological function of the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The proposed development is not expected to have any direct or indirect impacts to any Significant Natural Heritage Features or their ecological functions on the subject or adjacent lands.

With respect to Natural Heritage policies contained within the Provincial Policy Statement, in our opinion the proposed development is consistent with and will be carried out in accordance with the policies of Section 2.1.

2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

No significant cultural heritage or archaeology items were suspected to be located on the subject lands and as such the municipality did not request an Archaeological Assessment to be submitted in support of the application for proposed development.

3.0 Protecting Public Health and Safety

3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of:

- a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*
- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
- c) hazardous sites.*

Development is not proposed in areas of hazardous lands as outlined above, or hazardous sites.

3.1.2 Development and site alteration shall not be permitted within:

- a) the dynamic beach hazard;*
- b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);*
- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and*
- d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.*

Development is not proposed within any of the areas or features identified in Section 3.1.2.

3.1.3 Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

The proposed development is not anticipated to exacerbate climate change impacts or increase the risk associated with natural hazards

3.1.4 Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:

- a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications; or*

- b) *where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.*

Development is not proposed in any areas associated with a flooding hazard along a river, stream and/or small inland land system.

3.1.5 *Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:*

- a) *an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;*
- b) *an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or*
- c) *uses associated with the disposal, manufacture, treatment or storage of hazardous substances.*

Development is not proposed in areas of hazardous lands or hazardous sites nor is the form of development identified above being proposed.

3.1.6 *Where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources.*

The two zone concept for flood plains is not applicable to the proposed development and development is not proposed within a flood fringe.

3.1.7 *Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:*

- a) *development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;*
- b) *vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;*
- c) *new hazards are not created and existing hazards are not aggravated; and*
- d) *no adverse environmental impacts will result.*

Development is not proposed in areas of hazardous lands or hazardous sites and there are no anticipated negative impacts to public safety

3.1.8 *Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.*

Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards

Hazardous forest types for wildland fire are not present on the subject lands and as such development will not occur on unsafe lands.

In summary, the PPS promotes the provision of a range and mix of housing types suitable to meet the diverse needs of the existing and future population, and to promote employment opportunities while directing growth to settlement areas, utilizing existing infrastructure, protecting the natural environment, and mitigating the effects of development. The proposed development will establish additional residential

units and create additional jobs within the City of Temiskaming Shores in an existing mixed use area served by public transit and will be connected to full municipal services. The proposed development will support the long-term needs of the City's population, including accommodations for seniors and employment opportunities.

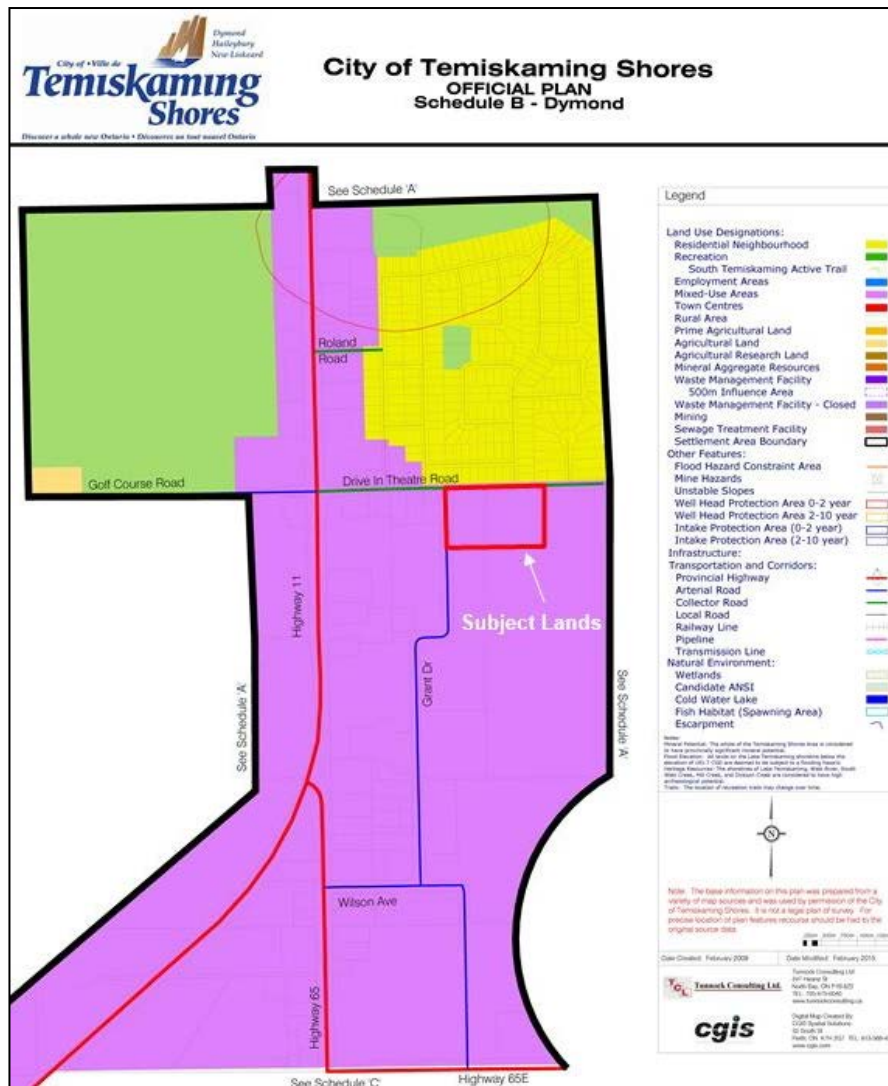
Based on our review of the applicable policies noted above, it is our professional planning opinion that the development of this site is consistent with the policies of the Provincial Policy Statement.

5.5 City of Temiskaming Shores Official Plan

The City of Temiskaming Shores Official Plan articulates the City's planning vision and objectives. An Office Consolidation of the City Official Plan was approved with modifications on March 20, 2015. Within the City Official Plan Schedule B – Dymond, the lands are designated Mixed-Use Areas (**Figure 5**). Land uses within the Mixed-Use Areas designation are intended to be designed and developed to ensure that the integration of land uses are compatible or where adverse effects can be satisfactorily mitigated. This designation may include a mix of industrial, commercial, institutional uses, associated accessory uses and public service facilities and residential uses compatible with a Mixed-Use Area. All uses are to be appropriately zoned and are subject to Site Plan Control. The proposed development is to establish an LTC Home, Seniors' Retirement Residence and Shared Services building, which are all identified as permitted uses within the Mixed-Use Areas designation in the City of Temiskaming Shores Official Plan.

A Zoning By-law Amendment application is proposed to facilitate the development and to recognize varied development standards within the chosen Zone. Site Plan Control will be submitted for following the Zoning By-law Amendment process.

Figure 5: City of Temiskaming Shores Official Plan Land Use Designation



The following sections outline how the development conforms to the policies within the City of Temiskaming Shores Official Plan.

Section 1.3 contains the Objectives of the Plan, which include:

1. To create a positive planning environment that addresses the needs and aspirations of the community over the next two decades.
2. To build a vision for the future of the City which is agreed upon by the community and which the community has an active role in implementing.
3. To create a unifying force that creates and fosters an identity for the City.
4. To create a forum for community- based dialogue in the design, implementation and review of the Plan.
5. To develop a land use planning process that maximizes compatibility and minimizes conflict between different land uses.
6. To build a City with strong, distinctive and liveable Settlement Areas with a range of housing choices, employment, parks, open space and which provides a range of services and facilities that are accessible by walking, cycling and transit.
7. To build a healthy, safe and liveable community that encourages active living, healthy lifestyles and which integrates planning for a healthy community as a component of the City's land use planning process.
8. To plan for a community with a diversified and well managed resource base including mining, mineral aggregates, forestry, agriculture and water.
9. To conserve and manage cultural heritage resources to maintain their heritage value.
10. To ensure that future development and land use planning decisions in the City conform to the goals, objectives and policies of this Plan.
11. To plan and provide infrastructure that meets current and projected growth needs.
12. To protect resources of provincial interest, public health and safety and the quality of the natural environment through the policies of this Plan and through consultation with Provincial agencies.
13. To position the City for growth within a regional and global economy in keeping with the policy framework of the Growth Plan for Northern Ontario.
14. To position the City to assume greater responsibility for decision- making approval on planning applications through exemption from Minister's approval for official plan amendments.
15. To conserve biodiversity and encourage the ecological benefits provided by nature.
16. To consider the impacts of climate change and measures to support the reduction of greenhouse gas emissions through urban and rural design practices and to encourage and support green infrastructure.
17. To recognize the uniqueness of the Anglophones, Francophones, First Nations, Métis and all other identifiable cultures and celebrate their contributions to the social fabric of the city.

The application for Zoning By-law Amendment will facilitate the proposed development. In our opinion, the proposed development conforms to the objectives of the Plan and justification is provided in the following sections.

Section 3 contains policies and objectives related to Housing and Growth Management. The Goal Statement, Section 3.2, is noted as providing for an appropriate range of housing types and densities which will meet the projected housing needs of the community. Section 3.3, Objectives, notes that the City should ensure sufficient land is available and serviced to meet the projected housing needs over the planning period. Section 3.4, Projections, and Section 3.5, Targets, identify that Temiskaming Shores has a significant opportunity to grow and prosper over the next two decades. By 2031, it is projected that the population of Temiskaming Shores will be 13,760, and that 1,540 housing units will be created within the City's three settlement areas, 220 units of which are expected to be created in the settlement area of Dymond, which the subject lands are located in. The seniors' retirement residence units will contribute to achieving this housing target by 2031. In addition, it is projected that there will be employment growth of 3,880 jobs with the proposed development expected to create up to as many as 50 jobs. While the target for High Density housing in the settlement of Dymond is 0% according to Section 3.5 table, Target for

Housing Densities, the proposed development would result in the establishment of additional housing units within medium/high density forms of housing being apartments. The density proposed is suitable for the area and compatible with existing mixed uses and low density residential housing located to the north of the subject lands. In consideration of Section 3.7, Residential Intensification, the proposed development will contribute to the achievement of the targets outlined in Section 3.5.

Section 3.8, Special Needs Housing, identifies planning for and delivering housing for the population which includes students, low to moderate income households, seniors, persons living with disabilities, aboriginals, those requiring Crisis Shelter accommodation, and those residents requiring group homes and garden suites. This policy requires the City to engage the District of Timiskaming Social Services Administration Board (DTSSAB), post-secondary, educational institutions, social service agencies, service clubs and other agencies in planning for and delivering housing for the defined population. The proposed development will establish additional housing opportunities for the senior's population, which this Section identifies as having a unique housing need.

Section 3.11 relates to Settlement Areas. The subject lands are located within Dymond, which is a Settlement Area identified within the City of Temiskaming Shores Official Plan in Land Use Schedule B. The plan states that Settlement Areas will be the focus of residential and employment growth. The development proposed within Dymond will establish additional housing and job opportunities to facilitate growth and that Settlement Areas will provide the land base and infrastructure required to accommodate the projected population, housing and employment growth of the City. The proposed development conforms to the Settlement Area development principles, particularly 1. compact form which promotes contiguous and phased development; 2. residential intensification; 4. available infrastructure; 5. available and adequate public service facilities; 6. sustainable and energy efficient development; and, 7. land use compatibility. Conformity with the latter principles is evidenced throughout this Report and in more detail in the following sections.

Section 4 of the City Official Plan contains policies related to Community Development. Section 4.2 states that it is a goal to design and develop safe, sustainable Settlement Areas which integrate the employment, housing and social needs of residents and businesses in a highly livable and functional urban environment. Objectives are outlined in Section 4.3 which include:

1. To encourage mixed land use developments that place work, recreation opportunity and basic needs shopping closer to home.
2. To provide sufficient land for projected housing and employment growth within the Settlement Areas.
3. To provide for orderly, cost- efficient, compact and phased development.
4. To ensure that all development has appropriate and adequate municipal services (infrastructure) and public service facilities.
5. To avoid and/or mitigate land use conflicts.
6. To conserve natural and cultural heritage resources.
7. To enhance the quality of urban living through sensible urban design.

The proposed development will contribute to the built form in an existing mixed-use community where opportunities to work, recreate, meet basic needs, and live are abundant. The development will contribute to opportunities for employment growth and population growth by establishing new residential units and jobs to support the development. The development is proposed in phases to ensure orderly and cost efficient development and will be connected to full municipal water and sewer services. No land use conflicts or negative impacts to natural or cultural heritage resources are anticipated to arise from the development. Furthermore, the siting of the buildings will be designed in consideration of Urban Design Principles contained in Section 4.9 at the time of Site Plan Control. Overall the proposed development is consistent with the Community Development Objectives outlined in Section 4.3 of the Official Plan. A further analysis is provided in the following sections to this respect.

Section 4.4 relates to Land Use Designations within the Settlement Areas of the City. As previously noted, and as identified on Land Use Schedule B, the subject lands are designated Mixed-Use Areas. In accordance with Policy 4.4 the development being proposed will utilize existing municipal sewer and water services, stormwater and drainage facilities as appropriate, the City's transportation services, hydro, and gas utilities where available. The natural environment has been considered with the preparation of a scope Species at Risk Assessment which has identified that there are no negative impacts anticipated to the natural environment with the development of these lands.

Policies for the Mixed-Use Areas designation are contained in Section 4.7 of the Plan. As noted previously in this Section of this Report, land uses within the Mixed-Use Areas designation are intended to be designed and developed to ensure that the integration of land uses are compatible or where adverse effects can be satisfactorily mitigated. The Mixed-Use Areas designation may include a mix of industrial, commercial, institutional uses, and associated accessory uses and public service facilities and residential uses compatible with a Mixed-Use Area. The development being proposed is to establish a LTC Home, Seniors' Retirement Residence, and common areas, support and services space in accordance with the permitted uses within the Mixed-Use Areas designation. The submitted Zoning By-law Amendment application will ensure that appropriate development standards are adhered to for the development of these lands and will recognize a few varied standards that will facilitate a better built form on these lands. The development will be subject to a future site plan control application in accordance with Policy 3.0, and in accordance with Policy 5.0 will be subject to the urban design principles in Section 4.9 of the plan. Further, the uses proposed will be integrated into the existing mixed use area such as to avoid and mitigate any adverse effects of the development. Further to Section 4.5, the design of the development has been sited to take advantage of the road frontage on Drive-In Theatre Road which provides a unique opportunity for circulation through the site, to minimize effects to the residential lands to the north by siting the buildings toward the east of the lands thereby reducing the impact of the 2 storey building on the single detached dwellings, providing landscape buffers around the edges of the development to soften the design against the rights-of-way and neighbouring land uses, and by designing the building layout for the residents to maximize their views inside the building while still providing a functional layout.

Section 4.9 contains Urban Design Principles, which the proposed development is subject to. Conformity with Urban Design Principles contained within Section 4.9 of the Plan will be determined at the time of a future site plan control application which will address detailed design for the site. However, generally the proposed development will support the principles of this Section which include:

1. Good urban design seeks to create a safe, functional and attractive built environment. The City is committed to achieving a high standard of urban design through applying the following urban design principles in the review and approval of development applications;
2. Create streets and public places that are safe, lively and comfortable;
3. Promote pedestrian friendly design;
4. Create opportunities for energy conservation;
5. Protect views and vistas of built and natural landmarks;
6. Create a safe liveable winter city;
7. Conserve architectural heritage;
8. Ensure compatible design;
9. Design with Nature;
10. Design for accessibility and circulation;
11. Site Design.

It is intended that the proposed design will support the Urban Design Principles which will be reviewed in greater detail at the time of a future Site Plan Control application.

Section 4.11 identifies policies related to Land Division by Consent. Two applications for Consent to Sever have been submitted to create severed and retained parcels from the subject lands in accordance

with the policies of Section 4.11. The Zoning By-law Amendment application affects the lands proposed to be severed by the submitted Consent applications.

Section 5 contains policies related to Infrastructure and Public Service Facilities. Policies related to Water, Wastewater, and Stormwater Management are provided in Section 5.4. As noted in Section 5.4.2, development applications are to be evaluated against servicing capacity and not be approved when servicing capacity is insufficient. The Site Servicing and Stormwater Management Report has concluded that servicing capacity is sufficient to facilitate the proposed development, which is proposed to be connected to full municipal water and sewer services. Stormwater Management will be addressed in accordance with Policy 4.0 using best-practices and to the satisfaction of the City of Temiskaming Shores and other agencies as required. The Site Servicing and Stormwater Management Report prepared in support of the proposed development concludes that the development can be serviced without the need for any unjustified expansions. The findings and recommendations of this Study are further discussed in Section 6.2 of this Report.

Section 5.6, specifically Sections 5.6.2 and 5.6.3, relate to City Roads and Public Transit respectively. Access to the development will be provided via 2 entrances, which will be established from Drive-in Theatre Road which is an existing municipally maintained City road. In consultation with the City, our understanding is that Drive-In Theatre Road is capable of accommodating the additional traffic anticipated to be generated by the proposed development. Access points to the proposed development have been determined in consultation with the City of Temiskaming Shores to ensure an appropriate site design that supports and maintains the City's existing road network and its functions and provides safe ingress and egress to and from the lands. A Traffic Impact Study was not identified by the City as a requirement for submission of the application for the proposed development due to limited negative impacts anticipated to be generated. In consideration of Section 5.6.3, the proposed development will be located in proximity to the City transit system which will support the transit system and facilitate access and connections beyond the immediate area for residents, employees, and visitors to the proposed development.

The proposed development will be designed in accordance with the policies contained in Section 5.10, Fire and Emergency Services and Section 5.11, Police Services and fire, emergency, and policies services will be circulated on the proposed site design during Site Plan Control and will provide sign off once they are satisfied that the proposed development and site design is in conformity with the policies contained in Sections 5.10 and 5.11.

Section 5.12 and 5.13 relate to Health Care and Accessibility respectively. Section 5.12.4 identifies advocating for health care as an integral component of the healthy communities' concept. The proposed development will contribute to the establishment and maintenance of a healthy community within the City of Temiskaming Shores, and a healthier Ontario, by providing additional Special Needs (Seniors) Housing, as defined in Section 3.8 of the Plan. The application for Zoning By-law Amendment will provide the opportunity for an existing health-related operation to expand and increase its capacity to serve the growing aging population. Site Plan Control and proper design of the buildings will ensure the proposed development and facilities are designed to meet accessibility requirements and have regard to persons with disabilities. Accessible design will particularly be important for the proposed development as the predominant population within the facilities to be constructed will be senior citizens. Overall, the proposed development will promote appropriate levels of health care within the City of Temiskaming Shores and will give considerable regard to accessibility to support the functions of the development proposed and quality of life for its residents.

Section 6.0 contains Objectives and a Strategy for Economic Development. Section 6.4 which outlines the strategy states that it is the intent of the Official Plan to support economic development through a variety of actions including, 1. maintaining an open-for-business attitude to promote and plan for the City as an investment-ready community that supports a healthy and diversified economic base. The application for Zoning By-law Amendment to permit the permitted uses on the subject lands will facilitate investment to the community, additional job opportunities, and an expanded economic base. Policy 20.0 includes ensuring that economic initiatives are inclusive of all sectors of society but not limited to persons

with disabilities, aboriginals, low income residents and youth. While the seniors population is not identified within Policy 20.0 it should be noted that some opportunities for seniors may exist within the proposed development, however, there are a number of land uses surrounding the subject lands which are in proximity to the City public transit system that facilitates access to the greater community, where additional economic initiatives that are inclusive of seniors may be present. Section 6.5 relates to the economic objectives and goals established in the Growth Plan for Northern Ontario. Policies within the City of Temiskaming Shores Official Plan are in conformity with the Growth Plan for Northern Ontario. Conformity of the proposed development with the Growth Plan for Northern Ontario is detailed in Section 5.2 of this Report.

Section 8.0 contains a Strategy for Developing Healthy Communities. Included in Section 8.3, Section 8.3.1 states that the City will screen planning applications to include a question as to how the proposed development will contribute to a healthy community. Section 8.3.3 states that the City will strengthen and promote the identity of Temiskaming Shores as a unified community and will create a branding for the City that can market its amenities and opportunities. In accordance with both policies, the proposed development will establish additional housing opportunities for seniors and those requiring long-term care assistance. The provision of such will contribute to the availability of housing that is appropriate to meet the unique needs of this population and will support the establishment of an inclusive and unified community that accommodates a diverse range of needs. The proposed development will contribute to the achievement of a healthy community by providing additional housing opportunities for those with special needs to ensure the needs of the entire population are met through land-use planning and development.

Section 10 contains policies related to the Natural Environment. The intent of the Plan and the policies contained within this Section is to preserve and protect existing natural areas and to promote the restoration of the natural environment wherever possible. In accordance with Section 10.5, Natural Heritage Features and Areas, development is not proposed in significant habitat of endangered or threatened species, significant wetlands, significant wildlife habitat, significant areas of Natural and Scientific Interest, fish habitat, or adjacent lands to natural heritage features and areas. A Scoped Species at Risk Assessment was prepared in support of the application for Zoning By-law Amendment to permit the proposed development and land uses on the subject lands. The Assessment concluded that there are no direct or indirect impacts to natural heritage features and areas associated with the proposed development. Additional required field work concluded there is no opportunity for breeding habitat for the Bobolink and Meadowlark species on the subject lands, therefore concluding there are no impacts to natural heritage features. With respect to Section 10.7, Forestry, Woodlots, and Drainage, the lands subject to the Zoning By-law Amendment application do not contain any trees of significance. With respect to Section 10.9, Natural Hazards, development is not proposed on or adjacent to hazardous lands and the land proposed for development are suitable for the uses proposed. In accordance with Section 10.11, a Scoped Species at Risk Assessment was prepared which addresses the criteria of an Environmental Impact Study (EIS) outlined in this Section and concludes that the lands proposed for development are suitable, and natural features and their ecological functions will not be directly or indirectly impacted by development of the subject lands.

Section 14 contains policies related to Cultural Heritage. During the preliminary consultation meeting with City staff it was determined that there are no cultural heritage or archaeological concerns associated with the property and there was no expectation that the lands contain any cultural heritage or archaeological resources. As such, an Archaeological Assessment was not identified as a requirement for submission of the application for a Zoning By-law Amendment.

Tools and procedures that Council and approval authorities may use to implement this Plan are contained with Section 15, Planning Tool Kit. In accordance with Section 15.2, a Zoning By-law Amendment application has been submitted with the required information and studies identified by City Planning staff during the preliminary consultation and subsequent discussions. Lastly, in accordance with Section 15.15 a site plan control process will be undertaken in the future since the subject lands proposed for development are designated Mixed-Use Areas, as such, are subject to site plan control. In addition, given

that the proposed development will be designed and intended to have regard for persons with disabilities, the site plan control process will be fundamental to the detailed site design process which ensures accessibility and functionality of the development for the intended population.

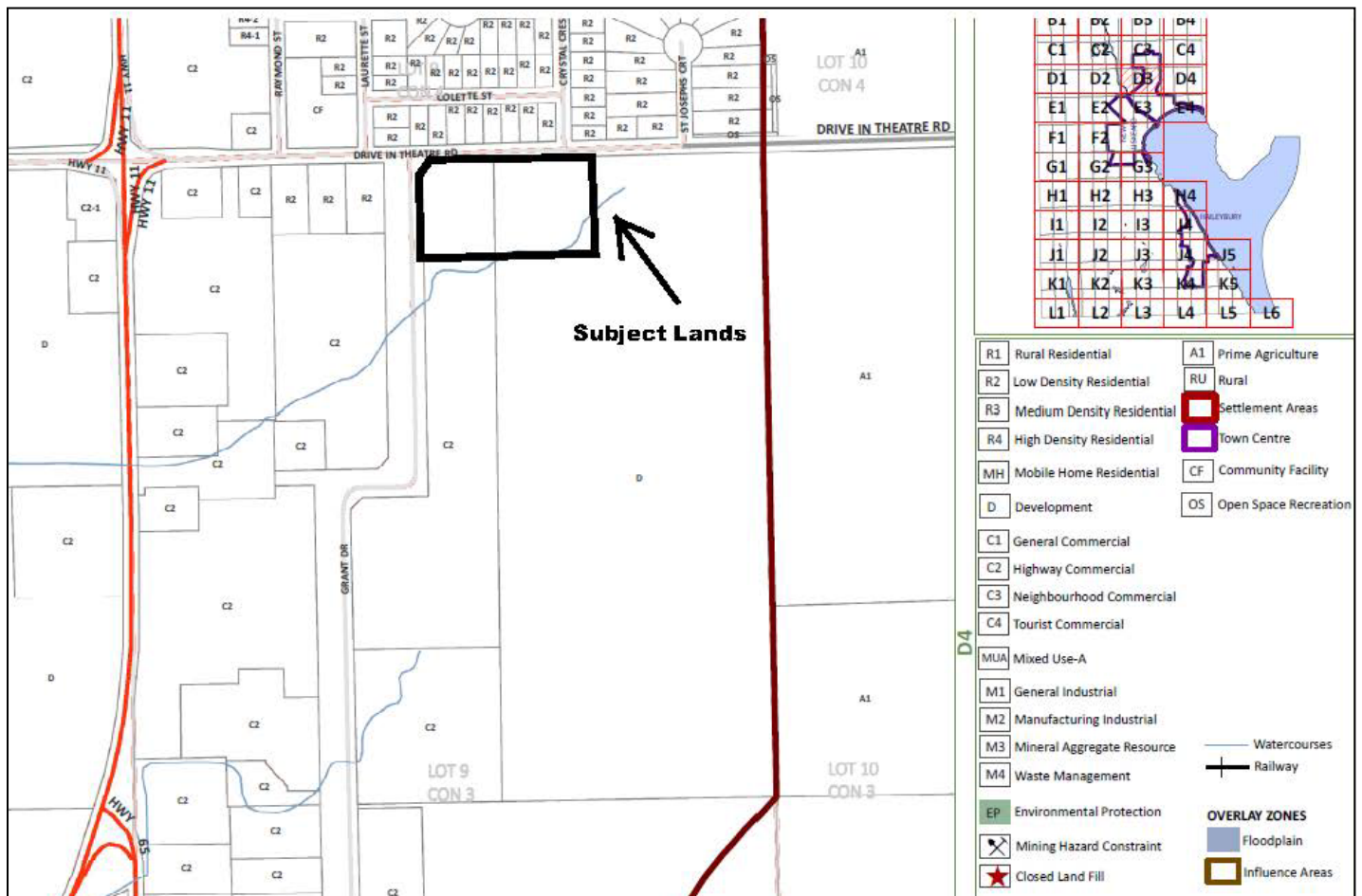
In our professional planning opinion, the application for Zoning By-law Amendment to permit the proposed Continuum of Care Campus building conforms to the policies of the Official Plan and will contribute to the achievement of the goals and objectives for the long term planning of the City of Temiskaming Shores.

5.6 City of Temiskaming Shores Zoning By-law 2017-154

The subject lands are zoned Development (D) and Highway Commercial (C2) (**Figure 6**) in the City of Temiskaming Shores Zoning By-law 2017-154. The Development (D) zone applies to those lands reserved for future development and the Highway Commercial (C2) zone applies to those lands located within commercial highway areas, including those in between Highway 11 and the subject lands.

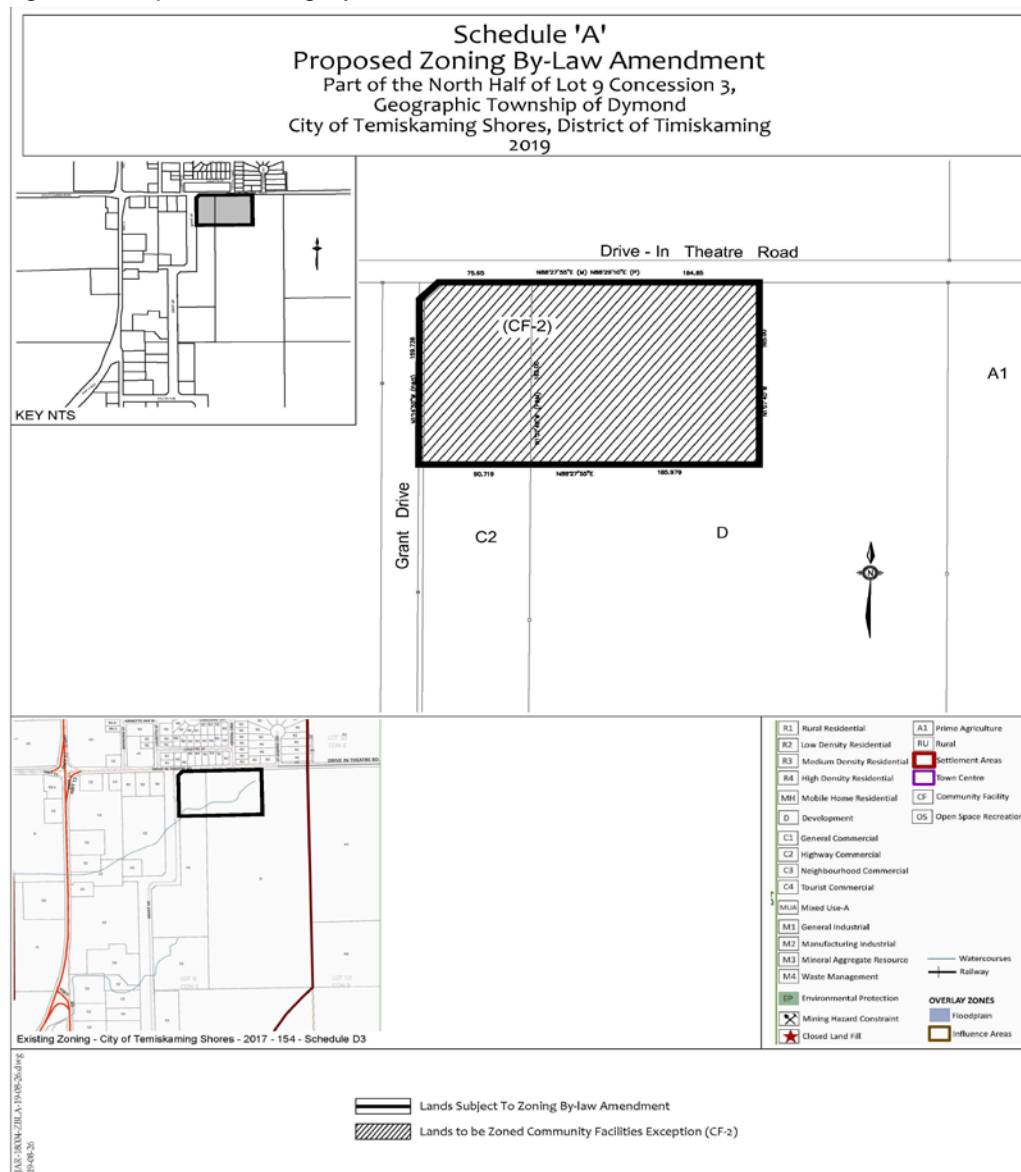
A Long Term Care Home (LTC Home), Seniors' Retirement Residence and a common areas, support and services space is proposed for development on the subject lands, however, none of these uses are permitted uses within the Development (D) or Highway Commercial (C2) zones. As such, a Zoning By-law Amendment is required to permit the proposed uses.

Figure 6: City of Temiskaming Shores Zoning By-law Schedule



An application for Zoning By-Law Amendment has been submitted to rezone the lands to the Community Facilities Exception (CF-2) Zone to permit a range of institutional uses, including a Long Term Care Home, Seniors' Retirement Residence and shared services space (**Figure 7**). On full municipal services, lots within the Community Facilities (CF) zone are required to have a minimum lot area of 1.0 hectare, minimum frontage of 20 metres, maximum coverage of 40%, maximum building height of 12 metres, minimum front and rear yard setback of 6 metres, and an exterior and interior side yard setback of 6 metres, so long as the lot is not abutting a residential zone. The Exception requested in the CF-2 Zone will add a Seniors' Retirement Residential as a permitted use, as well as additional ancillary uses as part of the common area which includes a hair salon, retail (tuk) shop, café, and medical or health practitioner offices. All General Provisions identified in Section 4 will be adhered to and respected with the proposed development.

Figure 7: Proposed Zoning By-law Amendment Schedule



In our professional planning opinion, the development of these lands with the varied development standards as proposed will continue to meet the intent of the Zoning By-law.

6.0 SUPPORTING STUDIES

6.1 Scoped Species at Risk Assessment

A scoped Species at Risk Assessment dated November 5, 2018, was prepared by Michalski Nielsen Associates Limited in support of the proposed applications for Consent to Sever and Zoning By-law Amendment. The Assessment was scoped to two species with habitat opportunities on the subject lands receiving protection under the Endangered Species Act, including the grassland nesting birds Bobolink and Eastern Meadowlark. The lands have been in hay for many years and have gentle grades of 5% or less. The lands do not contain any wetlands, woodlots, and ANSI's, and are not in proximity to any well-defined watercourses, or valleylands.

Additional field work is required to be undertaken in June 2019 by a qualified professional to determine if Bobolink and/or Eastern Meadowlark are utilizing the subject lands. Up to three surveys must be completed and a summary of the survey results is to be provided to the Municipality. If those surveys demonstrate the presence of either protected species, the landowner must register the activity of removing the acreage of such habitat prior to any clearing work and will be required to abide by the requirements of the registration. Under the Endangered Species Act the landowner has the ability to develop an acreage of this size through a registration process. The Study concludes that additional field work or subsequent requirements for registering loss of Bobolink and Eastern Meadowlark habitat can be made a condition of the Consent Agreement, as such, development can move forward and continue to conform to all Provincial and Municipal Policies.

6.1.1 Species at Risk: Bobolink and Meadowlark Survey

In May 2019, Michalski Nielson Associates Limited conducted a breeding bird survey of the subject lands to record all bird species within and surrounding the subject lands to determine breeding habitat. Prior to the survey being conducted, the subject property was ploughed and planted with crops. The crop rotation limits the potential for Bobolink and Meadowlark breeding. Therefore, there is no potential for breeding habitat for the Bobolink or Meadowlark species. The development of these lands will not directly or indirectly impact the Bobolink or Meadowlark species; development of the lands can move forward.

6.2 Preliminary Site Servicing and Stormwater Management Report

A Site Servicing and Stormwater Management Report was prepared in December 2018 in support of the proposed Zoning By-law Amendment application and subsequently revised in October of 2019 for a revised submission. The Report identifies that a 200mm service connection will provide adequate capacity to service the proposed buildings for domestic water consumption and to service the fire hydrant. Further, a proposed 200mm sewer later will have adequate capacity to convey the estimated peak sewage flow to the municipal sewer. A backflow preventer is recommended to be installed on the sanitary lateral within the proposed building.

The Stormwater Management pre- and post-development runoff will be matched for the property and flows in excess of the pre-development flows will be detained onsite. The major system has been designed to accommodate onsite detention with sufficient capacity to attenuate the 100-year design storm. Excess runoff above the 100-year event will flow overland offsite. Onsite storage is provided for up to the 100-year design storm in the form of small ponds located on the north and south edge of the site.

Furthermore, the Report concluded that during all construction activities, erosion and sedimentation will be controlled on site. Overall the site can be serviced, and appropriate

stormwater management controls can be provided, that support all policies applicable to these lands.

7.0 CONCLUSION

The proposed Zoning By-law Amendment application will facilitate a Long-Term Care Home, Seniors' Retirement Residence and a common areas, support and services space to be developed in 2 phases on lands within the settlement area of Dymond, in the City of Temiskaming Shores. An existing facility is located in the settlement area of Haileybury, however, there is limited opportunity for expansion, as such, development of a new expanded facility is proposed in Dymond. The proposed development will be connected to full municipal water and sewer services and will make efficient use of existing land and infrastructure that is both designated and zoned for development within the City Official Plan and Zoning By-law.

The application seeks to permit the proposed development by rezoning the lands to the Community Facilities Exception (CF-2) zone, which permits a range of uses that are complementary to commercial and residential uses. The proposed development is in an existing mixed-use area comprising commercial and open space uses, as well as low density residential development. The subject lands are in proximity to the public transit system and will be constructed with high quality design and built form that complements the existing neighbourhood character and is compatible with the existing built form. The proposed development will contribute to the achievement of housing and employment targets within the City and will contribute to the achievement of healthy communities that are inclusive to a diverse population and range of needs, particularly the unique needs of seniors and those requiring long-term care assistance. The commons areas, support and services space proposed is intended to provide a limited range of goods and services to residents, employees, and visitors of the development that offer basic necessities. The larger mixed-use area surrounding the site, along with access to public transit adjacent to the site, will facilitate integration within the larger community and access to goods and services beyond those required to meet every day basic needs.

The principles for development, as articulated in the City of Temiskaming Shores Official Plan, conform with the Places to Grow Growth Plan for Northern Ontario and are consistent with the Provincial Policy Statement (PPS) regarding efficient, cost-effective development and land use patterns. Broadly, the Growth Plan and PPS encourage growth within settlement areas, and development that is connected to full municipal services thereby making efficient use of land and infrastructure. The application for a Zoning By-law Amendment would facilitate residential and employment growth within the settlement area of Dymond on full municipal services on land historically designated and zoned for development. The application will facilitate the expansion of the existing home located in Haileybury to enable a greater accommodation capacity for those in their retirement years, and those requiring long-term care. The proposed development is in close proximity to public transit, where services do not have to be extended, where no direct or indirect impacts to natural heritage features and areas are expected, and where development is intended through municipal policies and initiatives, is smart and responsible growth which supports Provincial and City policies and land use planning objectives, as outlined throughout this Report.

In our professional planning opinion, the proposed Zoning By-law Amendment application is appropriate and represents good and desirable planning for the City of Temiskaming Shores.

Respectfully Submitted
THE JONES CONSULTING GROUP LTD.



Brandi L. Clement, MURP, AICP, MCIP, RPP
Partner

**Application for Zoning By-law Amendment
Under Section 34 of the Planning Act**

Fee for Application to Amend the Zoning By-law: \$750 + \$100 advertising fee + 13% HST = \$960.50

Please read before completing this application

This application reflects the mandatory information that is prescribed in the Schedules to Ontario Regulation 545/06 made under the Planning Act, RSO, 1990, as amended, as well as information required by the City of Temiskaming Shores to assist in the assessment of the proposal.

In addition to completing this form, the Applicant is required to submit the fee, a detailed site plan and any additional information or studies that may be necessary to assess the proposal.

Failure to submit the required information will delay the consideration of this Application. An application which is not considered complete under the Planning Act is not subject to the timelines of the Act.

Applicants are encouraged to consult with the Municipality prior to completing the application.

OFFICE USE ONLY

File No.: ZBA-2019-06

Date Received: October 22, 2019

Roll No.: 5418- 020-002-069.00/080.00 (pts)

1. Owner Information

Name of Owner: Pederson Materials Ltd.
Mailing Address: P.O. Box 2409, New Liskeard, ON, P0J 1P0
Email Address: _____ Phone: _____

If more than one registered owner, please provide information below (attach separate sheet if necessary):

Name of Owner: N/A
Mailing Address: _____
Email Address: _____ Phone: _____

2. Applicant/Agent Information (if applicant is not the owner or applicant is an agent acting on behalf of the owner):

Name of Agent: Jarlette Ltd., c/o Bob Campbell
Mailing Address: 711 Yonge Street, Midland, ON, L4R 2E1
Email Address: bcampbell@jarlette.com Phone: 705-549-4889

3. Please specify to whom all communications should be sent:

Owner Applicant/Agent

4. Property Information

a. Location of the subject land:

Dymond New Liskeard Haileybury

Municipal Address SE of Grant Drive and Drive-in Theatre Road
Legal Description (concession and lot numbers, reference plan and lot/part numbers) PT N 1/2 LOT 9, Concession 3, Geographic Township of Dymond

b. Date the subject land was acquired by the current owner: 2014

c. Names and addresses of the holders of any mortgages, charges, or other encumbrances of the subject land:

None

d. Are there any easements or restrictive covenants affecting the subject land?

Yes No

If yes, describe the easement or covenant and its effect:

--

e. Dimensions of subject land:

Lot Area: 4.5 ha (45,100 square metres) Road Frontage: Approx. 275 m (Drive-in Theatre Rd) and Approx. 164m (Grant Drive)
 Water Frontage: N/A Lot Depth: Approx. 165 metres

f. Existing use(s) of the subject land (check all that apply):

- Residential Commercial Industrial
 Institutional Agricultural Vacant
 Mixed Use (specify): _____
 Other (specify): _____

g. Length of time the existing uses of the subject land have continued: Unknown

h. Are there any buildings or structures existing on the subject land?

- Yes No

If yes, complete the table below (attach a separate sheet if necessary):

	Building 1	Building 2	Building 3	Building 4	Building 5
Type or use of building					
Height of building (m)					
Setback from front lot line (m)					
Setback from rear lot line (m)					
Setback from side lot line one side (m)					
Setback from side lot line other side (m)					
Setback from shoreline (m)					
Dimensions (m) or floor area (m ²)					
Date constructed					
Is building to remain or be removed?					

i. Has the subject land ever been used for commercial or industrial purposes?

- Yes No

If yes, has a Record of Site Condition ever been completed in accordance with Ontario Regulation 153/04?

- Yes No

j. Existing use(s) of abutting properties:

North: Residential East: Vacant/Agricultural
 South: Vacant/Agricultural West: Residential, Commercial and Vacant Land

k. Are any of the following uses or features on the subject land or within 500m (unless otherwise specified)?

Use or Feature	On the subject land	Within 500 metres of subject land (indicate approximate distance)
An agricultural operation including livestock or stockyard	<input type="checkbox"/>	<input type="checkbox"/> _____
A landfill	<input type="checkbox"/>	<input type="checkbox"/> _____
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	<input type="checkbox"/> _____
A provincially significant wetland (Class 1, 2 or 3 wetland)	<input type="checkbox"/>	<input type="checkbox"/> _____
A provincially significant wetland within 120 metres of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____
A waterbody, watercourse, river, or stream	<input type="checkbox"/>	<input type="checkbox"/> _____
A rehabilitated mine site	<input type="checkbox"/>	<input type="checkbox"/> _____
A non-operating mine site within 1 kilometre of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____
An active mine site, gravel pit or quarry	<input type="checkbox"/>	<input type="checkbox"/> _____
An industrial or commercial use (specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/> Walmart, Canadian Tire, etc. - approx. 500m
An active railway line	<input type="checkbox"/>	<input type="checkbox"/> _____
Utility corridor(s)	<input type="checkbox"/>	<input type="checkbox"/> _____
Provincial Highway	NA	<input checked="" type="checkbox"/> Trans-Canada Highway - approx. 150 m.

5. Planning Information

a. Current Official Plan Designation(s): Mixed-Use Areas

b. Explain how the application conforms with the Official Plan:

Mixed-Use areas may include a mix of industrial, commercial and institutional uses, associated accessory uses and public service facilities and residential uses compatible with a Mixed-Use area. A mix of commercial, institutional, and residential uses are proposed on the severed lot and as such an Official Plan Amendment is not required.

c. Current Zoning: Development (D)

d. Nature and extent of the rezoning being requested:

To rezone the lands to the Community Facilities Exception (CF-2) zone with exception to recognize additional permitted uses.

e. Reason why rezoning is being requested:

A Zoning By-law Amendment is required to permit development on lands zoned Development (D). In addition, an exception is requested to facilitate additional uses on the property outside of what zone permits.

f. Is the subject land within an area where the municipality has predetermined the minimum and maximum density requirements or the minimum and maximum height requirements?

Yes No

If yes, provide a statement of these requirements:

Maximum height is 12 metres.

g. Is the subject land within an area where zoning with conditions may apply?

Yes No

If yes, explain how the application conforms to the Official Policies related to zoning with conditions:

h. Does the application propose to change the boundary of a settlement area or establish a new area of settlement?

Yes No

If yes, provide details of the current Official Plan policies or Official Plan Amendment dealing with the alteration or establishment of an area of settlement:

i. Does the application propose to remove land from an area of employment?

Yes No

If yes, provide details of the current Official Plan policies or Official Plan Amendment dealing with the removal of land from an area of employment:

6. Proposed Use of Property

a. Proposed use(s) of the subject land (check all that apply):

- Residential Commercial Industrial
 Institutional Agricultural Vacant
 Mixed Use (specify): Long Term Care Facility and Ancillary Commercial Uses
 Other (specify): _____

b. Are any buildings proposed to be constructed on the property?

Yes No

If yes, complete the table below (attach a separate sheet if necessary): Refer to concept plan submitted*

	Building 1	Building 2	Building 3	Building 4	Building 5
Type or use of building	Long Term Care Facility				
Height of building (m)	2 storeys				
Setback from front lot line (m)	12 m				
Setback from rear lot line (m)	15 m				
Setback from side lot line one side (m)	29 m				
Setback from side lot line other side (m)	144 m				
Setback from shoreline (m)	N/A				
Dimensions (m) or floor area (m ²)	8,097m ² main floor area				

7. Access and Servicing

a. What type of access is proposed for the subject land?

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Private Road |
| <input checked="" type="checkbox"/> Municipal Road, maintained all year | <input type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> Municipal Road, maintained seasonally | <input type="checkbox"/> Water Access |
| <input type="checkbox"/> Other (specify): _____ | |

i. If access to the subject land will be by water only, describe the docking and parking facilities to be used and the approximate distance to these facilities from the subject land and the nearest public road:

b. What type of water supply is proposed for the subject land?

- Publicly owned and operated piped water supply (City water)
- Privately owned and operated individual well
- Privately owned and operated communal well
- Lake or other water body
- Water service not proposed
- Other (specify): _____

c. What type of sewage disposal is proposed for the subject land?

- Publicly owned and operated sanitary sewage system (City sewer)
- Privately owned and operated individual septic system
- Privately owned and operated communal septic system
- Privy
- Sewage disposal service not proposed
- Other (specify): _____

i. If the proposed amendment would permit development on a privately owned and operated individual or communal septic system, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report and a hydrogeological report prepared by a qualified professional are required to be submitted:

- Title and date of servicing options report: _____
- Title and date of hydrogeological report: _____

d. What type of storm drainage is proposed for the subject land?

Storm sewer

Ditches

Swales

Other (specify): _____

8. Previous Applications

Has the subject land ever been the subject of any of the following applications under the Planning Act (if the answer to any of the following is yes, please provide the file number and status of the application if known):

Unknown

Official Plan Amendment Yes No File No.: _____ Status: _____

Zoning By-law Amendment Yes No File No.: _____ Status: _____

Minor Variance Yes No File No.: _____ Status: _____

Plan of Subdivision Yes No File No.: _____ Status: _____

Consent Yes No File No.: B-2019-03 & B-2019-04 Status: Approved

Site Plan Control Yes No File No.: _____ Status: _____

Minister's Zoning Order Yes No File No.: _____ Status: _____

9. Concurrent Applications

Is the subject land currently the subject of any of the following applications under the Planning Act (if the answer to any of the following is yes, please provide the file number and status of the application if known):

Official Plan Amendment Yes No File No.: _____ Status: _____

Zoning By-law Amendment Yes No File No.: _____ Status: _____

Minor Variance Yes No File No.: _____ Status: _____

Plan of Subdivision Yes No File No.: _____ Status: _____

Consent Yes No File No.: _____ Status: _____

Site Plan Control Yes No File No.: _____ Status: _____

10. Provincial Policies

a. Is the proposed zoning by-law amendment consistent with the policy statements issued under subsection 3(1) of the Planning Act?

Yes No

i. If yes, explain how the zoning by-law amendment is consistent with the policy statements issued under subsection 3(1) of the Planning Act:

Refer to Planning Justification Report.

b. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

i. If yes, explain how the zoning by-law amendment conforms or does not conflict with the provincial plan or plans:

Refer to Planning Justification Report.

11. Public Consultation Strategy

Detail the proposed strategy for consulting with the public with respect to the application:

Follow Planning Act requirements

Other (please specify):

Community meeting previously held for all within 120 metres and greater. Statutory public meeting will be part of process. In addition, Ministry of Health had open house for all neighbours in May 2019.

12. Additional Studies or Information

Additional studies or information may be required by the Municipality to support the application. The application may not be considered a complete application unless these studies have been completed. Applicants are advised to pre-consult with the Municipality to determine what additional studies or information is required.

List of additional studies or information required by the Municipality (to be provided by the Municipality):

- Preliminary Servicing and Stormwater Management Brief
- Scoped Species at Risk Assessment (November 2018); Bobolink and Meadowlark Species Survey (August 2019)
- Planning Justification Report
-

13. Sketch

The application shall be accompanied by a site plan showing the following information:

- The boundaries of the subject land;
- The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
- The approximate location of all natural and artificial features (for example: buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks, etc.) that:
 - Are located on the subject land and on land that is adjacent to the subject land, and
 - In the applicant's opinion, may affect the application;
- The current uses of land that is adjacent to the subject land;
- The location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- If access to the subject land will be by water only, the location of the parking and docking facilities to be used;
- The location and nature of any easement affecting the subject land.

14. Applicant/Agent Authorization

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We, See Authorization Letter are the registered owners of the subject land and I/we hereby authorize _____ to make this application on my/our behalf and to provide any of my/our personal information that will be included in this application or collected during the processing of the application.

Date: _____ Owner's Signature: _____

Date: _____ Owner's Signature: _____

15. Authorization for Site Visits

I/We authorize Municipal Staff and Council and/or Committee members, as necessary, to enter the subject property to gather information necessary in the assessment of the application.

W
Applicant Initial

W.
Applicant Initial

16. Notice re: Use and Disclosure of Personal Information

In accordance with the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, I/We acknowledge and understand that any information collected on this form and any supplemental information submitted as part of this application can be disclosed to any person or public body.

W
Applicant Initial

W,
Applicant Initial

17. Declaration of Applicant

- ✓ If the application is being submitted by the property owner and there is more than one registered owner, each owner must complete a separate declaration.
- ✓ If the application is being submitted by the property owner and the owner is a firm or corporation the person signing this declaration shall state that he/she has authority to bind the corporation or affix the corporate seal.
- ✓ This declaration must be completed in front of a Commissioner for Taking Affidavits.

I, ROBERT CAMPBELL of the TOWNSHIP OF TAY
in the COUNTY of SIMCOE make oath and say
(or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Sworn (or declared) before me

at the CITY OF BARRIE
in the COUNTY OF SIMCOE
this 21 day of OCTOBER, 2019

[Signature]
Signature of Applicant

[Signature]
A Commissioner for Taking Affidavits

Joan Marie Thorogood
Commissioner, etc., Province of Ontario
or The Jones Consulting Group Ltd.
Expires March 16, 2021.



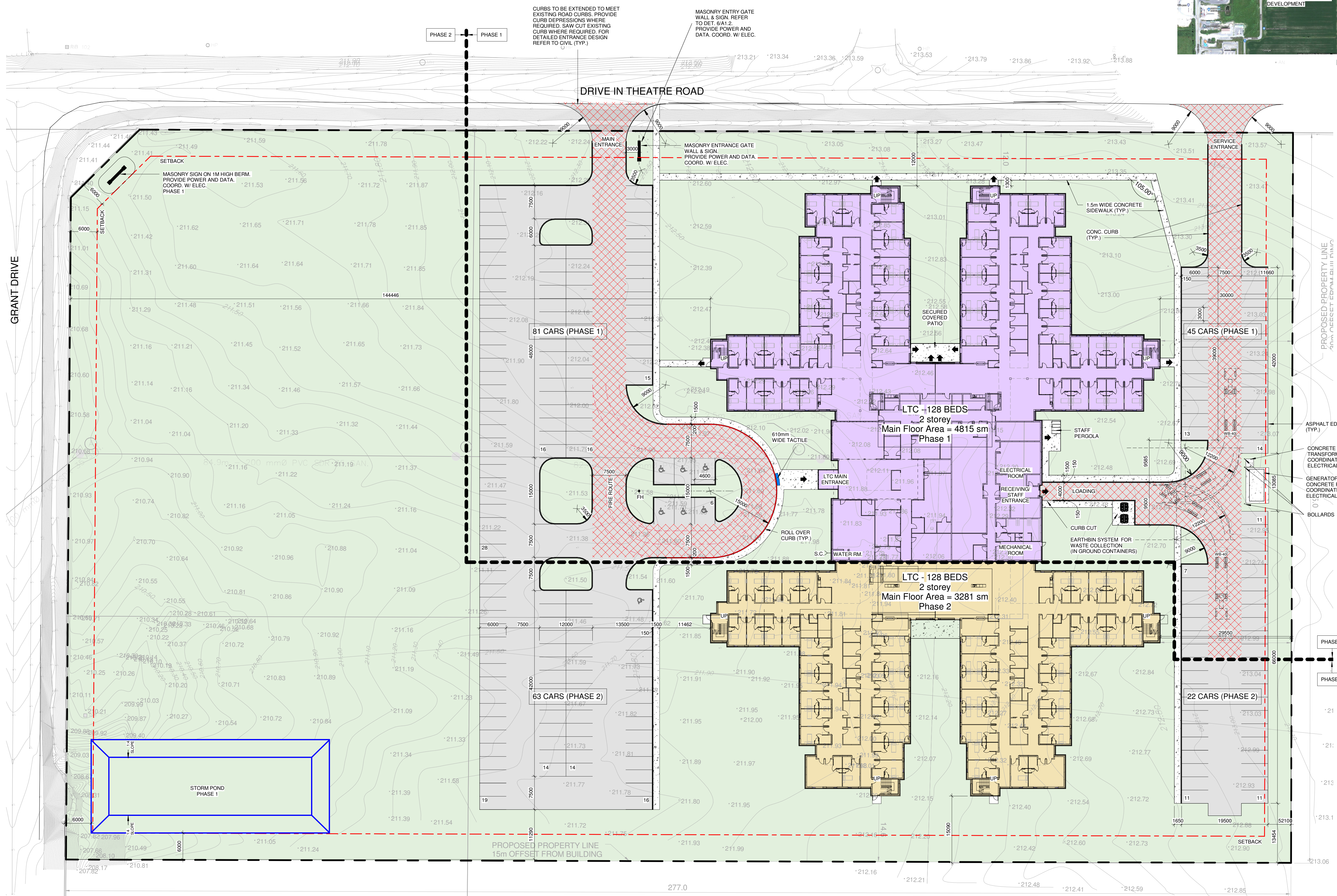
GENERAL NOTES

ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT. REPRODUCTION OF DRAWINGS WITHOUT WRITTEN PERMISSION OF THE ARCHITECT IS PROHIBITED.

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY.

ALL WORK SHALL CONFORM TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE.

IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO COORDINATE ALL STRUCTURAL, MECHANICAL AND ELECTRICAL WORK.



SITE INFORMATION - ZONING

ZONE	PROVIDED	REQUIRED	PERCENTAGE
MUNICIPAL ADDRESS	45473 (4.5 ha)	0.1 ha (min.)	
LOT AREA	293m	20m (min.)	
BUILDING LOT COVERAGE:			
LONG TERM CARE (PHASE 1)	4,815m ²		
LONG TERM CARE (PHASE 2)	3,281m ²		
STAFF PERGOLA	6m ²		
TOTAL BUILDING LOT COVERAGE	8,102m²	40% (max.)	18%
LOT COVERAGE:			
MAX. ACCESSORY BLDG.	6m ²	5% (max.)	0.01%
YARD SETBACKS:			
FRONT	12m	6.0m	
REAR	15m	6.0m	
EAST INTERIOR	29m	6.0m	
WEST EXTERIOR	144m	6.0m	
BUILDING HEIGHT:			
LONG TERM CARE (2 STOREY)	9m	12m	
STAFF PERGOLA	4m	5m	
LANDSCAPE OPEN SPACE	27,858	20% (min.)	61%
PARKING:			
Phase 1			
LTC - 128 BEDS - 0.5 BED	64m	64 cars	
EMPLOYEE - 1/35 STAFF	62m	35	
Phase 2			
LTC - 128 BEDS - 0.5 BED	64m	64 cars	
EMPLOYEE - 1/35 STAFF	21m	35	
TOTAL PARKING INCLUDING 7 H/C	211	198	

NOTES:

- BACKGROUND INFORMATION DERIVED FROM SURVEY PLAN PREPARED BY EXP SERVICES INC., DATED JULY, 2019.
- FOR GRADING PLAN & STORM WATER REFER TO CIVIL DRAWINGS PREPARED BY EXP SERVICES INC.

- LEGEND**
- NEW CONCRETE
 - NEW ASPHALT - PHASE 1 TO INCLUDE FIRST LIFT OF ASPHALT ONLY
 - HEAVY DUTY ASPHALT - PHASE 1 TO INCLUDE FIRST LIFT OF ASPHALT ONLY
 - LANDSCAPED AREA, REFER TO LANDSCAPE PLANS
 - F.H. FIRE HYDRANT
 - S.C. SIAMESE CONNECTION
 - PHASE LINE
 - ASPHALT EDGE (TYP.)
 - CONCRETE PAD TRANSFORMER, COORDINATE W/ ELECTRICAL.
 - GENERATOR CONCRETE PAD, COORDINATE W/ ELECTRICAL.
 - BOLLARDS

No.	Description	Date
1	Issued for Preliminary MOH & Rezoning	Oct. 4, 2019



TED HANDY and ASSOCIATES
Inc. ARCHITECT

76 Mary Street
Barrie, Ont L4N 1T1

Tel. 705 734 3580
Fax 705 721 0265

Temiskaming Lodge LTC
Drive in Theatre Road

Site Plan - Overall Layout

Project number 1819
Date Jan.30, 2019
Drawn by AF
Checked by EPH

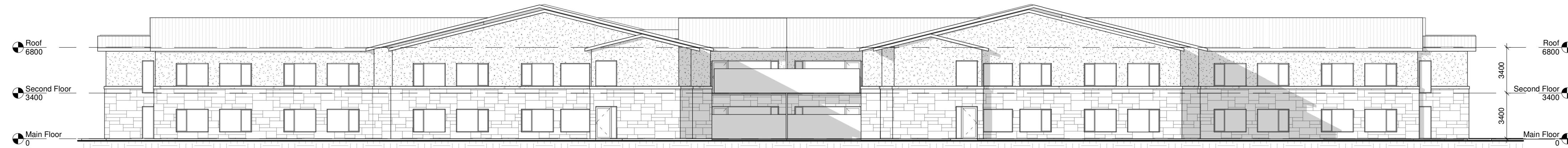
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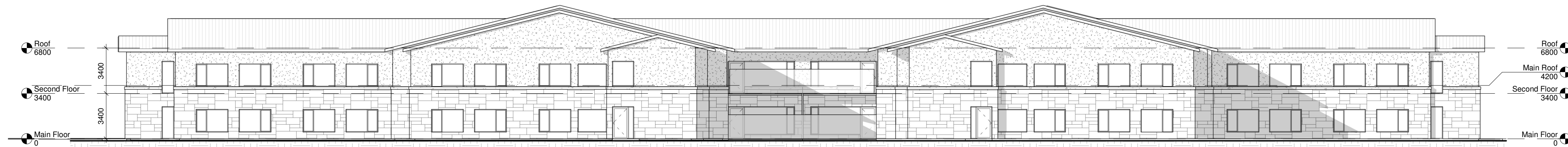
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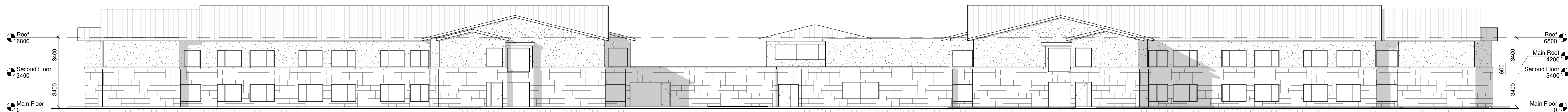
IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO COORDINATE ALL STRUCTURAL, MECHANICAL AND ELECTRICAL WORK.



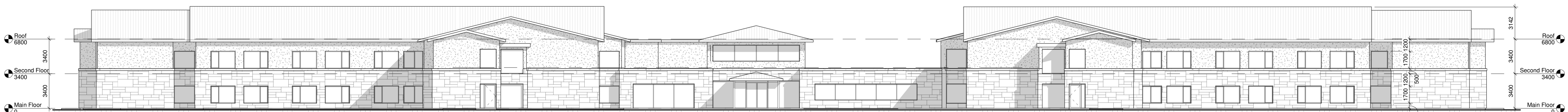
4 South - Phase 2
1 : 200



3 North - Phase 2
1 : 200

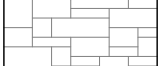
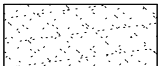


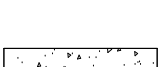


2 East - Phase 2
1 : 200



1 West - Phase 2
1 : 200

LEGEND:

-  STONE VENEER
-  STUCCO
-  PREFINISHED METAL SIDING
-  METAL ROOFING
-  CONCRETE

- CJ CONTROL JOINT
- EW, W EXTERIOR WALL LIGHT FIXTURE, REFER TO ELECTRICAL
- SC SCUPPER

No.	Description	Date
1	Issued for Preliminary MOH & Rezoning	Oct. 2, 2019

TED HANDY and ASSOCIATES
Inc. ARCHITECT
76 Mary Street
Barrie, Ont L4N 1T1
Tel. 705 734 3580
Fax 705 721 0265

Temiskaming Lodge LTC
Drive In Theatre Road, ON
Elevations - Phase 2

Project number 1819
Date Jan.30, 2019
Drawn by AF
Checked by EPH

A3.0
Scale As indicated

02/10/2019 3:48:52 PM



Application for Zoning By-law Amendment

**Notice of Complete Application
And Notice of Statutory Public Hearing**

Under Section 34 of the Planning Act, R.S.O. 1990 c.P.13

The City of Temiskaming Shores has received the following application to amend the City of Temiskaming Shores Zoning By-law:

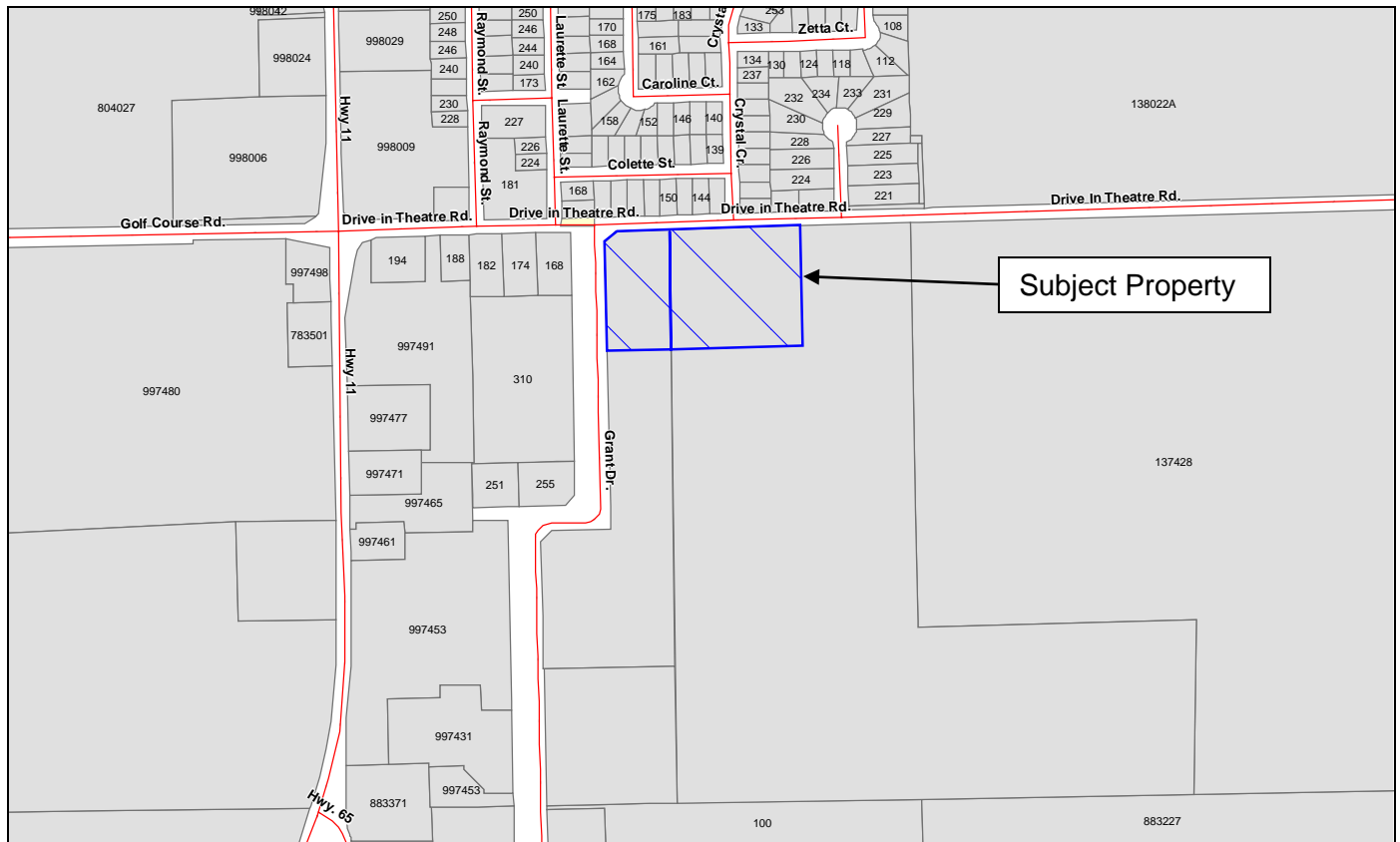
- File #:** ZBA-2019-06
- Owner:** Pedersen Materials Ltd.
- Applicant:** Jarlette Ltd.
- Property:** South east corner of Drive In Theatre Road and Grant Drive (Dymond Concession 3 North Part of Lots 9 and 10; RP 54R-3676 Part 3, RP 54R-5247 Part 1, 3, 4, RP 54R-5289 Part 1; Parcels 903NND and 23075SST)

A public hearing will be held to consider the Zoning By-law Amendment application:

- Date:** Tuesday, November 19, 2019
- Time:** 6:00 p.m.
- Place:** Council Chambers at City Hall, 325 Farr Drive, Haileybury

The application proposes to rezone the subject land from Highway Commercial (C2) and Development (D) to Community Facilities Exception (CF-#) to permit the development, at full build out, of up to a 256-bed long term care facility in a two-storey building, as well as accessory commercial uses (eg. hair salon, café, gift shop, medical/health practitioner offices, etc.) and associated parking. A senior's retirement residence may be included in Phase 2 of the development to the west of the proposed long-term care facility. Consent applications B-2019-03 and B-2019-04 have been granted conditional approval by the Committee of Adjustment.

The property is designated Mixed Use Areas in the City of Temiskaming Shores Official Plan.



Any person may attend the public meeting and/or make written or verbal presentation to express support of, or opposition to, this application. If you are aware of any person who may be affected by this application, who has not received a copy of this notice, it would be appreciated if you would inform them of the application.

Written comments on this application may be forwarded to the City prior to the hearing.

If you are receiving this notice as the owner of a multi-unit residential building, please post this notice in a location that is visible to all of the residents.

If you wish to be notified of the decision of the City of Temiskaming Shores on the proposed Zoning By-law Amendment, you must make a written request to the City of Temiskaming Shores at the address below.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the City of Temiskaming Shores to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Additional information pertaining to the application is available for review between 8:30 a.m. and 4:30 p.m. at City Hall, or by contacting the undersigned.

Dated this 23rd day of October, 2019.

Jennifer Pye, MCIP, RPP
Planner
City of Temiskaming Shores
325 Farr Drive
PO Box 2050
Haileybury, ON P0J 1K0
Tel: 705-672-3363 ext. 4105
Fax: 705-672-2911
jpye@temiskamingshores.ca



Site Servicing and Stormwater Management Report Jarlette Health Services Temiskaming Shores, Ontario

Type of Document:
Site Servicing Report

Client:
Jarlette Health Services
711 Yonge St.,
Midland, ON L4R 2E1

Project Number:
NWL-01801050

Prepared By: Terry Pascoe & Amy Kwaka

Reviewed By: Alexander O'Beirn, P.Eng.

EXP Services Inc.
310 Whitewood Ave. W.
New Liskeard, ON P0J 1P0

Date Submitted:
October 21, 2019


Site Servicing and Stormwater Management Report Jarlette Health Services, Temiskaming Shores

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EXP Services Inc.
310 Whitewood Ave. W.
Temiskaming Shores, ON P0J 1P0
Canada
T: 705 647-4311
F: 705 647-3111
www.exp.com


Terry Pascoe, B. Eng.
Designer


Amy Kwaka, P.Eng.
Designer

Alexander O'Beirn, P.Eng.
Project Manager

Date Submitted:
October 21, 2019

Legal Notification

This report was prepared by EXP Services Inc. for the account of **Jarlette Health Services**.

Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. EXP Services Inc. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this project.

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1 Introduction

Jarlette Health Services retained EXP Services Inc. (EXP) to undertake a site servicing and stormwater management study in support of a zoning by-law amendment and site plan application for a proposed two (2) storey building comprised of a 128 long-term care facility for Phase 1 and 128 long-term care facility for Phase 2. The 4.6-hectare development being proposed by Jarlette Health Services is located at the intersection of Drive in Theater Road and Grant Drive in the City of Temiskaming Shores. This report will discuss the adequacy of the existing municipal stormwater ditches, sanitary sewer, and watermain to convey the storm runoff, sewage flows, and water demands that will result from the proposed development. The property is situated in the former Township of Dymond in the City of Temiskaming Shores, Ontario as shown on Figure 1 in Appendix A.

An existing 200 mm sanitary sewer, and 250 mm watermain are present on Grant Drive along the west frontage of the property.

This report will identify any sanitary, storm or potable water servicing concerns for submission, for City of Temiskaming Shores site plan approval.

2 Referenced Guidelines

Various documents were referred to in preparing the current report including:

- Design Guidelines for Sewage Works, Ontario Ministry of the Environment and Climate Change, 2008 (GSW)
- Ontario Ministry of Transportation (MTO) Drainage Manual, 1995-1997
- Stormwater Management Planning and Design Manual, Ontario Ministry of the Environment and Climate Change, March 2003 (SMPDM)
- Design Guidelines for Drinking-Water Systems, Ontario Ministry of the Environment and Climate Change, 2008 (GDWS)
- Fire Underwriters Survey, Water Supply for Public Fire Protection (FUS), 1999
- Ontario Building Code 2012, Ministry of Municipal Affairs and Housing.

3 Watermain Servicing

3.1 Water Demands

The domestic water demands are estimated below, utilizing parameters from the GSW and the GDWS. The following summarizes the parameters used.

Population:

- Long Term Care Facility:
 - Capacity:
 - 128 – Beds (Phase 1)
 - 128 – Beds (Phase 2)

Water Demand:

- Average Daily Water Consumption = 1,350 L/bed/day (from GDWS, Table 3-2)
- Maximum Day Factor = 2.75 x Avg. Day (from GDWS, Table 3-1)
- Maximum Hour Factor = 4.13 x Avg. Day (from GDWS, Table 3-1)

The average, maximum day and peak hour domestic (residential) demands for the building are as follows:

- Average Day = $1350 \times (128+128) / 86,400 \text{ sec/day} = 4.00 \text{ L/sec}$
- Maximum Day = $2.75 \times 4.00 = 11.0 \text{ L/sec}$
- Peak Hour = $4.13 \times 4.00 = 16.5 \text{ L/sec}$

Detailed calculations of the domestic water demands are provided in Table B1 of Appendix B.

3.2 Water Service Requirements

The water pressure anticipated on the top floor of the building was estimated using data from the City of Temiskaming Shores' Hydraulic Water model. The pressure drop between the existing 250 mm watermain on Grant Drive and the proposed building was estimated based on the Hazen Williams Formula using the peak hour HGL, and a range of service pipe diameters.

The estimated pressure drop between the main connection (63.0 psi) to the top floor of the building, based on the peak demand of 16.1 L/s, is as follows:

- 100 mm Service Diameter 29.3 psi drop (33.7 psi at top floor)
- 150 mm Service Diameter 12.7 psi drop (50.3 psi at top floor)
- 200 mm Service Diameter 10.7 psi drop (52.3 psi at top floor)

Based on this current information a 200 mm service connection has adequate capacity to service the proposed building for domestic water consumption, and to service the fire hydrant on site.

Refer to Table B2 in Appendix B for detailed calculations.

4 Sanitary Sewer Design

4.1 Sanitary Sewer Flows

The sanitary sewer system is designed based on a population flow, and an area-based infiltration allowance. The flows were calculated using Ontario Ministry of the Environment, Conservation and Parks design guidelines as follows:

Population:

- Long Term Care Facility:
 - Capacity:
 - 128 – Beds (Phase 1)
 - 128 – Beds (Phase 2)
 - Daily Average Sewage Flow = 1,350 L/bed/day (from GSW, Table 5-3)
 - Average Daily Sewage Flow = 350 L/person/day
 - Equivalent Population = 987 persons

Sanitary Flow

Average Domestic Flow	= 1,350 L/bed/day
Domestic Flow = 987 x 350 L/person/day x (1/86,400 sec/day)	= 4.0 L/sec
Peak Factor = $1 + 14 / (4 + (987/1000)^{0.5})$	= 3.80 (4.0 Max)
Q Peak Domestic = 4.0 L/sec x 3.80	= 15.20 L/sec

Infiltration:

Q Infiltration = 0.28 L/ha/sec x 3.12 ha	= 0.87 L/sec
--	--------------

Total Peak Sewage Flow:

Total Sanitary Flow = 15.20 + 0.87	= 16.07 L/sec
------------------------------------	----------------------

A 200mm dia. sanitary sewer lateral is proposed with a minimum slope of 0.4% having a Manning's full flow capacity of 20.7 L/sec. Therefore, the 200mm diameter lateral has adequate capacity to convey the estimated peak sewage flow to the municipal sewer. It is recommended that a backflow preventer be installed on the sanitary lateral within the proposed building.

4.2 Sanitary Sewer Capacity

The sanitary sewer downstream of the proposed development has been reviewed using information from the former Township of Dymond's as-built drawings issued in 1995 after the construction of the trunk sanitary sewer on Grant Drive. This information was used to identify potential areas of concern (i.e. flatter than typical runs, points of concentration, etc.). The capacity of these areas of the sanitary sewer were calculated along with the existing sanitary sewer flows. Please refer to Table C1 and C2 in Appendix C for summarized calculations. The calculations were performed allowing for the proposed future development identified within this report and does not include other potential future municipal developments.

During our preliminary sanitary sewer capacity analysis, we analyzed the sewer downstream of the development at:

- Grant Drive on the east corner near the recently developed DTSSAB building northerly to the next maintenance hole (MH3 to MH4);
- the intersection of Grant Drive and Wilson Avenue northerly to the next maintenance hole (MH12 to MH14);
- and Highway 65 East near the Temiskaming Square's entrance (MH21 to MH22).

We determined that the analyzed runs are currently operating at the following estimated levels:

- MH3 to MH4: 0% (0 L/s of theoretical 18.6 L/s capacity)
- MH12 to MH14: 6% (1.5 L/s of theoretical 24.7 L/s capacity, 23.2 L/s excess capacity)
- MH21 to MH22: 13% (6.4 L/s of theoretical 49.5 L/s capacity, 43.1 L/s excess capacity)

We estimated that the analyzed runs will be operating at the following levels upon full build out of the Jarlette Health Services development:

- MH3 to MH4: 86% (16.0 L/s of theoretical 18.6 L/s capacity, 2.6 L/s excess capacity)
- MH12 to MH14: 70% (17.4 L/s of theoretical 24.7 L/s capacity, 7.3 L/s excess capacity)
- MH21 to MH22: 44% (21.9 L/s of theoretical 49.5 L/s capacity, 27.6 L/s excess capacity)

5 Stormwater Management

5.1 Design Criteria

The stormwater management system was designed based on the guidelines followed from the latest development in the municipality (Canadian Tire Expansion). These guidelines are that the post-development 100-year flow be controlled down to the pre-development 100-year flow level.

The allowable release rate for the site is limited to the pre-development flows for all storms, up to the 100-year storm. Flows in excess of the pre-development flows will be detained onsite.

Major System Design Criteria

- The major system has been designed to accommodate onsite detention with sufficient capacity to attenuate the 100-year design storm. Excess runoff above the 100-year event will flow overland offsite.
- Onsite storage is provided for up to the 100-year design storm. Calculation of the required onsite storage volumes have been supported by calculations provided in Appendix D.

5.2 Runoff Coefficients

Runoff coefficients used for post-development conditions were based on actual areas measured in AutoCAD. Runoff coefficients for impervious surfaces (roofs, asphalt, and concrete) were taken as 0.90, whereas pervious surfaces (grass/landscaping) were taken as 0.20.

The average runoff coefficient for the overall site area under post-development conditions was calculated as 0.58, whereas the pre-development average runoff coefficient was 0.20.

5.3 Calculation of Allowable Release Rate

To control runoff from the site it will be necessary to limit post-development flows to the allowable capture based on pre-development flows, with detention of runoff for up to the 100-year event.

The following parameters will be used to determine the allowable release rates from the proposed site to the existing ditch on Grant Drive.

$$Q_{ALL} = 2.78 C I A$$

Where:

Q_{ALL}	=	Peak Discharge (L/sec)
C	=	Runoff Coefficient (C=0.20)
I	=	Average Rainfall Intensity for return period (mm/hr)
T_c	=	Time of concentration (mins)
A	=	Drainage Area (hectares)

The allowable discharge rate, based on the 100-year storm, was estimated at 104.3 L/sec. To control runoff from the site it will be necessary to limit post-development flows for all storm return periods up to the 100-year event using flow control and detention of runoff, as noted in the following sections.

5.4 Pre-Development Conditions

Pre-development peak flows were estimated for comparison. The pre-development runoff coefficient for the site was determined to be 0.20.

Using a time of concentration (T_c) of 37.93 minutes and an average runoff coefficient of 0.20, the pre-development release rates from the site were estimated at 46.3, 62.1 and 104.3 L/sec for the 2-year, 5-year and 100-year storms respectively.

5.5 Calculation of Post-Development Runoff

As a result of the changes onsite the overall post development runoff coefficient will increase over existing conditions. The increase in runoff will be the result of changes due to site development (i.e. additional hard surfaces, roof areas and hard landscaping).

The post-development average runoff coefficient for the site was calculated as 0.58, based on an average runoff coefficient of 0.20 for grassed areas and 0.90 for hard surfaces.

Based on the storm drainage areas the 2-year, 5-year and 100-year post-development peak flows are calculated based on the Rational Method and are summarized in the Table 5-5 below with detailed calculations provided in Table D5 of Appendix D.

Table 5-5: Summary of Post-Development Flows

Area No	Area (ha)	Time of Conc. T_c (min)	Storm = 2-year			Storm = 5-year			Storm = 100-year		
			C_{AVG}	Q (L/sec)	Q_{CAP} (L/sec)	C_{AVG}	Q (L/sec)	Q_{CAP} (L/sec)	C_{AVG}	Q (L/sec)	Q_{CAP} (L/sec)
Post	3.116	14	0.58	272.2	46.3	0.58	364.7	62.1	0.58	766.3	104.3

Flows in **bold** under Q_{CAP} denotes flows that are controlled.

In summary, the 2-year, 5-year and 100-year post-development flows are 272.2 L/sec, 364.7 L/sec and 766.3 L/sec respectively. Flow control devices will be used to restrict these runoff rates from the site to **46.3** L/sec, 62.1 L/sec and 104.3 L/sec for the 2-year, 5-year and 100-year storms respectively. Further details regarding the onsite detention and storage methods are provided in the preceding section.

5.6 Storage Requirements

Stormwater storage requirements and associated controlled release rates within the site are summarized below in Table 5-7. Detailed calculations using the Modified Rational Method of the onsite storage requirements are provided in Appendix D.

Table 5-7: Summary of Storage Requirements and Release Rates

Area No	Location	Max Release Rate (L/sec)	Storage Requirement (m ³)	Pond Storage Provided (m ³)	Total Storage Provided (m ³)
Post	Pond	104.3	623.5	709	709

6 Erosion and Sediment Control

During all construction activities, erosion and sedimentation shall be controlled by the following techniques:

- Extent of exposed soils shall be limited at any given time,
- Exposed areas shall be re-vegetated as soon as possible,
- Filter cloth shall be installed between frame and cover of all new catch basins and catch basin manholes,
- Light duty silt fencing will be used to control runoff around the construction area.
- Straw bale flow checks shall be installed at swale and/or ditch outlets from the site.
- Visual inspection shall be completed daily on sediment control barriers and any damage repaired immediately. Care will be taken to prevent damage during construction operations,
- In some cases, barriers may be removed temporarily to accommodate the construction operations. The affected barriers will be reinstated at night when construction is completed,
- Sediment control devices will be cleaned of accumulated silt as required. The deposits will be disposed of as per the requirements of the contract,
- During the course of construction, if the engineer believes that additional prevention methods are required to control erosion and sedimentation, the contractor will install additional silt fences or other methods as required to the satisfaction of the engineer, and
- Construction and maintenance requirements for erosion and sediment controls are to comply with Ontario Provincial Standard Specification (OPSS) OPSS 805, and City of Temiskaming Shores requirements as applicable.

7 Conclusions

This report addresses stormwater runoff from the proposed development located at the corner of Drive-In Theater Road and Grant Drive in the City of Temiskaming Shores. The proposed 4.6-hectare development being proposed by Jarlette Health Services is comprised of a two (2) storey building. This project includes the development of a 128 long-term care facility for Phase 1 and 128 long-term care facility for Phase 2.

The following summarizes the servicing requirements for the site:

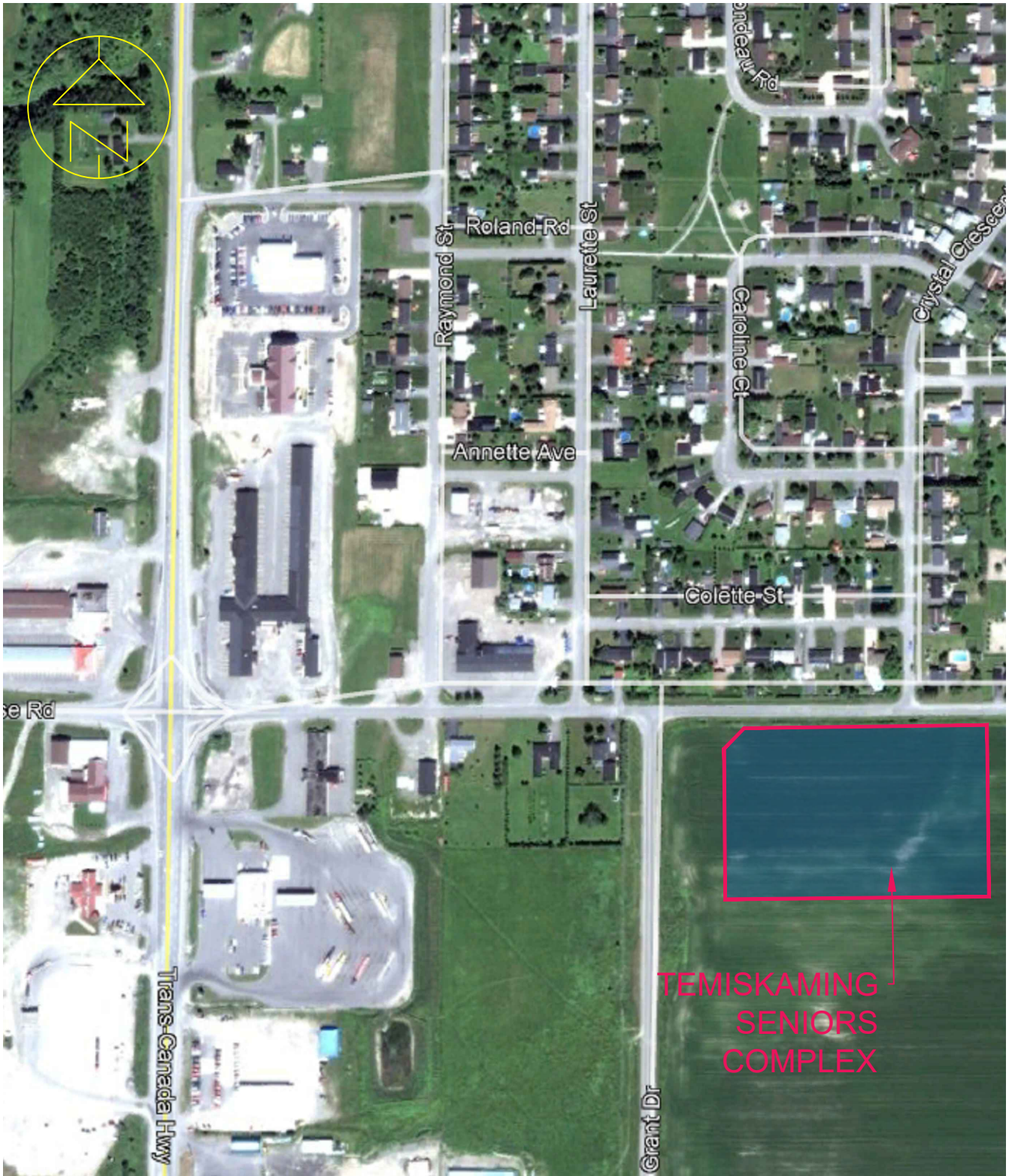
- The allowable capture rate from the proposed site was calculated based on a runoff coefficient of 0.20 and a time of concentration of 37.93 minutes for a 100-year storm event. The allowable release rate was calculated to be 104.3 L/sec. Runoff in excess of this will be detained onsite for up to the 100-year storm.
- The estimated storage required to control peak stormwater flows to the allowable release rate was 623.5 m³ based on the Modified Rational Method.
- The proposed development has an estimated peak sewage flow of 16.07 L/sec based on MECP Guidelines. A new 200 mm sewer lateral will be installed with a minimum slope of 0.4% having a full flow capacity of 20.7 L/sec. The sanitary sewer lateral will be connected into the existing 200mm diameter sewer on Grant Drive.
- The existing sanitary sewer running along Grant Drive and Highway 65 to the Gray Road lift station has adequate capacity to service the development. The proposed development will require an estimated 86% of the total capacity of the sanitary sewer immediately downstream of the development, 70% at Grant Drive and Wilson Avenue, and 44% on Hwy 65 east. While there is sufficient capacity to service the proposed development, it may limit the Municipality's ability to further develop the north end of Grant Drive without more detailed analysis and potential upgrades to the sanitary sewer.
- The existing municipal watermain along Grant Drive has adequate capacity to service the proposed development for domestic demands. It is proposed to install one 200mm service to the building, and a 150 mm watermain to service the fire hydrant on site. The calculated pressure at the top floor of the building is 52.3 psi.
- During all construction activities, erosion and sedimentation will be controlled on site.

Appendix A – Figures

Figure 1: Site Location Plan

Figure 2: Pre-Development Catchment Areas

Figure 3: Post-Development Catchment Areas

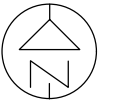
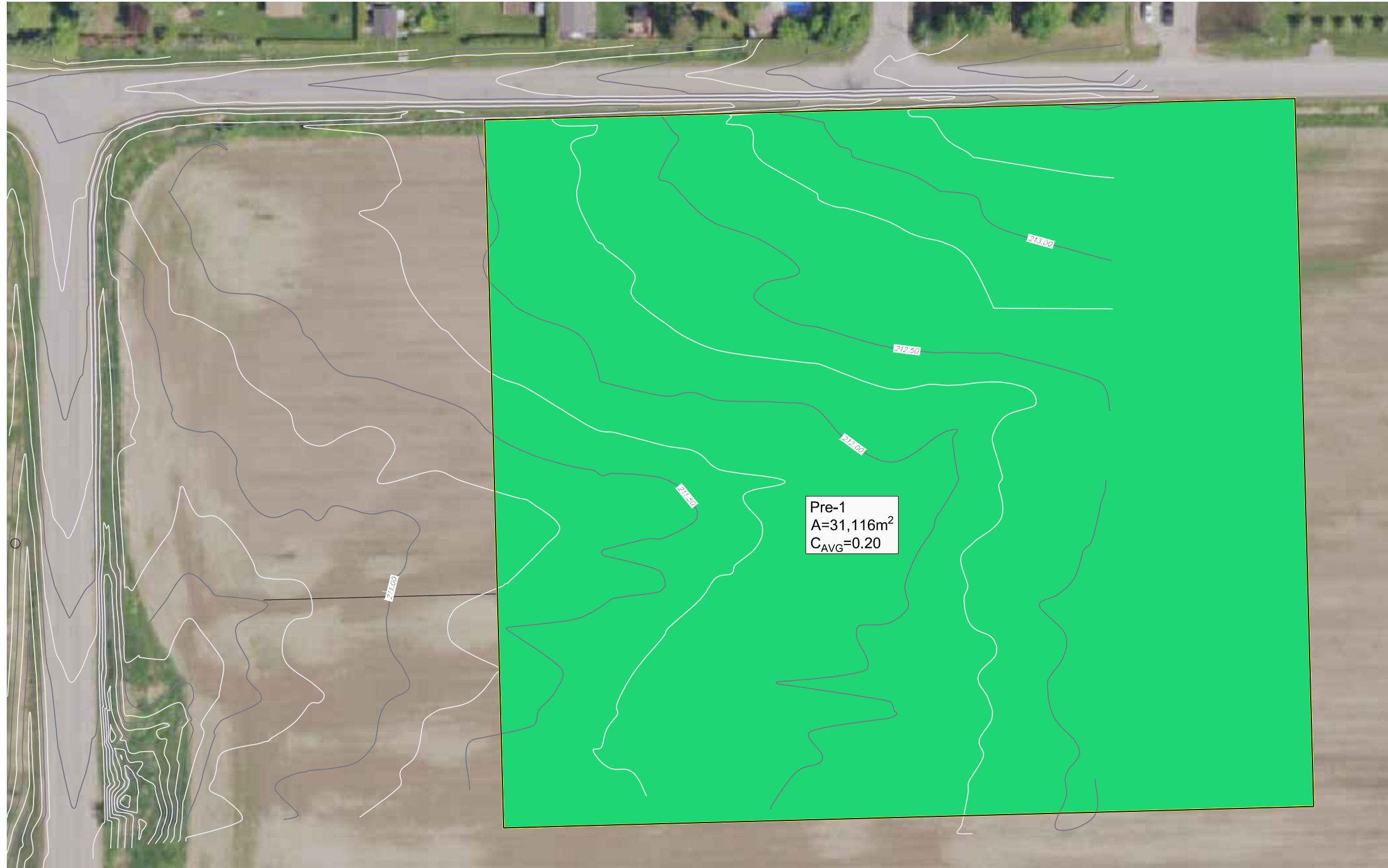


DRAWING TITLE
SITE LOCATION PLAN

PROJECT TITLE
 TEMISKAMING SENIORS COMPLEX

SCALE	N/A
DRAWN	TAP
JOB No.	NWL-01801050
DRAWING No.	FIG. 1

10/18/2019 2:50:38 PM S:\ENGINEERING\ACTIVE\2018\NWL-01801050 JARLETTE HEALTH SERVICES-SR, COMPLEX D\YMOND\60-PROJECT EXECUTION\1-DESIGN\CIVIL\SWMM\NWL-01801050 CATCHMENT AREAS - PRE OCT.DWG



LEGEND	
	GRASS C=0.2
	ASPHALT C=0.9
	ROOF C=0.9
	CATCHMENTS

EXP Services Inc.
 t: 1-705-647-4311 | f: 1-705-647-3111
 310 Whitewood Ave. W.
 New Liskeard, ON P0J 1P0
 Canada
www.exp.com



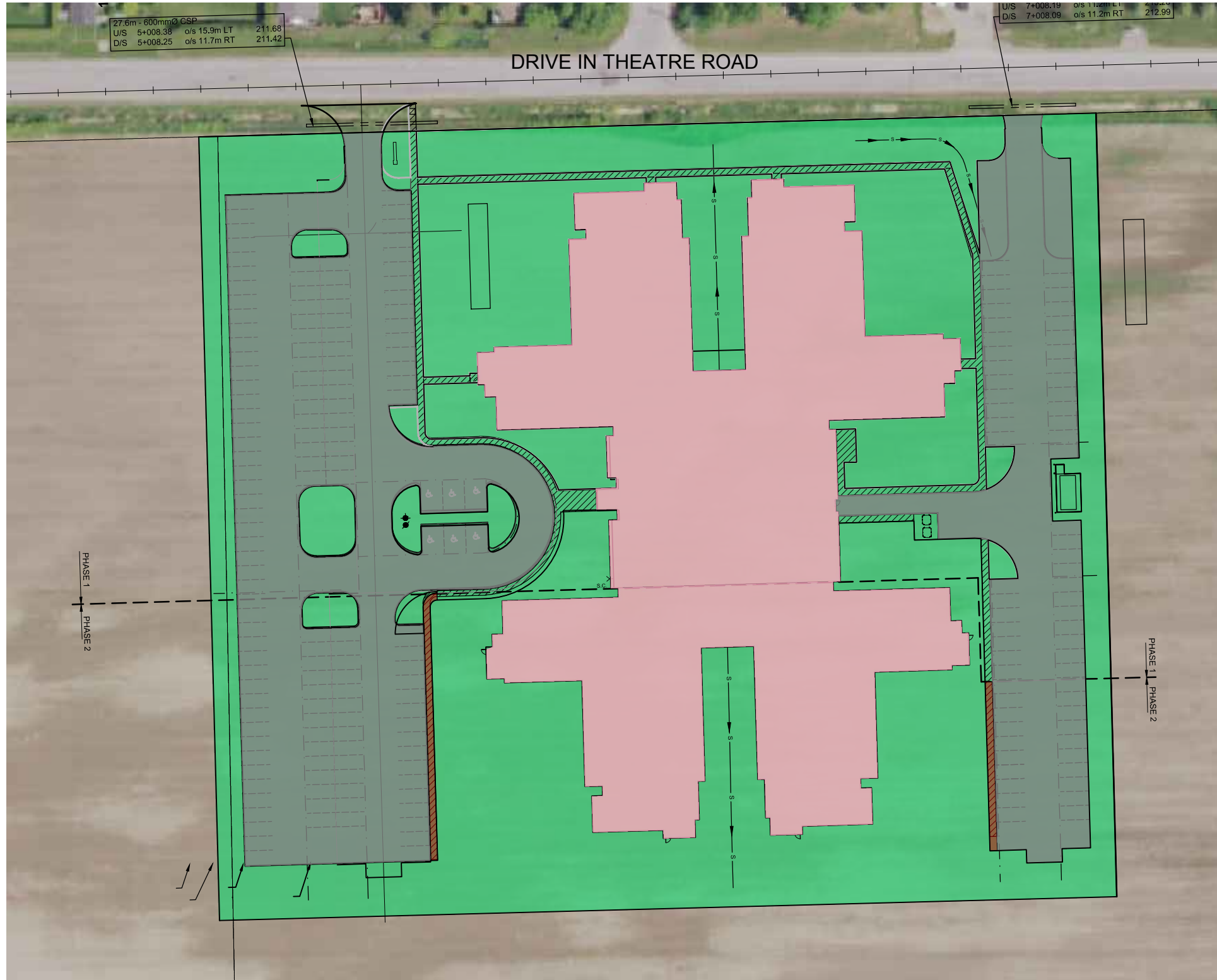
PROJECT TITLE
TEMISKAMING SENIORS COMPLEX

CLIENT
JARLETTE HEALTH SERVICES

DRAWING TITLE
**PRE-DEVELOPMENT
 CATCHMENT AREAS**

SCALE NTS	DRAWN AEM
JOB No. NWL-01801050	DRAWING No. FIG. 2

10/18/2019 3:04:40 PM S:\ENGINEERING\ACTIVE\2018\NWL-01801050 -JARLETTE HEALTH SERVICES-SR, COMPLEX D\YMOND\060-PROJECT EXECUTION\1-DESIGN\CIVIL\SWMM\NWL-01801050 CATCHMENT AREAS - POST - REVISED SITE LAYOUT OCT 18.DWG



	GRASS C = 0.2 A = 14,271 m ²
	ASPHALT C = 0.9 A = 8,777 m ²
	ROOF C = 0.9 A = 8,112 m ²

EXP Services Inc.

t: 1-705-647-4311 | f: 1-705-647-3111
310 Whitewood Ave. W.
New Liskeard, ON P0J 1P0
Canada

www.exp.com



PROJECT TITLE

TEMISKAMING SENIORS COMPLEX

CLIENT

JARLETTE HEALTH SERVICES

DRAWING TITLE

POST-DEVELOPMENT
CATCHMENT AREAS

SCALE

NTS

JOB No.

NWL-01801050

DRAWN

TAP

DRAWING No.

FIG. 3

Appendix B – Water Servicing

Table B1: Water Demand Chart

Table B2: Estimated Water Pressure at Building

TABLE B1: Water Demand Chart


Location:		Drive-In Theater Road & Grant Drive							
Project No:		NWL-01801050							
Designed by:		T.Pascoe							
Checked By:		A. O'Beirn							
Date Revised:		September 2019		<u>Population Densities</u>					
<u>Water Consumption</u>				2 Bedroom		2.0		person/unit	
Residential =		350	L/cap/day						
Long Term Care Facility =		1,350	L/bed/day						
Proposed Buildings	Residential		Population	Demands in (L/sec)					
	No. of Units		Total Persons (eq.)	Average Demand	Maximum Demand (L/day)	Peak Hourly Demand	Avg Day (L/s)	Max Day (L/s)	Max Hour (L/s)
	2 Bedroom	Beds			2.75 x Avg Day	4.1 x Avg Day			
Jarlette Health Services		256	987	345,600	950,400	1,427,328	4.00	11.0	16.5
Totals =		256	987	345,600	950,400	1,427,328	4.00	11.00	16.52

Table B2: Estimated Water Pressure at Building (through single water service connection)



Description	From	To	Pipe Length (m)	Pipe Dia (mm)	Dia (m)	Q (L/sec)	Area (m2)	C	Vel (m/s)	Slope of HGL (m/m)	Head Loss (m)	Elev From (m)	Elev To (m)	*Elev Diff (m)	Pressure From kPa (psi)	Pressure To kPa (psi)	Pressure Drop (psi)
100mm Service	Main	Bldg Connection	181.3	100	0.100	16.1	0.007854	100	2.0499	0.075	13.5	212.0	219.0	-7.0	434.0 (63.0)	232.5 (33.7)	29.3
150mm Service	Main	Bldg Connection	181.3	150	0.150	16.1	0.017671	100	0.9111	0.010	1.9	212.0	219.0	-7.0	434.0 (63.0)	346.9 (50.3)	12.7
200mm Service	Main	Bldg Connection	181.3	200	0.200	16.1	0.031416	100	0.5125	0.003	0.5	212.0	219.0	-7.0	434.0 (63.0)	360.8 (52.3)	10.7

HGL Data

Pressure = 63.00 psi

Domestic Demands

Peak Hr Demand = 16.1 l/s

Pipe Lengths

Distance from Main to Unit = 4.5 m
 Distance from Bot. to Top Unit = 7.0 m
 11.5 m

Appendix C – Sanitary Servicing

Table C1: Existing Sanitary Chart – Critical Runs

Table C2: Proposed Sanitary Chart – Critical Runs

TABLE C1: Existing Sanitary Flows - Critical Runs



Location:		Drive-In Theater Road & Grant Drive					
Project No:		NWL-01801050					
Designed by:		T.Pascoe					
Checked By:		A. O'Beirn					
Date Revised:		October 2019					
Street Name	From MH	To MH	Diameter (mm)	Slope (%)	Capacity (L/s)	Existing Flows (L/s)	Excess Capacity (L/s)
Grant Drive	3	4	200	0.32	18.60	-	18.60
Grant Drive	12	14	250	0.17	24.70	1.50	23.20
Hwy 65 East	21	22	300	0.26	49.50	6.4	43.1

TABLE C2: Proposed Sanitary Flows - Critical Runs

Location:		Drive-In Theater Road & Grant Drive					
Project No:		NWL-01801050					
Designed by:		T. Pascoe					
Checked By:		A. O'Beirn					
Date Revised:		October 2019					
Street Name	From MH	To MH	Diameter (mm)	Slope (%)	Capacity (L/s)	Proposed Flows (L/s)	Excess Capacity (L/s)
Jarlette Health Services	Site	1	200	0.40	20.70	16.00	4.70
Grant Drive	3	4	200	0.32	18.60	16.00	2.60
Grant Drive	12	14	250	0.17	24.70	17.40	7.30
Hwy 65 East	21	22	300	0.26	49.50	21.9	27.60

Appendix D – SWM Design Sheets

Table D1: Calculation of Average Runoff Coefficients (Pre-Development)

Table D2: Calculation of Time of Concentration for Catchments (Pre-Development)

Table D3: Calculation of Peak Runoff (Pre-Development)

Table D4: Calculation of Average Runoff Coefficients (Post-Development)

Table D5: Summary of Post Development Runoff (Uncontrolled and Controlled)

Table D6: Estimate of Storage Required for 5-yr and 100-yr Storms

Table D1

CALCULATION OF AVERAGE RUNOFF COEFFICIENTS (PRE-DEVELOPMENT)

Area No.	Outlet Location	Asphalt Areas		Roof Areas		Gravel Areas		Grassed Areas		Sum AC	Total Area (m ²)	C _{AVG}
		Area (m ²)	A * C	Area (m ²)	A * C	Area (m ²)	A * C	Area (m ²)	A * C			
Pre	Outlet							31161	6232.16	6232.2	31161	0.20
Average Runoff Coeff = C _{AVG} =										$\frac{6.232}{31,161}$	= 0.20	

Table D3

CALCULATION OF PEAK RUNOFF (PRE-DEVELOPMENT)

Area Description	Outlet Location	Area (ha)	Time of Conc. T _c (min)	Storm = 2-year			Storm = 5-year			Storm = 100-year		
				I ₂ (mm/hr)	C _{AVG}	Q _{2PRE} (L/sec)	I ₅ (mm/hr)	C _{AVG}	Q _{5PRE} (L/sec)	I ₁₀₀ (mm/hr)	C _{AVG}	Q _{100PRE} (L/sec)
Pre	Outlet	3.116	37.93	26.73	0.20	46.3	35.82	0.20	62.1	60.21	0.20	104.3
Total =		3.116				46.3			62.1			104.3

Notes

- 1) Intensity Calculated based on MTO IDF data for the local area
- 2) Time of Concentration Calculated for the Pre-Development Condition in Table D2

Table D4

CALCULATION OF AVERAGE RUNOFF COEFFICIENTS (POST-DEVELOPMENT)

Area No.	Area	Asphalt Areas		Roof Areas		Gravel Areas		Grassed Areas		Sum AC	Total Area (m ²)	C _{AVG}
		Area (m ²)	A * C	Area (m ²)	A * C	Area (m ²)	A * C	Area (m ²)	A * C			
Post	All	8777	7899.3	8112	7301.2			14271	2854.3	18054.8	31161	0.58
Average Runoff Coeff = C _{AVG} =										$\frac{18,055}{31,161}$	= 0.58	

Table D5

SUMMARY OF POST DEVELOPMENT RUNOFF (UNCONTROLLED AND CONTROLLED)

Area No	Outlet Location	Area (ha)	Time of Conc. T _c (min)	Storm = 2-year				Storm = 5-year				Storm = 100-year			
				C _{AVG}	I ₂ (mm/hr)	Q (L/sec)	Q _{CAP} (L/sec)	C _{AVG}	I ₅ (mm/hr)	Q (L/sec)	Q _{CAP} (L/sec)	C _{AVG}	I ₁₀₀ (mm/hr)	Q (L/sec)	Q _{CAP} (L/sec)
Post	Outlet	3.116	14	0.58	54.22	272.2	46.3	0.58	72.67	364.7	62.1	0.72	122.14	766.3	104.3
Total		3.116				272.2	46.3			364.7	62.1			766.3	104.3

Notes

- 1) Intensity Calculated based on MTO IDF data for the local area
- 2) Cavg for 100-year is increased by 25%
- 3) Time of Concentration: Calculated for longest flow path post construction
- 4) Flows under column Q_{CAP} which are **bold**, denotes flows that are controlled.

**TABLE D2
CALCULATION OF TIME OF CONCENTRATION FOR CATCHMENTS (PRE-DEVELOPMENT)**

Catchment No.	Outlet Location	Area (ha)	High Elev (m) 85% upstream	Low Elev (m) 10% upstream	Flow Path Length (m)	Avg. Slope (85/10 Method)	Avg. Runoff Coeff, C	Tc, Airport Formula (min)
Pre	Outlet	3.1161	212.90	211.36	181	1.13%	0.20	37.9
Totals =		3.1161						

Notes:

Federal Aviation Formula (Airport Method) and 85/10 formula from MTO Drainage Manual:

(b) Airport Formula

$$T_c = \frac{3.26 * (1.1 - C) * L^{0.5}}{S_w^{0.33}} \quad (8.16)$$

where:
 T_c = Time of concentration, min
 L = Watershed length, m
 S_w = Watershed slope, %
 A = Watershed area, ha

The 85/10 formula is:

$$S_w = \frac{100 * (\Delta h - h_f)}{0.75L - L_f} \quad (8.13)$$

where:

S_w = watershed slope, %
 Δh = difference in elevation, m, between the 85% point and the 10% point obtained from contours, airphotos, etc.
 h_f = sum of heights of rapids and waterfalls between 10% and 85% points, m
 L = total length of main channel, includes the undefined flow path, to head of basin, m
 L_f = sum of lengths of rapids and waterfalls, up to 10% of L , m

Table D6

Estimate of Storage Required for 5-yr and 100-yr Storms (Modified Rational Method)

Area No: <u>Post</u> All $C_{AVG} = \frac{0.58}{(2\text{-yr, 5-yr})}$ $C_{AVG} = \frac{0.72}{(100\text{-yr +25\%})}$ Time Interval = <u>5</u> (mins) Drainage Area = <u>3.1161</u> (hectares)										
Duration, T_D (min)	5 Year Storm					100 Year Storm				
	Release Rate = <u>62.1</u> (L/sec) Return Period = <u>5</u> (years) IDF Parameters, A = <u>26</u> B = <u>-0.699</u>					Release Rate = <u>104.3</u> (L/sec) Return Period = <u>100</u> (years) IDF Parameters, A = <u>43.7</u> B = <u>-0.699</u>				
	Rainfall Intensity, I (mm/hr)	Peak Flow (L/sec)	Release Rate (L/sec)	Storage Rate (L/sec)	Storage (m^3)	Rainfall Intensity, I (mm/hr)	Peak Flow (L/sec)	Release Rate (L/sec)	Storage Rate (L/sec)	Storage (m^3)
5	147.7	741.2	62.07	679.2	204	248.2	1557.3	104.317	1453.0	435.9
10	91.0	456.6	62.07	394.5	237	152.9	959.3	104.317	855.0	513.0
15	68.5	343.9	62.07	281.8	254	115.2	722.6	104.317	618.2	556.4
20	56.0	281.3	62.07	219.2	263	94.2	590.9	104.317	486.6	583.9
25	47.9	240.6	62.07	178.6	268	80.6	505.6	104.317	401.3	601.9
30	42.2	211.9	62.07	149.8	270	70.9	445.1	104.317	340.8	613.4
35	37.9	190.2	62.07	128.1	269	63.7	399.6	104.317	295.3	620.1
40	34.5	173.3	62.07	111.2	267	58.0	364.0	104.317	259.7	623.3
45	31.8	159.6	62.07	97.5	263	53.4	335.2	104.317	230.9	623.5
50	29.5	148.2	62.07	86.2	259	49.6	311.4	104.317	207.1	621.4
55	27.6	138.7	62.07	76.6	253	46.4	291.4	104.317	187.1	617.3
60	26.0	130.5	62.07	68.4	246	43.7	274.2	104.317	169.9	611.5
65	24.6	123.4	62.07	61.3	239	41.3	259.3	104.317	154.9	604.3
70	23.3	117.2	62.07	55.1	231	39.2	246.2	104.317	141.9	595.8
75	22.2	111.7	62.07	49.6	223	37.4	234.6	104.317	130.3	586.2
80	21.3	106.7	62.07	44.7	214	35.7	224.2	104.317	119.9	575.6
85	20.4	102.3	62.07	40.2	205	34.3	214.9	104.317	110.6	564.1
90	19.6	98.3	62.07	36.2	196	32.9	206.5	104.317	102.2	551.8
95	18.9	94.6	62.07	32.6	186	31.7	198.9	104.317	94.5	538.8
100	18.2	91.3	62.07	29.2	175	30.6	191.8	104.317	87.5	525.2
105	17.6	88.3	62.07	26.2	165	29.6	185.4	104.317	81.1	510.9
Maximum Storage Required =					269.6	623.5				
Notes										
1) Peak flow is equal to the product of $2.78 \times C \times I \times A$										
2) Rainfall Intensity, $I = A \times t^B$, where t = storm duration (mins)										
3) Release Rate = Desired Capture (Release) Rate										
4) Storage Rate = Peak Flow - Release Rate										
5) Storage = Duration x Storage Rate										
6) Maximum Storage = Max Storage Over Duration										
7) A,B,t are IDF Parameters for the City of Temiskaming Shores. From http://www.mto.gov.on.ca/IDF_Curves/terms.shtml										

Table D6

Estimate of Storage Required for 2-yr and 100-yr Storms (Modified Rational Method)

Area No: <u>Post</u> All $C_{AVG} = \frac{0.58}{(2\text{-yr, 5-yr})}$ $C_{AVG} = \frac{0.72}{(100\text{-yr +25\%})}$ Time Interval = <u>5</u> (mins) Drainage Area = <u>3.1161</u> (hectares)										
Duration, T_D (min)	2 Year Storm					100 Year Storm				
	Release Rate = <u>46.3</u> (L/sec) Return Period = <u>2</u> (years) IDF Parameters, A = <u>26</u> B = <u>-0.699</u>					Release Rate = <u>104.3</u> (L/sec) Return Period = <u>100</u> (years) IDF Parameters, A = <u>43.7</u> B = <u>-0.699</u>				
	Rainfall Intensity, I (mm/hr)	Peak Flow (L/sec)	Release Rate (L/sec)	Storage Rate (L/sec)	Storage (m^3)	Rainfall Intensity, I (mm/hr)	Peak Flow (L/sec)	Release Rate (L/sec)	Storage Rate (L/sec)	Storage (m^3)
5	147.7	741.2	46.31	694.9	208	248.2	1557.3	104.317	1453.0	435.9
10	91.0	456.6	46.31	410.3	246	152.9	959.3	104.317	855.0	513.0
15	68.5	343.9	46.31	297.6	268	115.2	722.6	104.317	618.2	556.4
20	56.0	281.3	46.31	235.0	282	94.2	590.9	104.317	486.6	583.9
25	47.9	240.6	46.31	194.3	292	80.6	505.6	104.317	401.3	601.9
30	42.2	211.9	46.31	165.5	298	70.9	445.1	104.317	340.8	613.4
35	37.9	190.2	46.31	143.9	302	63.7	399.6	104.317	295.3	620.1
40	34.5	173.3	46.31	126.9	305	58.0	364.0	104.317	259.7	623.3
45	31.8	159.6	46.31	113.3	306	53.4	335.2	104.317	230.9	623.5
50	29.5	148.2	46.31	101.9	306	49.6	311.4	104.317	207.1	621.4
55	27.6	138.7	46.31	92.4	305	46.4	291.4	104.317	187.1	617.3
60	26.0	130.5	46.31	84.2	303	43.7	274.2	104.317	169.9	611.5
65	24.6	123.4	46.31	77.1	301	41.3	259.3	104.317	154.9	604.3
70	23.3	117.2	46.31	70.9	298	39.2	246.2	104.317	141.9	595.8
75	22.2	111.7	46.31	65.3	294	37.4	234.6	104.317	130.3	586.2
80	21.3	106.7	46.31	60.4	290	35.7	224.2	104.317	119.9	575.6
85	20.4	102.3	46.31	56.0	286	34.3	214.9	104.317	110.6	564.1
90	19.6	98.3	46.31	52.0	281	32.9	206.5	104.317	102.2	551.8
95	18.9	94.6	46.31	48.3	276	31.7	198.9	104.317	94.5	538.8
100	18.2	91.3	46.31	45.0	270	30.6	191.8	104.317	87.5	525.2
105	17.6	88.3	46.31	41.9	264	29.6	185.4	104.317	81.1	510.9
Maximum Storage Required =					305.8	623.5				
Notes										
1) Peak flow is equal to the product of $2.78 \times C \times I \times A$										
2) Rainfall Intensity, $I = A \cdot t^B$, where t = storm duration (mins)										
3) Release Rate = Desired Capture (Release) Rate										
4) Storage Rate = Peak Flow - Release Rate										
5) Storage = Duration x Storage Rate										
6) Maximum Storage = Max Storage Over Duration										
7) A,B,t are IDF Parameters for the City of Temiskaming Shores. From http://www.mto.gov.on.ca/IDF_Curves/terms.shtml										



Michalski Nielsen

ASSOCIATES LIMITED

November 5, 2018

Ms. Jennifer Pye, MCIP, RPP
Planner
Temiskaming Shores, Ontario

jpye@temiskamingshores.ca

Re: Scoped Species at Risk Assessment, Proposed Temiskaming Lodge Seniors Care Centre (Jarlette Health Services); Our File 5618

Dear Ms. Pye:

Further to our telephone conversation of November 2, 2018, Michalski Nielsen Associates Limited is pleased to provide you with a Scoped Species at Risk Assessment of the approximately 6 acre (2.5 ha) parcel of land at the southeast corner of Drive In Theatre Road and Grant Drive in Temiskaming Shores, which Jarlette Health Services plans to develop as a Senior's Care Centre. This assessment has been prepared to demonstrate that the natural heritage requirements of the Provincial Policy Statement, Growth Plan for Northern Ontario and the *Endangered Species Act* can be addressed with conversion of these lands from an agricultural to institutional use. It has been able to be scoped as habitat opportunities are limited to two species receiving protection under the *Endangered Species Act*, namely the grassland nesting birds Bobolink and Eastern Meadowlark. Although some additional field work needs to be undertaken in June of 2019, and prior to any development of this property, to ascertain whether these birds are using these lands, regardless of the outcome of those surveys there is a regulation under the *Endangered Species Act* which provides a landowner an as-of-right opportunity to develop an acreage of this size, through a registration process. As explained further in this letter, that registration process is proponent-driven; it does not require an approval under the *Endangered Species Act*, and there is no discretion on the part of Ministry of Natural Resources and Forestry (MNRF) which would allow it to refuse a permission. Accordingly, **there is certainty that the natural heritage provisions of the Provincial Policy Statement, Growth Plan for Northern Ontario and the *Endangered Species Act* will be fully met, therefore, in my professional opinion, there is no planning justification to delay the required Consent or Zoning By-law Amendment process.** Proper assurances that both this additional field work, and any subsequent requirements for registering the loss of Bobolink and Eastern Meadowlark habitat, can be made a Condition of the Consent Agreement. In the pages which follow, I provide a description of the existing conditions of

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the subject lands, a review of the potential for Species at Risk, a description of Bobolink and Eastern Meadowlark habitat and my comments on the likelihood of these species using these lands, a description of the registration process for the loss of up to 30 ha of Bobolink and Eastern Meadowlark habitat, and my recommendations.

1. Existing Site Conditions

Development is proposed within an approximately 2.5 ha parcel of land located at the southeast corner of Drive In Theater Road and Grant Drive. That parcel is presently part of a 47 ha farm field. The mapping included in **Appendix A** shows the approximate boundaries of this area. Although I have not personally inspected the property, I have information from the proponent about its present conditions as a hayfield, and have examined several years of aerial photography, from two different mapping sources, all confirming that this property has been in hay for many years (including in 2010 and 2011 Google Earth Pro mapping and in the undated aerial photography from the MNRF’s Make-A-Map Natural Heritage website). **Appendix A** also includes a number of Google Street-view images which confirm that these lands are in hay. There are many additional hayfields within a couple of kilometres of this property, several of these also being very large in area.

There are no wetlands within the subject parcel, nor any within several hundred metres. There are no woodlots or areas identified as ANSIs. Although there is some ill-defined field drainage along or adjacent to the perimeter of the subject parcel, there are no well-defined watercourses in close proximity to it nor any valleylands. As illustrated in the Google Street-view imagery, the subject parcel and adjacent lands have very gentle grades, of 5% or less.

2. Potential for Species at Risk

The MNRF maintains records on known occurrences of Species at Risk through its Natural Heritage Information Centre (NHIC) database. A search of that database indicates that there are no known records for the 1 km x 1 km square which encompasses the subject lands. There are three records within a few kilometres of this area, as follows:

Black Tern	Special Concern
Lake Sturgeon	Threatened
American Eel	Endangered

The Black Tern records are for squares to the west, which include large wetland areas, which is the type of habitat required by this species. Lake Sturgeon and American Eel records are for Lake Temiskaming to the south. None of these records have any relevance to the subject lands.

It must be kept in mind that the NHIC database relies on reports of a species occurrence, and are often quite incomplete; the limited number of records for this area does not necessarily equate to poor habitat potential. Species at Risk are not present in large numbers, and are often cryptic, so habitat potential for species known to or presumed to occur within the broader locale must also be considered as part of a Species at Risk assessment. The local offices of MNRF are usually a good source of information on other species of potential relevance to any particular area. In the present instance, the municipality has been in touch with the local office of MNRF, who have indicated that the grassland nesting bird Bobolink has been heard in close vicinity of the subject parcel and have a high probability of using those lands. In email correspondence to the municipality they noted that “based on the habitat present, there is no concern for other Species at Risk”. I concur with MNRF’s opinion on there being at least a strong possibility that Bobolink would utilize the subject lands for nesting. The species is Threatened, and is protected under the *Endangered Species Act*. I also generally agree with MNRF that there are no concerns for other Species at Risk, although note that another Threatened (and protected) grassland nesting bird, Eastern Meadowlark, has overlapping nesting requirements with Bobolink, and can often be found nesting within the same area; accordingly, there is a possibility that it may also occur. Both of these bird species are surveyed for at the same time and in the same manner, and are subject to the same registration procedures under the *Endangered Species Act*.

Bobolink was listed as Threatened, by the Province on September 30, 2010. Over 25% of the global Bobolink population breeds in Canada. Over the past 40 years populations of the species have declined by 65%, largely due to habitat loss, disturbance and fragmentation. Exposure to pesticides and hunting of Bobolinks on their wintering grounds are also contributing to population declines (COSEWIC 2010). The main issue, however, is thought to be a change in farming practices to harvesting hay more frequently and earlier in the summer season, when Bobolinks are still nesting. According to the Migration Research Foundation (MNRF 2010), 96% of eggs and nestlings are now destroyed as a result of early hay cropping.

Preferred breeding habitat for Bobolink in eastern North America is confined to open grasslands. Specifically, the Bobolink is a specialist of open upland meadows, particularly older (five to ten years) hay fields. It shuns floodable areas and areas with any appreciable shrub growth. It prefers extensive, open grassland, with some forbs, good thatch, but not necessarily dense vegetation of medium to moderately tall height (30 cm to >60 cm), generally avoiding either short or very tall grasses. It will sometimes use fallow or clover/alfalfa fields and even drier wetland meadows. It is considered to be area-sensitive, breeding in higher densities in larger fields. These areas (usually fields) are often more than 30 ha. The cumulative total of habitat in the surrounding area may also be an indicator of preferred habitat. The actual defended nest territory varies but is typically from 0.7 ha to 2 ha. The hayfield in which the severance parcel is located provides good nesting opportunities for this species.

Eastern Meadowlark was listed as Threatened by both COSSARO in 2009 and COSEWIC in 2007 due to declining populations.

The breeding habitat of Eastern meadowlark consists of grasslands of moderate height, including hayfields and pastures, road sides, shrubby overgrown fields, alfalfa fields, weedy borders of croplands, and other open areas. Breeding habitat can also include fence posts, shrubs or small trees for the use of elevated song perches (MNRF, 2016). The hayfields in which the severance parcel are located provide nesting opportunities for this species.

Surveys for Bobolink and Meadowlark need to be undertaken. Those surveys must be undertaken during the breeding season, which in this area of the province would be captured by surveys completed during the month of June, 2019. Up to three such surveys will be required, dependant on the outcome of the first and second.

3. Registration Process for Bobolink and Eastern Meadowlark

For most species that are protected under the *Endangered Species Act*, the potential presence of a species and their habitat would create considerable uncertainty from a planning perspective. However, that is not the case for Bobolink and Eastern Meadowlark, specifically for those circumstances where development will result in the loss of 30 ha or less of their habitat. In this regard, Ontario Regulation 242/08 provides species-specific interpretation information on protection requirements under the *Endangered Species Act*. For bobolink and meadowlark, guidance is included under Section 23.6. Section 23.6 (2) reads as follows:

Clause 9 (1) (a) and subsection 10 (1) of the Act do not apply to a person who, while carrying out an activity described in subsection (1), kills, harms, harasses, captures or takes a bobolink or an eastern meadowlark, or damages or destroys its habitat, if,

- (a) the size of the area of habitat of bobolink or eastern meadowlark that is damaged or destroyed by the activity is equal to or less than 30 hectares; and
- (b) the person satisfies all of the conditions set out in subsection (4). O. Reg. 176/13, s. 14.

Accordingly, it provides specific provision for damaging or destroying up to 30 ha of bobolink or meadowlark habitat, providing that all of the conditions of Section 14 of Ontario Regulation 176/13 are met. That section deals with the Environmental Registry for projects.

Environmental Registry Steps to Follow

A permit is not needed from the Ministry of Natural Resources and Forestry if the land planned to be developed is up to 30 hectares of land (MNRF, 2015). There must be certain rules followed to adhere to the MNRF. In accordance with the MNRF’s publication Bobolink and Eastern Meadowlark Habitats and Land Development (<http://www.ontario.ca/page/bobolink-and-eastern-meadowlark-habitats-and-land-development>), you must:

- register the work and the affected species with the Ministry of Natural Resources (before work begins);
- prepare and follow a habitat management plan;
- create or enhance habitat, and manage that habitat;
- provide a written commitment (also called an undertaking) to the Ministry of Natural Resources that says you will manage the habitat over time;
- minimize effects to the protected species (e.g., put access roads outside the habitat);
- avoid activities that are likely to affect habitat or the birds between May 1 – July 31 (e.g., do not excavate land or plough fields during this time);
- prepare and maintain records that relate to the work and the habitat; and
- report sightings of rare species (and update registration documents, if needed).

The registration process involves the following steps:

- 1) Download the Natural Resources Registration Guide that outlines in detail the steps to register an activity under the Endangered Species Act, 2007.
<https://www.ontario.ca/document/natural-resources-registration-guide>
- 2) Create a Natural Resources client profile and ONE-key ID to register online. The next option is to create a business or individual profile for Natural Resources registrations. The following options for profiles include:
 - A business profile for registering activities completed by a:
 - Non-profit organization
 - Business
 - Municipality
 - Ministry
 - Government agency
 - Individual profile for registering non-business activities
 - An authorized representative profile for registering activities representing a business
- 3) Register Bobolink activity. These steps include:
 - Online on the Natural Resources website, from the main menu select My services
 - Identify the business you are representing if you are an authorized representative
 - Select Create New Registration
 - From the registry options select *Notice of Activity and Other Notices under the Endangered Species Act (ESA)*
 - From the options, select *Bobolink and Eastern Meadowlark- Activities impacting 30 hectares or less of habitat*

- Register the activity with the following information provided:
 - Description of the development activity
 - The size of the enhanced or new habitat for Bobolink
 - Specify the affected species
 - Date of proposed start and end date of the activity
 - Submit registration
- 4) Confirmation. The final step is to receive by email an official Confirmation of Registration. A copy must be kept as proof of registration.

There is also the option to download the registration form and user guide, then print and mail the form, if unable to apply online.

For more information, the following contact is available:

Ministry of Natural Resources, Registry and Approval Services Centre, Telephone: 1-855-613-4256 (toll free), Email: mnr.rasc@ontario.ca

In summary, if in fact the survey work to be completed in June finds that Bobolink and Eastern Meadowlark are utilizing the lands to be developed, there is an as-of-right opportunity to develop these lands and move forward with their development, subject to registering this activity. Providing that the required surveys are undertaken, and that the project is registered if Bobolink and/or Eastern Meadowlark are found, the natural heritage policies of the Provincial Policy Statement and Growth Plan for Northern Ontario, together with the requirements of the *Endangered Species Act*, will be fully met. The registration process includes a provision that the clearing of lands occurs outside of the period during which Bobolink and Eastern Meadowlark are utilizing it. The registration process is proponent driven and straightforward. There are no concerns that an agreement could not be entered into with a local farmer to ensure a portion of their lands are being better managed for the provision of Bobolink and Eastern Meadowlark habitat, providing the required offset under the registration process. Although the registration process is audited by MNRF, and it would be within the right of MNRF staff to ensure matters such as sufficient offsetting or monitoring of success, they have no right to deny a permission to develop less than 30 ha of Bobolink and/or Eastern Meadowlark habitat, no matter the qualities or characteristics of such habitat. Assurances that the required surveys are completed in the appropriate timing window, and that this project is registered if Bobolink and/or Eastern Meadowlark are found, are matters which can be easily addressed as conditions of a Consent Agreement. Granting the required Consent and Zoning By-law Amendment now, prior to completing the required surveys in June of next year (which is seven months away) allows the proponent to begin planning for this Senior’s Care Centre with certainty and without any undue delays.

4. Recommendations

On the basis of the above, Michalski Nielsen Associates Limited recommends that:

- **the municipality of Temiskaming Shores permit the severance of these lands and the associated Zoning By-law Amendment in order to allow a Senior’s Care Centre to be constructed on a parcel of approximately 2.5 ha in size;**
- **the Consent Agreement include conditions requiring that Bobolink and Eastern Meadowlark surveys be completed, in accordance with proper standards, in June, 2019 and, should those surveys demonstrate the presence of one or more of those species, that the proponent then register the activity of removing this acreage of such habitat;**
- **Jarlette Health Services retain a qualified professional to complete Bobolink and Eastern Meadowlark surveys in June of 2019, following MNRF’s recommended protocols, to determine if Bobolink and/or Eastern Meadowlark are utilizing the lands in question. Up to three surveys must be completed should the results of the first and second surveys not confirm the presence of one or more of these species;**
- **a summary of these survey results is to be provided to the municipality of Temiskaming Shores;**
- **if the survey work demonstrates the presence of Bobolink and/or Eastern Meadowlark, Jarlette Health Services is to register the activity (i.e., the loss of approximately 2.5 ha of habitat) prior to the initiation of any clearing work, and are to abide by the requirements of this registration.**

* * * * *

In closing, I trust this provides your municipality with the appropriate assurances that the required planning approvals which Jarlette Health Services requires to proceed with confidence on this project will not contravene the natural heritage policies of the Provincial Policy Statement, Growth Plan for Northern Ontario or the *Endangered Species Act*. I would be pleased to answer any questions you may have.

Yours truly,

MICHALSKI NIELSEN ASSOCIATES LIMITED

Per:



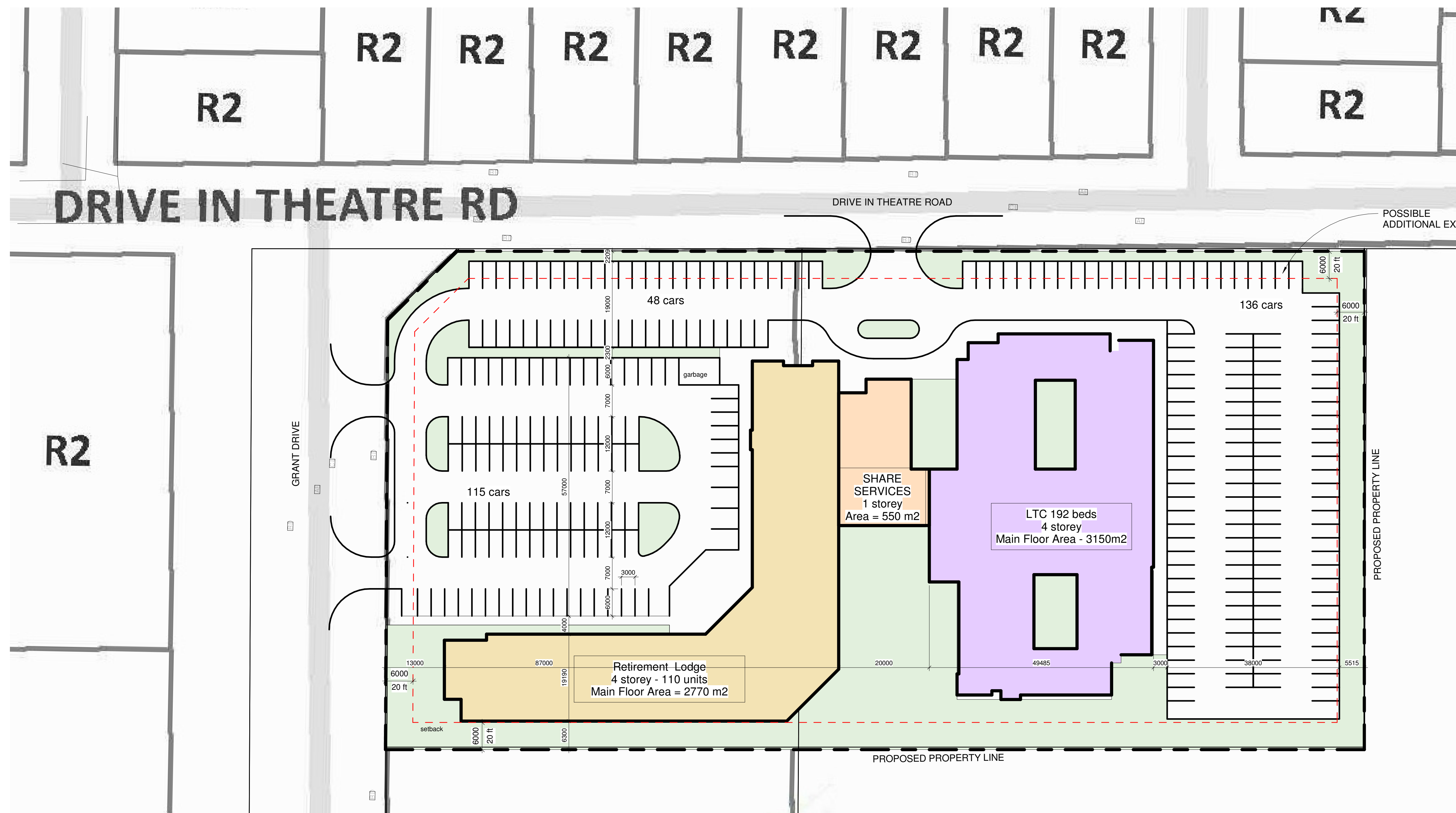
Gord Nielsen, M.Sc.
Ecologist
President

**APPENDIX A – SITE PLAN, AERIAL PHOTOGRAPHY
AND GOOGLE STREET – VIEW IMAGES**



KEY MAP

GENERAL NOTES
 ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT. REPRODUCTION OF DRAWINGS WITHOUT WRITTEN PERMISSION OF THE ARCHITECT IS PROHIBITED.
 THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY.
 ALL WORK SHALL CONFORM TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE.
 IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO COORDINATE ALL STRUCTURAL, MECHANICAL AND ELECTRICAL WORK.



No.	Description	Date

TED HANDY and ASSOCIATES
 Inc. ARCHITECT
 76 Mary Street
 Barrie, Ont. L4N 1T1
 Tel. 705 734 3580
 Fax 705 721 0265

Temiskaming Shores Care Centre
 Drive In Theatre Road, ON

Concept Site Plan

1 SITE PLAN - CONCEPT
 1 : 500

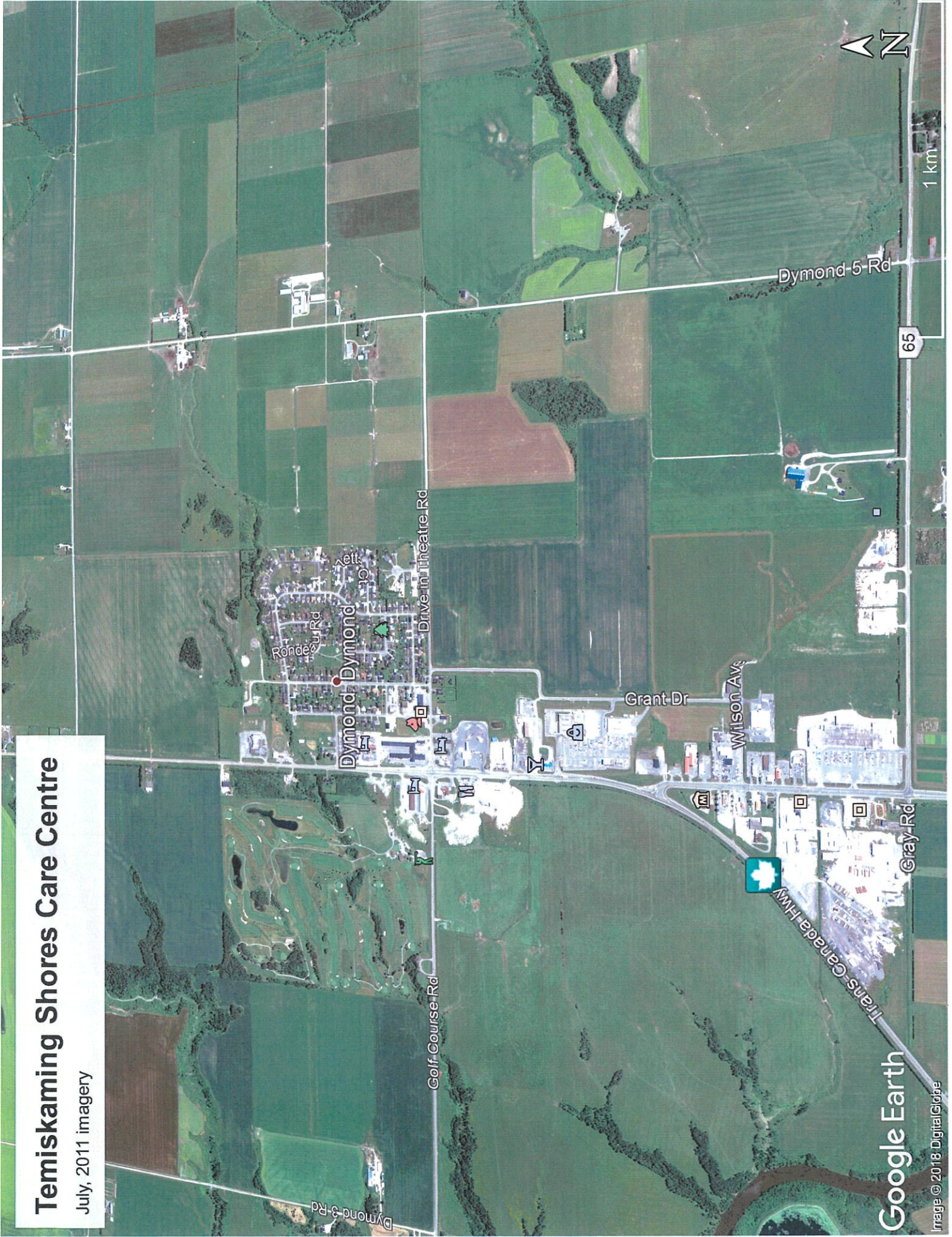
Project number 1819
 Date Oct. 12, 2018
 Drawn by AF
 Checked by EPH

A1.1
 Scale As indicated

16/10/2018 9:43:40 AM

Temiskaming Shores Care Centre

July, 2011 imagery



Google Earth

Image © 2018 DigitalGlobe

8/28/2010



Source: © 2010 DigitalGlobe



Temiskaming
Veterinary Services

Dymond
Community Hall

Colette St

Dymond
Township Arena

St Joseph's Ct

Drive In Theatre Rd

Drive In Theatre Rd

Drive In Theatre Rd

Drive In Theatre Rd

Drive In Theatre Rd

Auberge Country Inn

Grant Dr

HUSKY

Grant Dr

NORTH-WAY
CHRYSLER MOTORS...

Grant Dr

Cote Touchless Car Wash

Spectrum Feed Service

Krieger's Auto Care

Grant Dr

Zante's Bar & Grill

Google

Temiskaming Shores Care Centre

View from Drive-in Theatre Road



Google Earth

© 2018 Google
© SPOT IMAGE



2.63 m

Theatre Rd
ning Shores, Ontario
gle, Inc.
w - Sep 2009



Shores, Ontario



Inc.

ep 2009

© 2013 Google





Michalski Nielsen

ASSOCIATES LIMITED

August 12, 2019

Mr. Bob Campbell
Construction Project Manager
Jarlette Health Services
711 Yonge Street
Midland, Ontario L4R 2E1

Re: Results of Bobolink and Meadowlark Survey, Proposed Temiskaming Lodge Seniors Care Centre (Jarlette Health Services); Our File 5618

Dear Mr. Campbell:

Jarlette Health Services have been in negotiation with a landowner in the municipality of Temiskaming Shores to purchase an approximately 3.5 ha parcel of land at the southeast corner of Drive In Theatre Road and Grant Drive, which is generally illustrated on **Figure 1**. That parcel is part of a 47 ha farm field. On November 5, 2018 as part of Jarlette Health Services' due diligence process, my office prepared a Scoped Species at Risk Assessment in relation to the development of this parcel, addressed to Mr. Jennifer Pye, Planner for the Municipality of Temiskaming Shores. That report spoke to the potential presence of two bird species which receive protection under the *Endangered Species Act*, namely Bobolink (*Dolichonyx oryzivorus*) and Eastern Meadowlark (*Sturnella magna*). These grassland nesting birds utilize hayfields and other grasslands for breeding. Based on our review of aerial photography, the agricultural lands being considered for this project had been planted in hay (note: our 2018 work was strictly a desk-top exercise, and relied on 2010 and 2011 Google Earth Pro aerial photography, as well as undated aerial photography from MNRF's Make-A-Map Natural Heritage Areas website). It was our recommendation that field work be undertaken in the late spring/early summer of 2019, during the breeding season for Bobolink and Meadowlark, to determine if they were using these fields.


Background Information on Bobolink and Meadowlark

Bobolink was listed as Threatened by the Province of Ontario on September 30, 2010. Over 25% of the global Bobolink population breeds in Canada. Over the past 40 years, populations of the species have declined by 65%, largely due to habitat loss, disturbance and fragmentation. Exposure to pesticides and hunting of Bobolinks on their wintering grounds are also contributing to population declines (COSEWIC

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LEGEND:


 Subject Site

Imagery (2011) provided by Esri basemap service (DigitalGlobe)


Key Map




0 25 50 75 100
metres

	PROJECT NO.	1603324	REVISION:	1
	DATE:	Jun 07, 2019	SCALE:	1:2000
	DRAWN:	BE	DATUM:	NAD 1983
	CHECKED:	ED	PROJECTION:	UTM zone 17

CLIENT:



PREPARED BY:



PALMER ENVIRONMENTAL CONSULTING GROUP INC.

PROJECT: Temiskaming Shores Care Centre

Site Location

Figure 1

2010). The main issue, however, is thought to be a change in farming practices to harvesting hay more frequently and earlier in the summer season, when Bobolinks are still nesting. According to the Migration Research Foundation (MNRF 2010), 96% of eggs and nestlings are now destroyed as a result of early hay cropping.

Preferred breeding habitat for Bobolink in eastern North America is confined to open grasslands. Specifically, the Bobolink is a specialist of open upland meadows, particularly older (five to ten years) hay fields. It shuns floodable areas and areas with any appreciable shrub growth. It prefers extensive, open grassland, with some forbs, good thatch, but not necessarily dense vegetation of medium to moderately tall height (30 cm to >60 cm), generally avoiding either short or very tall grasses. It will sometimes use fallow or clover/alfalfa fields and even drier wetland meadows. It is considered to be area-sensitive, breeding in higher densities in larger fields. These areas (usually fields) are often more than 30 ha. The cumulative total of habitat in the surrounding area may also be an indicator of preferred habitat. The actual defended nest territory varies but is typically from 0.7 ha to 2 ha. The previously occurring hayfield in which the seniors care centre is proposed provided good nesting opportunities for this species.

Eastern Meadowlark was listed as Threatened by both COSSARO in 2009 and COSEWIC in 2007 due to declining populations.

The breeding habitat of Eastern meadowlark consists of grasslands of moderate height, including hayfields and pastures, road sides, shrubby overgrown fields, alfalfa fields, weedy borders of croplands, and other open areas. Breeding habitat can also include fence posts, shrubs or small trees for the use of elevated song perches (MNRF, 2016). The previously occurring hayfields in which the seniors care centre is proposed provided nesting opportunities for this species.

2019 Breeding Bird Survey Methodology and Results

A breeding bird survey of the subject lands was completed on May 31, 2019 by a qualified biologist. The survey was conducted during peak breeding season, which for 2019 was between May 24 and July 10, and was completed in accordance with the principles of the *Ontario Breeding Bird Atlas Guide for Participants* (Bird Studies Canada, 2001). The survey began at 6:20 am to coincide with the dawn chorus. Weather conditions during the survey were 80% overcast, with 11 kilometers per hour (km/h) breezes, no precipitation and an ambient temperature of 1° Celsius (C). The survey was completed by wandering on foot through the lands being considered for the Temiskaming Lodge Seniors Care Centre, and to a distance of approximately 200 metres east and south of it. The surveyor recorded all bird species seen and heard within and flying over the survey area during the survey. The number, breeding evidence, and approximate location of each bird or bird group was also recorded.

At the time of the breeding bird survey, the subject property and the remainder of the 47 ha agricultural parcel in which it is located, were entirely comprised of a field which had recently been

ploughed and planted with crops (Photograph 1). Areas with minor pasture grass and herbaceous vegetation establishment were noted along the field edges.



Photograph 1. Study area – now cropped agricultural field, May 31, 2019.

A total of eight bird species were documented in the study area, most which are considered common, widespread and abundant in the province. One species, Savannah Sparrow (*Passerculus sandwichensis*) has an SRANK of S4, which is considered uncommon but not rare (MNR, 2018). One of the species, Red-winged Blackbird (*Agelaius phoeniceus*) displayed probable breeding evidence as pairs were observed in suitable nesting habitat. All other bird species had possible breeding evidence as males were singing in suitable nesting habitat. No Species at Risk or area-sensitive species were observed in the study area. The full survey results are provided in **Appendix A**.

As noted, none of the recorded species are considered at-risk. Species at Risk grassland birds such as Bobolink and Eastern Meadowlark are most common in native grasslands, pastures and savannahs. They can also utilize a wide variety of other anthropogenic grassland habitats, including hayfields, weedy meadows, young orchards and herbaceous fencerows (COSSARO, 2010). As described above, the current conditions comprising the majority of the subject property (and providing the greatest area for nest establishment) include actively cropped agricultural lands. As a result, the lack of tall, native grasses does not provide suitable nesting habitat for SAR grassland birds.

On being informed of these survey results, I contacted you to determine if you had any contact with the landowner about your required due diligence work for grassland birds. You noted that the property owner

was aware that these lands would not be developed this growing season and could therefore be farmed, but was not aware of any investigations being conducted for grassland birds. It simply appears that the individual farming these lands made the choice to plant these fields with a cash crop in 2019, based on agricultural market conditions. Crop rotation is a regular part of ordinary farming practices and there are no requirements under the *Endangered Species Act* for a farmer who has hayfields to maintain them in that particular agricultural use. **This change in farming use has erased any potential for Bobolink and Meadowlark to use these lands, a use that would not re-establish unless these lands were returned to a hayfield and maintained in that use for a number of years.**

Because the first breeding bird survey conclusively demonstrated that there was no longer any potential for Bobolink and Meadowlark habitat on these lands, additional breeding bird surveys were not required.

Summary Comments

In conclusion, there is no potential for Bobolink and Meadowlark breeding habitat on the subject lands at present. As such, the proposed development of these lands is not constrained by habitat protection requirements of the *Endangered Species Act*.

I trust this assessment is complete, but please do not hesitate to contact me should you have any questions.

Yours truly,

MICHALSKI NIELSEN ASSOCIATES LIMITED

Per:



Gord Nielsen, M.Sc.
Ecologist
President

Bird Studies Canada.

2001. **Ontario Breeding Bird Atlas Guide for Participants**. Retrieved from https://www.birdsontario.org/download/atlas_feb03.pdf

Committee on the Status of Endangered Wildlife in Canada.

- 2007-2010. **COSEWIC assessment and status report on the Bobolink *Dolichonyx oryzivorus* in Canada**. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vi + 42 pp. (www.sararegistry.gc.ca/status/status_e.cfm).

Committee on the Status of Species at Risk in Ontario (COSSARO).

- 2009-2010. **COSSARO Candidate Species at Risk Evaluation Form for Bobolink (*Dolichonyx oryzivorus*)**. Retrieved from https://files.ontario.ca/environment-and-energy/species-at-risk/stdprod_086353.pdf

Migration Research Foundation.

2010. **Grassland Bird Conservation: How to Protect Grassland Birds in Quebec and Ontario**. <http://www.migrationresearch.org/research/grassland.html>.

Ontario Ministry of Natural Resources.

2016. **SAR in Parry Sound District Screening Tool**. December 2016. Version 7.0. Eastern Meadowlark. <https://www.ontario.ca/page/eastern-meadowlark>.
2018. **Natural Heritage Information Centre Species Lists**. Last updated December 16, 2018. Retrieved from <https://www.ontario.ca/page/get-natural-heritage-information>

**APPENDIX A – BREEDING BIRD SURVEY
OBSERVATIONS**

Appendix A. Breeding Bird Survey Observations

Common Name	Scientific Name	Status			Breeding Status	Locations		Observed on site visit
		COSEWIC	SARO	SRANK		Agricultural field	Flyovers and adjacent areas	31-May-19
Killdeer	<i>Charadrius vociferus</i>			S5	S	1	1	✓
Mallard	<i>Anas platyrhynchos</i>			S5	P		2	✓
American Robin	<i>Turdus migratorius</i>			S5	S		1	✓
Red-winged Blackbird	<i>Agelaius phoeniceus</i>			S4	P	2	2	✓
American Goldfinch	<i>Carduelis tristis</i>			S5	S		2	✓
Savannah Sparrow	<i>Passerculus sandwichensis</i>			S4	S	3		✓
Common Raven	<i>Corvus corax</i>			S5	X		1	✓

Legend

COSEWIC - Committee for the Status on Endangered Wildlife in Canada (COSEWIC, 2018)

SARO – Species at Risk in Ontario (MNRF, 2018)

SRank – Provincial Rank (MNRF, 2018)

Breeding Bird Code (Bird Studies Canada):

S – Singing male present

P – Pair in nesting season

X – Observed

The Corporation of the City of Temiskaming Shores

By-law No. 2019-000

Being a by-law to enact a Zoning by-law Amendment to rezone property from Highway Commercial (C2) and Development (D) to Community Facilities Exception 2 (CF-2) in the City of Temiskaming Shores Zoning By-law 2017-154 Southeast corner of Grant Drive and Drive-In Theatre Road Part of 5418-020-002-069.00 and 5418-020-002-080.00

Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, the Council of a Municipality may enact by-laws to authorize the use of land, buildings or structures for any purpose set out therein that is otherwise prohibited;

And whereas By-law No. 2017-154 regulates the use of land and the use and erection of buildings and structures within the City of Temiskaming Shores;

And whereas Council considered Administrative Report No. CGP-068-2019 at the Regular Council meeting held on December 3, 2019 and directed staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law No. 2017-154 to change the zoning on the portion of the properties from Highway Commercial (C2) and Development (D) to Community Facilities Exception 2(CF-2) for consideration at the December 3, 2019 Regular Council meeting;

Now therefore the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. Schedule Changes

a) Schedule "D3" of By-law No. 2017-154 is hereby amended by rezoning part of Dymond Concession North Part of Lots 9 and 10; RP54R-3676 Part 3, RP 54R-5247 Part 1, 3, 4, RP 54R-5289 Part 1; Parcel 903NND and 23075SST, as shown on Schedule "1" to this By-law, from the Highway Commercial (C2) and Development (D) Zone to the Community Facilities Exception 2 (CF-2) Zone.

2. Text Changes

a) Table 10.2 is amended to add as a permitted accessory use, in the CF-2 Zone, "uses normally incidental to the long-term care use, including but not limited to: hair salon, retail shop, café, medical/health practitioner offices, multiple dwellings and street townhouse dwellings."

3. That all other provisions of By-law No. 2017-154 shall continue to apply.

4. That the passing of this by-law shall be subject to the provisions of the *Planning Act*.

5. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be

deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

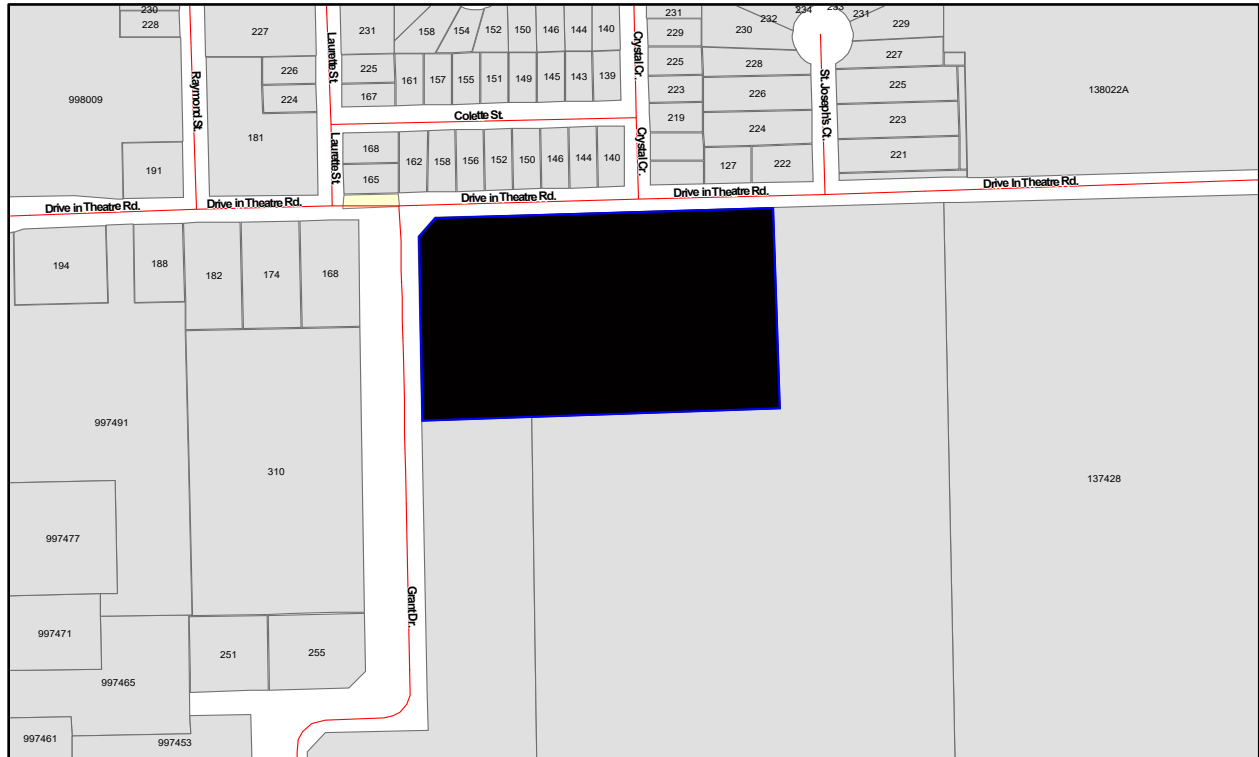
Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

Schedule "1" to By-law 2019-000

City of Temiskaming Shores



Rezoned from Highway Commercial (C2) and Development (D) to Community Facilities Exception 2 (CF-2)

Memo

To: Mayor and Council
From: Steve Burnett, Technical and Environmental Compliance Coordinator
Date: December 3, 2019
Subject: Stewardship Ontario - By-law Amendment (By-law No. 2013-048)
Appendix 01: Amending Agreement Cover Letter -Stewardship Ontario
Appendix 02: Amendment to Agreement with Stewardship Ontario

Mayor and Council:

At the Regular Council Meeting on April 2, 2013, the City of Temiskaming Shores entered into an agreement with Stewardship Ontario (By-law No. 2013-048) to permit the City to host an Orange Drop Collection Event. By-law No. 2015-025 amended the initial by-law permitting the City to host other events. Stewardship Ontario's Orange Drop Program provides funding for such events and allows Ontario residents with a free, safe and easy way to dispose of those household products they use every day that require special handling when they are finished with them. The extended producer responsibility model covers the costs of collection and disposal once the consumer has finished using the product.

In association with the Waste Free Ontario Act, Stewardship Ontario has been directed by the Minister of the Environment, Conservation and Parks to wind-up the current Municipal Hazardous or Special Waste Program (Orange Drop). Upon wind-up, hazardous material collected will be managed according to a new framework under the Resource Recovery and Circular Economy Act, 2016. This wind-up is scheduled to be completed on June 30, 2021.

In anticipation of the Wind-up Plan being approved by December 31, 2019, an amendment to the current agreement with Stewardship Ontario is required to allow for payment of materials associated with future Orange Drop Events up until the time of transition to full producer responsibility.

Appendix 01 is a cover letter from Stewardship Ontario outlining the reasoning for the amendment.

Appendix 02 outlines the amendment to the agreement with Stewardship Ontario.

Prepared by:	Reviewed and approved by:	Reviewed and submitted for Council's consideration by:
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"Original signed by"

Steve Burnett
Technical and Environmental
Compliance Coordinator

"Original signed by"

G. Douglas Walsh
Director of Public Works

"Original signed by"

Christopher W. Oslund
City Manager



Stewardship Ontario

August 28, 2019

To: Head of Municipal Hazardous Waste Management

Subject: 2019 Municipal Amendment Agreement

Attached you will find a copy of the Amended Municipal Agreement for 2019. Your immediate attention to this matter is requested.

As you are aware, Stewardship Ontario has been directed by the Minister of the Environment, Conservation and Parks (MECP) to wind-up the current MHSW program. Upon wind-up, hazardous materials collected under the MHSW Program will be managed according to an individual producer responsibility (IPR) framework under the Resource Recovery and Circular Economy Act, 2016.

Under the MHSW Program, Stewardship Ontario manages the supply chain operations for single-use dry cell batteries and pressurized containers. Wind-up for single-use dry cell batteries is scheduled to take place June 30, 2020 with the remaining MHSW materials occurring on June 30, 2021.

In anticipation of the Wind-up Plan being approved on December 31, 2019, changes to the current Municipal Agreement are necessary to enable Stewardship Ontario to make payments to communities for materials that will continue under the MHSW Program after June 30, 2020, namely pressurized containers. In the absence of this amendment, Stewardship Ontario will have no mechanism to continue payments after the wind-up date for single-use batteries on June 30, 2020 and would be forced to terminate all Agreements effective that date.

Communities that wish to continue receiving payments for collecting pressurized containers after June 30, 2020 are asked sign back the Amending Agreement no later than December 31, 2019. For information regarding, you can go to <https://stewardshipontario.ca/mhsw-windup/>

Regards,

Cullen Hollister

Director of Operations – Blue Box and MHSW

mhsw@stewardshipontario.ca

The Corporation of the City of Temiskaming Shores

By-law No. 2019-000

**Being a by-law to amend By-law No. 2013-048, as amended
being a by-law to enter into an Agreement with Stewardship
Ontario to permit the City of Temiskaming Shores to host an
Orange Drop Collection Program for the Collection of
Municipal Hazardous or Special Waste**

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas the Council adopted By-law No. 2013-048 on April 2, 2013 being a by-law to enter into an Agreement with Stewardship Ontario to permit the City of Temiskaming Shores to host an Orange Drop Collection Program for the collection of Municipal Hazardous or Special Waste;

And whereas Council considered Memo 023-2019-PW at the December 3, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2013-048, as amended to allow for payment of materials associated with Orange Drop events until transition to full producer responsibility for consideration at the December 3, 2019 Regular Council meeting;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That By-law No. 2013-048, as amended is hereby further amended by the provisions set out in the amending Agreement from Stewardship Ontario, a copy of which is hereto attached as Schedule "A" forming part of this By-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor changes or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

**AMENDING AGREEMENT
NEW MUNICIPAL HAZARDOUS OR SPECIAL WASTES SERVICES AGREEMENT**

This Amending Agreement (the “**Amending Agreement**”) is made as of August 16, 2019.

BETWEEN:

STEWARDSHIP ONTARIO (“SO”)

and

**THE CORPORATION OF THE CITY OF TEMISKAMING SHORES (the
“Municipality”)**

(collectively, the “**Parties**”)

WHEREAS:

- A. Stewardship Ontario and the Municipality entered into an agreement concerning municipal hazardous or special wastes (“**MHSW**”) dated March 22, 2013 (as amended, modified or restated from time to time, by the Parties, the “**MHSW Services Agreement**”);
- B. By direction letters dated April 12, 2018, December 11, 2018 and July 2, 2019, the Minister of the Environment, Conservation and Parks for the Province of Ontario directed SO to wind up the waste diversion program for MHSW (the “**MHSW Program**”) for all designated materials. Upon wind up, materials collected under the MHSW Program will be managed according to an individual producer responsibility framework under the *Resource Recovery and Circular Economy Act, 2016*;
- C. In order to reflect the scheduled wind-down of the MHSW Program and in accordance with Section 2.3 of the MHSW Services Agreement, the Parties wish to make certain amendments to the MHSW Services Agreement as set out herein.

NOW THEREFORE, FOR VALUE RECEIVED, the Parties agree as follows:

- 1. The MHSW Services Agreement is hereby amended in accordance with the provisions set out in Schedule “A” hereto effective as of September 1, 2019.
- 2. All capitalized terms which are used herein without being specifically defined herein shall have the meanings ascribed to them in the MHSW Services Agreement.
- 3. Any section marked as “Intentionally Deleted” in the MHSW Services Agreement remains “Intentionally Deleted” and is not replaced by or amended by anything in Schedule “A”.

4. Except as amended by the amendments expressly set forth in Schedule “A” of this Amending Agreement, the MHSW Services Agreement shall remain unchanged and continue in full force and effect and is hereby in all other respects ratified and confirmed.
5. If any provision of this Amending Agreement is or becomes illegal, invalid or unenforceable in any jurisdiction, the illegality, invalidity or unenforceability of that provision will not affect (a) the legality, validity or enforceability of the remaining provisions of this Amending Agreement or (b) the legality, validity or enforceability of that provision in any other jurisdiction.
6. This Amending Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein and each of the Parties hereto agrees irrevocably to conform to the non-exclusive jurisdiction of the Courts of such Province.
7. This Amending Agreement shall enure to the benefit of and shall be binding upon the Parties hereto and their respective successors and permitted assigns. Nothing in this Amending Agreement, express or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy or claim under this Amending Agreement.
8. If any provision of this Amending Agreement is inconsistent or conflicts with any provision of the MHSW Services Agreement, the relevant provision of this Amending Agreement shall prevail and be paramount.
9. Schedule “A” is attached hereto and incorporated in and forms part of this Amending Agreement.
10. This Amending Agreement may be executed in one or more counterparts, including by means of facsimile and/or portable document format, each of which shall be deemed to be a duplicate original, but all of which, taken together, constitute a single document.

[THIS SECTION LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF the Parties have signed this Amending Agreement as of the date first set out above.

STEWARDSHIP ONTARIO

By: _____

Name: Cullen Hollister

Title: Director of Operations

**THE CORPORATION OF THE CITY OF
TEMISKAMING SHORES**

By: _____

Name:

Title:

**SCHEDULE “A” TO THE AMENDING AGREEMENT
NEW MUNICIPAL HAZARDOUS OR SPECIAL WASTES SERVICES AGREEMENT**

The Parties agree to amend the MHSW Services Agreement as follows:

1. Section 1.1 of the MHSW Services Agreement is hereby amended by deleting the words “*Waste Diversion Act 2002 (Ontario)*” and replacing them with the words “*Waste Diversion Transition Act, 2016 (Ontario)*”.

2. Section 2.4 of the MHSW Services Agreement is deleted in its entirety and replaced with the following new Sections 2.4 and 2.5:

“2.4 The Parties also understand that an ISO may, at any time, be approved by the Board of the Authority for one or more of the Obligated MHSW materials. In the event an ISO is approved by the Authority, SO will have no responsibility to pay for MHSW Services provided by the Municipality with respect to the materials for which the ISO is then responsible on and after the effective date of such approval by the Authority, unless SO provides written notice to the Municipality indicating that there will not be any changes to the then current MHSW Services within 30 days of the ISO approval date.

2.5 The Parties also understand that the Minister of the Environment, Conservation and Parks has directed SO to wind-up the MHSW Program Plan under the *Resource Recovery and Circular Economy Act, 2016*, following which individual producers will become responsible for materials collected under the MHSW Program Plan. The Parties agree that effective on the date of wind-up of the MHSW Program Plan in respect of a specific MHSW material (a “**Materials Wind-Up**”), SO will have no further responsibility to pay for MHSW Services provided by the Municipality with respect to such MHSW materials. As a courtesy, SO will provide a written reminder to the Municipality at least 30 days prior to the effective date of such Materials Wind-Up.”

3. Subsection 5.1(b) of the MHSW Services Agreement is deleted in its entirety and replaced with the following new subsections 5.1(b) and 5.1(c):

“(b) Notwithstanding the foregoing, in the event an ISO is approved by the Authority, title to the Obligated MHSW with respect to the materials for which the ISO is then responsible will not belong to SO or SO’s Service Providers unless SO provides written notice to

the Municipality indicating that there will not be any changes to the then current MHSW Services within 30 days of the ISO approval date.

(c) Notwithstanding the foregoing, in the event of a Materials Wind-Up, title to the Obligated MHSW will not belong to SO or SO's Service Providers as of the effective date of the Materials Wind-Up.”

4. Section 18.1 of the MHSW Services Agreement is hereby amended to delete the words “Waste Diversion Ontario” and to replace them with the words “the Authority”.

Subject: Processing of Recyclables - Agreement
with R&D Recycling

Report No.: PW-035-2019
Agenda Date: December 3, 2019

Attachments

Appendix 01: R & D Recycling Proposal

Appendix 02: Draft By-law Agreement – R&D Recycling

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PW-035-2019; and
2. That Council directs staff to prepare the necessary by-law to enter into a 3-year agreement with R&D Recycling for the processing of recyclable material for consideration by Council at the December 3, 2019 Regular Council meeting.

Background

At the Regular Council Meeting held on August 5, 2014, Council entered into an agreement through By-law No. 2014-135 with R&D Recycling for the acceptance and processing of recyclable material collected through the City's Solid Waste Management Program. The term of this agreement indicates a completion date of December 31, 2019 with the option to negotiate an extension commencing 6 months prior to that completion date.

Many telephone conversations were had resulting in Staff meeting with the owner of R&D Recycling on October 23, 2019 to finalize the negotiations.

Analysis

The current agreement with R&D Recycling commenced with a processing fee of \$65.00/tonne and a contamination disposal fee of \$15.00/cubic yard which equates to \$300.00 per load. Currently, as a result of contractual obligations associated with Consumer Price Index and disposal rate increases, the processing fee is \$71.76/tonne and the disposal fee is \$350.00 per load.

At the negotiation meeting held on October 23, 2019, an in-depth conversation was had surrounding the substantial drop in recyclable commodity prices since the commencement of the current agreement in 2015. This resulted in Staff requesting that a proposal be submitted to the City indicating the past and current commodity prices as well as the proposed processing fee and contaminate disposal rate per load.

On October 29, 2019, the proposal was received and reviewed by Staff. Within the proposal it is indicated that commodity prices remained stable from 2015 until 2018 where

there was a drop across the board by approximately 65%. As a result, R&D Recycling is requesting an increase in the processing fee from \$71.76/tonne to \$80.00/tonne. Additionally, within the proposal there is a request for a surcharge of \$10.00/tonne until the market stabilizes to the 2015 commodity prices for a total processing fee of \$90.00/tonne. The rate to dispose of contaminants remain the same.

This proposal was discussed at the recent Public Works Committee Meeting held on November 14, 2019 resulting in Recommendation No. PW-2019-059 being carried:

Be it resolved that the Public Works Committee hereby supports and recommends that Council approve the request from R&D Recycling in regards to the fee structure for the processing of recyclable materials.

Throughout the negotiations, the changes associated with the Waste Free Ontario Act were also discussed, specifically the transition of the Blue Box Program to full producer responsibility. With the transition for municipalities scheduled to commence in 2023, Staff is recommending a 3-year term with R&D Recycling with the option to renew on a yearly basis. Additional clauses associated with the Waste Free Ontario Act are included within the Draft Agreement and are outlined in Appendix 02.

Appendix 01 outlines the proposal submitted by R&D Recycling.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A
 This item is within the approved budget amount: Yes No N/A

As this contract will commence on January 1, 2020 there is no impact on the 2019 Operating Budget. All necessary adjustments will be incorporated within the 2020 Operating Budget. Based on our current average usage, staff is estimating an overall increase to the City of approximately \$15,000.

Alternatives

No alternatives were considered.

Submission

Prepared by:	Reviewed and approved by:	Reviewed and submitted for Council’s consideration by:
“Original signed by”	“Original signed by”	“Original signed by”
_____ Steve Burnett Technical & Environmental Compliance Coordinator	_____ G. Douglas Walsh, CET Director of Public Works	_____ Christopher W. Oslund City Manager



1329483 Ontario Limited
1926 HWY 17 WEST
NORTH BAY ON
P1B 8G5

Telephone: 705-472-1768
Fax: 705-472-1769

October 29, 2019

Steve Burnett
Technical and Environmental Compliance Coordinator
City Temiskaming Shores
P O Box 2052
Haileybury, On.
POH 1H0

Re Recycling processing

Dear Steve,

Thank You for the continued opportunity to do your recycling processing for the past 5 years.

As per our contract since 2015, the processing fee is \$65.00 per ton plus contamination fee disposal.
This fee was based on the recycling market value as per the commodities below:

We have been fortunate that the market has been very stable since 2015. However, since December 2018, commodity prices have plummeted by 65%, and as a result, we are not profitable.

All commodities prices are calculated per ton:

	2015	2019
Cardboard	\$150	\$65
News paper	\$120	\$0
Plastic #1	\$400	\$150
Plastic #2	\$400	\$150
Aluminium	\$1650	\$770
Tin can	\$225	\$60

As per our conversation on October 23rd, we are requesting a renewed contract at \$80.00 per ton for processing Fee and \$350.00 per load of contamination disposal.

We would like to see a surcharge of \$10.00 per ton over and above the \$80.00 per ton for a maximum period of 6 months or until market stabilizes back to 2015 commodity prices.

Should you have any questions or concerns, please do not hesitate to contact me.

Kinds Regards.

The Corporation of the City of Temiskaming Shores
By-law No. 2019-000

Being a by-law to enter into a Recyclables Acceptance Agreement with R & D Recycling to accept and process recyclable materials collected by the City of Temiskaming Shores through its Waste Management Program

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to responds to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council considered Administrative Report No. PW-035-2019 at the December 3, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to enter into an agreement with R & D Recycling for the acceptance and processing of recyclable materials collected by the City through its Waste Management Program for consideration at the December 3, 2019 Regular Council meeting;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council authorizes the entering into an agreement with R & D Recycling for the acceptance and processing of recyclable materials collected through the City's Waste Management Program, a copy of which is attached hereto as Schedule "A" and forming part of this by-law; and
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule "A" to

By-law 2019-000

Agreement between

The Corporation of the City of Temiskaming Shores

and

R & D Recycling

For acceptance and processing of recyclable materials

This Recyclables Acceptance Agreement made in duplicate this 3rd day of December, 2019.

Between:

The Corporation of the City of Temiskaming Shores
hereinafter called the “City”

Party of the First Part

And:

R & D Recycling
Hereinafter called the “Processor”

Party of the Second Part

Whereas the City provides certain recycling collection, storage and transportation services for the benefit of residents of the City of Temiskaming Shores and area, as part of its waste management program;

And whereas the City is a municipality which provides curbside recycling collection services for the benefit of inhabitants within its municipal boundaries, but does not provide recycling processing services;

And whereas the City has requested the Processor to accept all those recyclable materials collected by the City through its waste management program;

And whereas the Processor is authorized to accept such recyclables on the terms set out herein;

Therefore, in consideration of the Terms hereinafter stated, the City and Processor agree as follows:

1. Definitions

In this agreement:

- 1.1 **Contaminates** means any delivered material not accepted by the Processor;
- 1.2 **Contamination Rate** means the rate per cubic yard payable by the City to the Processor for accepting contaminated Recyclables, including overhead;
- 1.3 **Director** means the Director of Public Works and includes his or her authorized designate;

- 1.4 **Material Recovery Facility (MRF)** means the Material Recovery Facility located on Hwy 17 W, North Bay, Ontario.
- 1.5 **Processing Rate** means the rate per tonne payable by the City for Recyclables accepted by the Processor, including overhead;
- 1.6 **Recyclables** means recyclable materials accepted by the Processor in effect from time-to-time;
- 1.7 **Spoke Transfer Station** means the Spoke Transfer Station located at 547 Barr Drive, New Liskeard, Ontario, P0J 1P0.
- 1.8 **Term** includes renewal term;

2. Acceptable Recyclables

During the term of this agreement (or until the agreement is earlier terminated), the Processor agrees to accept Recyclables from the City, in accordance with the terms and conditions of this agreement and the policies and procedures implemented by the City from time-to-time.

3. Recyclables

The Processor will accept Recyclables of a type set out in Appendix 01 (attached), or as otherwise determined by the Processor from time-to-time. The Processor may advise the City from time-to-time of suggested changes in Recyclables by way of a letter. Subsequently, the City may amend Appendix 01 attached hereto in accordance with the provisions for notice in this agreement.

4. Delivery of Recyclables

- 4.1 The City shall be responsible to deliver all Recyclables to the Material Recovery Facility (MRF) at its sole cost and expense. All deliveries of Recyclables shall be made to the location within the MRF and in the manner determined by the Processor from time-to-time and communicated to the City.
- 4.2 The City shall arrange for all deliveries of Recyclables to be made during the days that the Processor is open for business at the MRF, from time-to-time, or such other hours as the Processor may advise from time-to-time. The City acknowledges and agrees that the Processor may change the days of operation of the MRF and the permitted times of delivery from time-to-time, and shall notify the City in advance and in writing, of such changes.
- 4.3 No shipment of Recyclables shall be left at the MRF until the shipment has first been approved for acceptance by the Processor.

4.4 The City acknowledges and agrees that its employees, contractors and agents on site at the MRF must comply with any guidelines and protocols that effect governing the MRF.

5. Rejected Shipment

The Processor shall not reject in whole or in part any shipment of Recyclables, including contaminates, delivered by the City.

6. Fee and Payment

6.1 During the term of this agreement, the City agrees to pay the Processor for each shipment of Recyclables approved by the Processor for acceptance at the Material Recovery Facility (MRF), a fee equal to the total of the Processing Rate set out in Appendix 02, times the number of tonnes of Recyclables in that shipment. Where a part tonne is delivered, the Processing Rate shall be prorated appropriately. All fees hereunder shall be subject to Harmonized Sales Tax (HST).

6.2 During the term of this agreement, the City agrees to pay the Processor a fee equal to the total of the Contamination Rate, set out in Appendix 03, times the number of cubic yards of Contaminates in that shipment, for processing contaminated Recyclable material. Where a part cubic yard of Contaminates is found, the Contamination Rate shall be prorated appropriately. All fees hereunder shall be subject to Harmonized Sales Tax (HST).

6.3 The Processing Rate will be adjusted for each subsequent year of this Agreement. The City shall calculate an inflation adjustment equal to the Canada Consumer Price Index, (“All Items Ontario”) (“CPI”), on April 1st for each subsequent year of this Agreement, starting April 1st, 2015. The City will provide notification to the Processor of such changes to the Processing Rate to be delivered in accordance with the Notice provisions outlined in this agreement.

6.4 Despite anything to the contrary, herein, the Processor in writing may request that a modified Processing Rate or the Contaminate Rate be renegotiated with the City. Any such request to modify the Processing Rate will have to be validated by the Processor based on circumstances related to market fluctuations. Any such request to modify the Contamination Rate will have to be validated by the Processor based on circumstances related the local government’s landfill rates. The City will not unreasonably withhold a change in the Processing Rate or the Contaminate Rate. Such changes to the Processing Rate or the Contamination Rate will be reflected through amendment to Appendix 02 and/or Appendix 03, attached hereto. The amended Appendices will be delivered in accordance with the provisions for notice in this agreement.

6.5 The tonnage of the Recyclables delivered shall be determined using the weigh scale at the City’s Spoke Transfer Station, and the tonnage will be supplied to the Processor by certified weight tickets. In the event that the weigh scale at the

Spoke Transfer Station is not operational for any reason, the City will advise of an alternate location at which weighing can take place prior to delivery of the Recyclables at the sole cost and expense of the City.

- 6.6 The Processor shall invoice the City monthly for the fees incurred for approved Recyclables delivered for processing and accepted by the Processor, and any other amounts owing under this agreement.
- 6.7 Payment shall be due on the date specified in the invoice.
- 6.8 The obligation under this Section 6 shall survive any expiry or other termination of this agreement.

7. Title to Recyclables

The City represents and warrants that at the time of delivery of Recyclables to the Material Recovery Facility (MRF) for processing, it will have all right, title and interest to the Recyclables and will at that time, have the right to dispose of same. The parties agree that ownership of the Recyclables shall pass to the Processor upon approval and acceptance of the Recyclables by the Processor. The City acknowledges being advised that the Processor will be processing the Recyclables and subsequently selling the processed Recyclables. The City acknowledges and agrees that it has no right, claim or interest in any revenues received by the Processor as a result of the sale of Recyclables.

8. Risk

- 8.1 The City, its officers, employees, contractors and agents enter on the Material Recovery Facility (MRF) at its or their own risk.
- 8.2 The Processor hereby agrees that the City, its elected and non-elected officials, employees, agents and those for whom the City is at law responsible, shall not be liable for any personal injury to, bodily injury to (including death of) or for any damage or loss to any property (including loss of use thereof) or for any incidental, indirect, special or consequential damages or any loss of use, revenue or profit arising out of or in any way related to the occupation of the MRF or lands on which same are situate, which is or may be suffered or incurred by the Processor, or its officers, employees or agents for any reason whatsoever, unless caused by or resulting from the negligence or willful misconduct of the City, its employees or agents while acting within the scope of his or her employment or agency respectively.

9. Indemnification

- 9.1 Each party (the “indemnifying Party”) hereby indemnifies and saves harmless the other party (the “indemnified Party”) on its behalf and as trustee for, its respective directors, officers, contractors, employees and agents, from and against any and

all manner of actions, causes of actions, damages, but not including consequential damages, costs, loss or expenses of whatever kind, including related legal fees on a full indemnify basis which the indemnified Party, its directors, officers, contractors, employees and agents may sustain, incur or be put to by reason of or directly or indirectly arising out of any breach of this Agreement by the other party or any willful misconduct or negligence of the indemnifying Party or any person for whom the indemnifying Party is, at law, responsible, in relation to matters arising out of this Agreement.

This provision shall survive the termination or expiry of this agreement.

10. Insurance

10.1 The Processor shall ensure that all insurance coverages required pursuant to this agreement are in place prior to the delivery of any shipments of Recyclables from the City.

10.2 During the Term of this agreement, and any renewal or extension thereof, the Processor will, at its expense (including the cost of deductibles) maintain in effect, with an insurer licensed in Ontario:

- (a) a contract of General Liability Insurance for its operations, with limits of not less than Two Million (\$2,000,000) Dollars, in addition to coverage for defence and claimants' costs, all for any one occurrence.

10.3 Every policy of insurance shall contain a deductible amount which is reasonable considering the financial circumstances of the Processor. The Processor shall be responsible to pay all deductible amounts.

10.4 Each policy of insurance shall also provide that neither the Processor nor the insurer shall cancel, materially change or allow the policy to lapse without first giving the City thirty (30) days prior written notice.

10.5 The Processor shall provide or cause to be provided to the City a certificate from its insurer, which shows that the policy or policies placed and maintained by it complies with the requirements of this agreement. No review or approval of any such insurance certificate by the Processor shall derogate from or diminish the City's rights or the Processors obligations contained in this agreement.

10.6 The taking out of insurance shall not relieve the Processor of any of its obligations under this agreement or limit its liability hereunder.

11. Workplace Safety and Insurance Act

The Processor shall at all times pay, or cause to be paid, any assessment or compensation required to be paid pursuant to the Workplace Safety and Insurance Act.

The Processor shall make a Statutory Declaration when requested by the City that all assessment or compensation have been paid.

12. Term

12.1 This agreement shall have a term of three-years, commencing 1st day of January, 2020 and terminating 31st day of December, 2022.

12.2 It is the intention of both the Processor and the City to renew the agreement on a yearly basis, thus the Processor and the City shall commence negotiations for an extended agreement at least six (6) months prior to the termination of this agreement. In the event a new agreement is not commenced prior to termination of this agreement, this contract will continue on a monthly basis at the applicable rates until a new contract is executed. The City will not be liable for any additional costs or damages of any kind caused to the Processor if this agreement is terminated.

13. Early Termination – Without Cause

This agreement may be terminated by either party, without liability to the other, on ninety (90) days notice in writing to the other party given in accordance with this agreement.

Either party may, at its option, terminate this agreement in the event of a material breach of this agreement by the other party. Any such termination may be effected through a written notice to the other party, specifically identifying the breach or breaches on which termination is based. Following receipt of such notice, the party in breach shall have fourteen (14) days to cure such breach or breaches to the satisfaction of the non-defaulting party and this agreement shall terminate in the event that such cure is not made by the end of such period.

Both Parties acknowledge that Ontario Municipalities are subject to the *Waste-Free Ontario Act, 2016* and Provincial Blue Box Program Plan (BBPP) that are outside the control of the City. Repeal, replacement and/or amendment to the BBPP may change the operation of the Contract. In the event of change, alteration and/or amendment to Applicable Law, the need for Early Termination of the Contract may be necessary. Should this Early Termination of the Contract occur, the City shall provide the Processor written notice sixty (60) days prior to the termination.

14. Third Party Observance

The City shall take all reasonable measures to ensure that its officers, directors, employees, contractors and agents are made aware of and are bound to observe the terms of this agreement. The City shall be responsible to ensure that any agreement it enters into with a contractor or agent to provide on its behalf, services related to this agreement contains terms no less favorable to the Processor than set out herein to the extent that they are applicable to the work contracted or subcontracted.

15. Notice

Any demand, notice of other communication to be given in connection with this agreement shall be given in writing and may be given by personal delivery or by registered mail, courier or facsimile transmission, addressed to the recipient as follows:

Notices to the City:

City of Temiskaming Shores
PO Box 2050
Haileybury, Ontario P0J 1P0
Attention: Director of Public Works
Phone Number: 705-672-3363 Ext 4132
Fax Number: 705-672-2911
Email: dwalsh@temiskamingshores.ca

Notices to the Processor:

R&D Recycling
Hwy 17 W
North Bay, ON P1B 8G5
Phone Number: 705-472-1768
Fax Number: 705-494-7428
Email: r.d.recycling@bellnet.ca

or to such other address or fax number as may be designated by notice by either party to the other. Any such notice if given by personal delivery shall be conclusively deemed to have been given on the deposit thereof in the mail; if by courier, on the second day after delivery to the courier; and if by fax transmission or email, on the same day if sent prior to 4:00 p.m. on a day the recipient is open for business, and on the next following working day of the recipient if sent after 4:00 p.m., or if sent on a day the recipient is not open for business. If the party giving any notice knows or ought reasonably to know of any difficulties with the postal system which might affect the delivery of mail, any such notice shall not be mailed but shall be given by personal delivery, courier or facsimile transmission.

16. MOE Approval

The agreement may be subject to the approval of the Ministry of the Environment, and any other Provincial or Federal authority having jurisdiction in matters relating to recycling and the environment. In such event, this agreement shall come into effect upon every such approval being granted. It shall be the responsibility of the Processor to apply for and maintain any such approval at its own cost and expense. The Processor shall provide or cause to be provided to the City any approval certificates which shows the Processor complies with the requirements of this agreement.

17. Relationship

Nothing in this agreement shall be read or construed as conferring upon the Processor, its officers, directors, employees or agents, the status of employee, or agent of, or partner or joint venture with the City.

18. Appendices

All terms and conditions of Appendix 01, 02 and 03 are incorporated into this agreement except where they are inconsistent with this agreement, in which case the agreement shall prevail.

19. Entire Agreement

This agreement and the attached Appendix 01, 02, and 03 embody the entire agreement and supersede any other understanding or agreement, collateral, oral or otherwise, existing between the parties at the date of execution.

20. Amendment

20.1 Except as expressly provided to the contrary in this agreement, this agreement may be amended only by amending agreement signed by both parties.

20.2 Despite Subsection 19(1) either or all Appendices to this agreement may be amended and/or substituted from time-to-time by way of an amending By-law of the City. The amended appendices shall be forwarded to the Processor by way of letter signed by the Director.

21. Governing Law

This Agreement will be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein and each of the parties hereto agrees irrevocable to conform to the non-exclusive jurisdiction of the Courts of such Province.

22. MFIPPA

The Processor acknowledges that this agreement and any information or documents provided by the Processor may be released pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.58, as amended and consents to the release of such information.

23. Rights and Remedies Cumulative

The rights and remedies of the Parties to this agreement are cumulative and are in addition to and not in substitution for any rights and remedies provided by law or in equity.

24. Headings

Headings or descriptive words at the commencement of the various sections are inserted only for convenience and are in no way to be construed as a part of this agreement or as a limitation upon the scope of the particular section to which they refer.

25. Number and Gender

In this agreement the use of the singular number includes the plural and vice versa and the use of any gender includes all genders.

26. Non-Waiver

No condoning, excusing or waiver by any part hereto of any default, breach of, non-observance by any other party hereto, at any time or times with respect to any covenant or condition herein contained, shall operate as a waiver of that party’s rights hereunder with respect to any continuing or subsequent default, breach or non-observance and no waiver shall be inferred from or implied by any failure to exercise any rights by the party having those rights.

27. Force Majeure

The City shall not be liable for any failure to perform its obligations hereunder if the non-performance is due to lightning, tempest, explosion, earthquake, acts of God, mob violence, acts of the Queen’s enemies, strike, lockout, or other labour disruption, or any catastrophic cause beyond its control.

Both Parties acknowledge that Ontario Municipalities are subject to the *Waste-Free Ontario Act, 2016* and Provincial Blue Box Program Plan (BBPP) that are outside the control of the City. Repeal, replacement and/or amendment to the BBPP may change the operation of the Contract sufficiently to be classified, in the sole discretion of the City, as a “Force Majeure” event. The parties hereby further acknowledge and understand that the *Waste-Free Ontario Act, 2016* (WOFA) received Royal Assent in June, 2016 and enacted the *Resource Recovery and Circular Economy Act, 2016* and the *Waste Diversion Transition Act, 2016* and repealed the *Waste Diversion Act, 2002* all of which along with associated regulations, when implemented may alter and/or change the scope of work of the Contract to the extent that such alteration or change may be classified in the sole discretion of the City, acting reasonably, as a “Force Majeure” event.

28. Binding Effect

This agreement shall ensure to the benefit of and be binding upon the parties hereto, their heirs, legal personal representatives, successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have hereunder affixed their respective corporate seals attested to by the hands of their proper officers duly authorized in that behalf as of the day and year first above written.

Signed and Sealed in)
the presence of)

Contractor's Seal)
(if applicable))

Municipal Seal)

R & D Recycling

Owner – Jean Luc Labonte

Witness - Signature

Print Name: _____

Title: _____

**Corporation of the City of
Temiskaming Shores**

Mayor – Carman Kidd

Clerk – David B. Treen

Appendix 01

Acceptable Recyclable Materials

- All Plastics No. 1-7:
 - Clamshell containers (hinged, clear plastic containers)
 - Clear fruit and vegetable containers
 - Clear take-out food containers
 - Clear molded bakery item trays, egg cartons
 - Disposable plastic plates and glasses
 - Cold beverage cups/lids
 - Plastic bottles and jugs (lids on)
 - Plastic kitty litter tubs with plastic handles
 - Plastic laundry detergent tubs and lids
 - Clear compact disk cases (empty)
- Milk/juice cartons and boxes
- Glass bottles and jars
- Aluminum cans
- Metal cans
- Cardboard cans
- Aluminum trays, burner liners, pie plates and roasting pans
- Aerosol cans (empty)
- Metal paint cans & lids (empty)
- Foam polystyrene (Styrofoam) – white only
- Plastic bags—grocery, shopping, dry cleaning, bread bags, vegetable/fruit bags, milk bags (outer and rinsed inner bag) - Place all bags in one bag and tie handles together
- Plastic outer wrap from packages, such as from paper towels, cases of water, etc.
- Paper Bags, rolls, junk mail, writing/computer paper, envelopes, window envelopes
- Shredded paper (put in clear plastic bag and tie closed)
- Gift wrap, cards
- Newspapers, flyers, telephone directories, magazines, catalogues, soft/ hardcover books
- Boxboard boxes
- Corrugated cardboard

Appendix 02

Processing Rate

As of the date of this agreement, the Processing Rate per tonne of Recyclables accepted by the City plus overhead is **\$80.00** per tonne.

A \$10.00 per tonne surcharge will be added effective at the commencement of this agreement. This surcharge is solely related to compensation for low commodity prices. Once commodity stabilizes, and both parties agree, the surcharge will be removed.

The Processing Rate is subject to change in accordance with this agreement.

Appendix 03

Contamination Rate

As of the date of this agreement, the Contamination Rate per cubic yard of non-recyclables accepted by the Processor plus overhead is **\$350.00** per load.

The Contamination Rate is subject to change in accordance with this agreement.

Subject: Municipal Modernization Program

Report No.: CS-069-2019

Agenda Date: December 3, 2019

Attachments

Appendix 01: Letter from Municipal Affairs & Housing dated November 12, 2019

Appendix 02: Resolution No. 2019-596 (November 19, 2019)

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-069-2019; and
2. That Council directs staff to submit an Expression of Interest under the Municipal Modernization Program for a municipal service delivery review of the City's Fire Services.

Background

On November 12, 2019 the Ministry of Municipal Affairs and Housing announced its Municipal Modernization Program (**Appendix 01**). The intent of the program is to help small and rural municipalities undertake expenditure reviews with the goal of finding service delivery efficiencies and lowering long-term costs. The review must be undertaken by a third-party reviewer.

Council passed Resolution No. 2019-596 (**Appendix 02**) on November 19, 2019 directing staff to contact the Ministry's Municipal Services Officer prior to the November 22, 2019 deadline to indicated Council's intent to apply for funding. The Expression of Interest is due to the Ministry by Friday, December 6, 2019.

Council also directed staff to prepare an administrative report that would outline options for Council's consideration under the program.

If the City's application is successful, the third-party report will be due back to the Ministry by June 15, 2020.

Analysis

The Corporate Services Committee met on November 25, 2019 and discussed several options that Council may wish to consider for review including the following:

- Line-by-Line Operational Review of all Departments
- Water/Sewer Metering Program
- Fire Services Review
- Public Works Review
- Library Services Review
- Information Technology Review

At the conclusion of the discussion, the Corporate Services Committee felt a more focused review of a specific department would be the most efficient and recommended proceeding with a review of Fire Services as this item has been brought forward at both the PPP Committee and with the District Chiefs in the recent past.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

The review is conditional on the City receiving funding through the Municipal Modernization Program. Staff is estimating that a review of this nature would cost in the range of \$20,000 to \$30,000.

Alternatives

A number of Reviews are outlined in the report. Council may wish to proceed with one of them as an alternative to the recommendation.

Submission

“Original signed by”

Christopher W. Oslund
City Manager

Ministry of Municipal Affairs
and Housing

Ministère des Affaires municipales
et Logement

Municipal Services Division

Division des services aux municipalités

777 Bay Street, 16th Floor
Toronto ON M5G 2E5
Telephone: 416-585-6427

777, rue Bay, 16^e étage
Toronto ON M5G 2E5
Téléphone: 416-585-6427



November 12, 2019

Dear Municipal Administrator,

Further to the November 1, 2019 letter from the Honourable Steve Clark, Minister of Municipal Affairs and Housing, I am writing to provide additional information about Ontario's new Municipal Modernization Program and advise that Intake 1 under the program is now open.

Under the Municipal Modernization Program, the province is making up to \$125 million available through 2022-23 to help 405 small and rural municipalities conduct new service delivery reviews, implement recommendations from previous reviews and undertake a range of projects, such as IT solutions or process improvements, to achieve cost savings and efficiencies.

Program guidelines and an Expression of Interest form for Intake 1 of the program are attached. Eligible projects under Intake 1 are reviews of municipal service delivery expenditures by independent third-party reviewers that will be completed by June 30, 2020. I encourage you to consider how your municipality might benefit from participation in Intake 1 of the Municipal Modernization Program and submit an Expression of Interest by December 6, 2019. Please see the attached guidelines for details about the program and how to apply.

Under future intakes of the program, municipalities will have the opportunity to apply for projects aimed at implementing service delivery efficiencies to achieve cost savings, in addition to service delivery reviews. Intake 2 under the program is planned for Spring/Summer 2020, with additional intakes expected through 2022-23. Participation in Intake 1 is not a requirement for participation in future intakes.

I look forward to continuing to work together to support your municipality in delivering efficient, effective and modern services for your residents. If you have questions about the program, I encourage you to reach out to your Municipal Services Office contact or email the ministry at Municipal.Programs@ontario.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marcia Wallace". The signature is fluid and cursive, with a large initial "M" and "W".

Marcia Wallace
Assistant Deputy Minister

c. Municipal Treasurer



Municipal Modernization Program

Intake 1 Program Guidelines

WHAT YOU NEED TO KNOW

Ontario is helping municipalities become more efficient and modernize service delivery while protecting front line jobs.

The 405 small and rural municipalities that received a *Municipal Modernization Payment* in March 2019 can now apply to the *Municipal Modernization Program* for funding to undertake expenditure reviews with the goal of finding service delivery efficiencies and lowering costs in the longer term.

Eligible municipalities can apply individually, or collectively with other eligible municipalities, to undertake independent third-party reviews similar to the *Managing Transformation: A Modernization Action Plan for Ontario* review of Ontario government expenditures.

ELIGIBILITY CRITERIA

To be eligible under Intake 1, a project must:

1. Be a review of municipal service delivery expenditures by an independent third-party reviewer for the purpose of finding savings and efficiencies. The review project could take a number of forms including:
 - a line-by-line review of the municipality's entire budget; or
 - a review of service delivery and modernization opportunities; or
 - a review of administrative processes to reduce costs.
2. Result in a report by the independent third-party reviewer that provides specific and actionable recommendations for cost savings and improved efficiencies.
3. Begin field work no earlier than November 1, 2019, with a draft report completed by June 15, 2020 and the final report posted publicly by June 30, 2020.

It is anticipated that most review projects will be between \$20,000 and \$200,000. Proposals will be reviewed on a case-by-case basis and funding amounts may depend on the available appropriation. Only third-party service provider fees will be eligible. Municipal administrative costs, such as staff time, are not eligible.

The program will not cover review projects where:

- the goal is to identify opportunities for revenue generation or reductions in front line services; or
- the review does not result in a formal report prepared by a third party; or
- the object of the review extends beyond municipal accountability.

HOW TO APPLY

1. Advise your Municipal Services Office contact of your intention to apply by **November 22, 2019**.
2. Submit your completed Municipal Modernization Program: Expression of Interest form and applicable supporting documentation to Municipal.Programs@ontario.ca by **December 6, 2019**.

HOW IT WORKS

The ministry will advise municipalities of the outcomes of their applications by mid-January. If your application is approved, a proposed transfer payment agreement with the ministry will be sent to confirm the funding amount and set out the terms, including reporting requirements and a payment schedule. Municipalities will receive an initial payment following full execution of a transfer payment agreement and a final payment after submission of a final report.

PROGRAM TIMELINE

November 22, 2019	<ul style="list-style-type: none">• Advise your Municipal Services Office of your municipality's intention to apply.
December 6, 2019	<ul style="list-style-type: none">• Submit your Expression of Interest and any supporting documentation to Municipal.Programs@ontario.ca.
January-February, 2020	<ul style="list-style-type: none">• Learn whether your application is approved. If it is approved, enter into a transfer payment agreement for project funding, and receive an initial payment once the agreement is executed.
June 15, 2020	<ul style="list-style-type: none">• Submit your third-party reviewer's draft report to the ministry.
June 30, 2020	<ul style="list-style-type: none">• Post the third-party reviewer's final report online and submit your final report to the ministry. The final report will include: a hyperlink to the publicly posted third-party reviewer's report; the amount paid to the third-party reviewer and a copy of the invoice; a statement of the total amount of expenditures reviewed and the total amount identified as potential savings; and a 250-word abstract of the project and its findings.

FOR MORE INFORMATION

Municipalities can direct program questions to Municipal.Programs@ontario.ca or contact their regional Municipal Services Office for further information.

Central Region – Toronto

Tel: 416-585-6226 or
1-800-668-0230

Western Region – London

Tel: 519-873-4020 or
1-800-265-4736

Eastern Region – Kingston

Tel: 613-545-2100 or
1-800-267-9438

Northern Region - Sudbury

Tel: 705-564-0120 or
1-800-461-1193

Northern Region – Thunder Bay

Tel: 807-475-1651 or
1-800-465-5027



Municipal Modernization Program Intake 1: Expression of Interest

- 1) Please complete all the required fields of this Expression of Interest.
- 2) Ensure that the completed Expression of Interest has been declared to by the appropriate municipal staff.
- 3) Please save this Expression of Interest form and e-mail it to Municipal.Programs@ontario.ca by **December 6, 2019**. Attach any applicable supporting documentation as separate documents.

Key Information

Title of Proposed Service Delivery Review Project	
Legal Name of Municipality	
Mailing Address	
Name of Primary Contact	Position Title
Email Address	Telephone Number

Declaration

I declare that all the information that is being submitted in this Expression of Interest is to the best of my knowledge true and correct.

I declare that I have the authority to submit this Expression of Interest.

I acknowledge that it is a program requirement that the proposed third-party review project result report be publicly posted by June 30, 2020.

I acknowledge that it is a program requirement that field work covered by this Expression of Interest must not have begun before November 1, 2019.

I confirm that identifying opportunities for revenue generation or reductions in front line services is not the goal of the proposed review project.

Name of Signatory (TYPE)	Position Title (TYPE)	Date (DD/MM/YYYY)
--------------------------	-----------------------	-------------------

Proposed Service Delivery Review Project

Provide a brief description of your proposed third-party review project, including the objectives and expected outcomes related to service delivery efficiencies and cost savings. If applicable, attach supporting documentation such as a request for proposals or a project charter.

Proposed Service Delivery Review Project

What is the anticipated cost of your proposed third-party review project? **Note:** only the cost of a third-party service provider may be included. Briefly describe the basis for your cost estimate. If applicable, attach supporting documentation such as a contract or vendor of record agreement.

What are the anticipated start date and end date for the third-party review?

Has your council passed a resolution demonstrating support for the proposed third-party review project?

Yes (If yes, please attach a copy.)

No



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, November 19, 2019
Resolution

Municipal Modernization Program

Resolution No. 2019-596

Moved by: Councillor Jelly
Seconded by: Councillor Laferriere

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of a letter from Marcia Wallace, Assistant Deputy Minister to the Minister of Municipal Affairs and Housing regarding the Ministry's Municipal Modernization Program; and

Further that Council directs staff to prepare an administrative report for consideration at the December 3, 2019 Regular Council meeting outlining potential options for the City under the program; and

That Council directs staff to contact the Ministry's Municipal Services Office prior to the November 22, 2019 deadline to indicate Council's intent to apply for funding under the program.

Carried

Certified True Copy
City of Temiskaming Shores

A handwritten signature in black ink, appearing to read "David B. Treen".

David B. Treen
Municipal Clerk

The Corporation of the City of Temiskaming Shores
By-law No. 2019-179
Being a by-law to amend By-law No. 2015-128 being a
by-law to establish a system for the Collection and
Disposal of Garbage, Recyclables and other refuse –
Amended Tipping Fees

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10.(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council adopted By-law No. 2015-128 being a by-law to establish a system for the Collection and Disposal of Garbage, Recyclables and other refuse on June 16, 2015;

And whereas Council considered Memo No. 022-2019-PW at the November 19, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2015-128 to modify the Landfill Tipping Fees for consideration at the December 3, 2019 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That Council hereby amends Schedule "A" to By-law No. 2015-128 by deleting **Appendix 03 – Tipping Fees: Landfill Site** and replacing it with Schedule "A" – **Tipping Fees: Landfill Site**, a copy of which is attached hereto and forming part of this by-law.
2. That is by-law is effective as of January 1, 2020.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

Tipping Fees: Landfill Site

Category	Description	Applicable Fee/ yard ³	
		Resident	Non-Resident
1	Flat Rate - \$1.00 per bag up to a maximum of \$4.00 (under one cubic yard)	\$4.00	\$7.00
2	Residential/Commercial Garbage: <i>includes abandoned residential or commercial waste, either animal or vegetable, organic waste, wearing apparel, broken crockery and refuse of a similar nature, but shall not include metal, weighty or bulky articles such as large appliances, furniture, barrels, bed springs, furnaces or anything of a similar nature.</i>	\$7.00	\$13.00
3	Metals/Bulky Waste: <i>Items whose large size precludes or complicates handling by normal collection, processing or disposal methods such as furniture and appliances. Also ferrous metal, aluminum, mixed metal, white goods and old vehicles.</i>	\$8.00	\$15.00
4	Unsorted Residential/Commercial Garbage and Metals/Bulky Waste – Recyclable materials not sorted from waste	\$15.00	\$29.00
5	Yard Waste: <i>Includes clean wood, brush, yard and plant materials, suitable for composting purposes.</i>	No Fee	\$5.00
6	Non-Hazardous Waste: <i>includes clean fill</i>	\$8.00	\$15.00
7	Inorganic Earth Like Material: <i>includes reclaimed asphalt products, aggregate, and soils free of chemical contaminants.</i>	\$9.00	\$17.00
8	Sorted Construction and Demolition Waste: <i>Recyclable materials sorted from non – recyclable materials</i>	\$16.00	\$16.00
9	Unsorted Construction and Demolition Waste	\$26.00	\$51.00
10	Contaminated Waste: <i>includes excavated soils containing organic or hydrocarbon contaminants at a level that is acceptable to the Ministry of the Environment for disposal at the Municipality's Landfill Site. Asbestos waste includes \$100.00 flat rate, plus tipping fee.</i>	\$50.00	\$100.00
11	Freon Containing Items	\$75 each	\$150 each
12	Rubber Tires: Passenger Vehicle and Light Truck Tires Medium Truck Tires Small and Medium Off-the-Road Tires	No Fee	
	Notes: 1. All other tire sizes will not be accepted at the Landfill Site; 2. Landfill attendant shall accept up to a total of four (4) tires per drop off; 3. Tires still on a rim will not be accepted.		

The Corporation of the City of Temiskaming Shores

By-law No. 2019-180

Being a by-law to amend By-law No. 2005-118, as amended to appoint a Community Emergency Management Coordinator and Alternate for the City of Temiskaming Shores

Whereas Council of The Corporation of the City of Temiskaming Shores adopted By-law 2005-118 on November 14, 2005, being a by-law to appoint a Community Emergency Management Coordinator and Alternate;

And whereas Council considered Memo No. 032-2019-CS at the December 3, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2005-118, as amended to appoint Shelly Zubyck as the Community Emergency Management Coordinator (CEMC) and Kelly Conlin and Timothy Uttley as the Alternate CEMC's effective January 1, 2020 and repeal By-law No. 2005-118 and its amending by-laws (By-law No.2007-170, By-law No. 2013-171 and By-law No. 2014-167) for consideration at the December 3, 2019 Regular Council meeting;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Shelly Zubyck is hereby appointed as the Community Emergency Management Coordinator (CEMC) for the City of Temiskaming Shores;
2. That Kelly Conlin and Tim Uttley are hereby appointed as Alternative Community Emergency Management Coordinators for the City of Temiskaming Shores;
3. That this by-law shall be effective as of January 1, 2020;
4. That By-law No. 2005-118 and its amendments being By-law No. 2007-170, By-law No. 2013-171 and By-law No. 2014-167 are hereby repealed;
5. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

The Corporation of the City of Temiskaming Shores

By-law No. 2019-181

**Being a by-law to adopt a Multi-Year
Accessibility Plan 2019-2023**

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council considered Administrative Report No. CS-067-2019 at the December 3, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to adopt a Multi-Year Accessibility Plan 2019-2023 for Council's consideration at the December 3, 2019 Regular Council meeting.

Now therefore the Council of the City of Temiskaming Shores enacts the following as a by-law:

1. That Council of The Corporation of the City of Temiskaming Shores hereby adopts a Multi-Year Accessibility Plan 2019-2023, a copy of which is hereto attached as Schedule "A" forming part of this by-law;
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule "A" to

By-law No. 2019-181

**Multi-Year Accessibility Plan
2019-2023**

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**3.4 Planned Strategies and Actions for the Identifications, Removal and Prevention of Barriers
 Temiskaming Shores 2019– 20239**

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Accessibility Plan and Policies for the City of Temiskaming Shores

The 2019-2023 Accessibility Plan outlines the policies and actions that the City of Temiskaming Shores will enact to improve opportunities for people with disabilities.

1.0 Introduction

The *Ontarians with Disabilities Act* (ODA) was passed by the Provincial Government in December, 2001. Subsequently the *Accessibility for Ontarians with Disabilities Act* (AODA) was passed in June, 2005. The AODA lays the framework for the development of province-wide mandatory standards for improving accessibility in certain areas of daily life.

The purpose of these acts is to improve the opportunities for persons with disabilities and to provide for their participation in the identification, removal, and prevention of barriers to allow for their full participation in the City of Temiskaming Shores.

Under the AODA, the Provincial Government has enacted regulations, including the Integrated Accessibility Standards Regulation (IASR), to require government agencies and the broader public sector to develop standards to address accessibility in the areas of: customer service; transportation; employment; information and communications; and design of public spaces. The municipal obligations include the following:

- a) establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this Regulation;
- b) post the accessibility plan on their website, if any, and provide the plan in an accessible format upon request; and
- c) review and update the accessibility plan at least once every five years.

The purpose of preparing an Accessibility Plan is to:

- Report on the steps that have been taken to identify, remove and prevent barriers to persons with disabilities;
- Describe the measures in place to ensure that the municipality assesses its proposals for by-laws, policies, programs, practices, and services to determine their effect on accessibility for persons with disabilities;

- Identify the by-laws, policies, programs, practices, and services that the municipality will review in the coming year to identify barriers to persons with disabilities;
- Describe the steps that the municipality intends to take in the coming year to identify, remove, and prevent barriers to persons with disabilities.

The Accessibility Plan includes the recommendations of the Temiskaming Shores Accessibility Advisory Committee (TSAAC).

1.1 Definitions and Acronyms

AAC- Accessibility Advisory Committee

AODA- Accessibility for Ontarians with Disabilities Act

City- City of Temiskaming Shores

IASR- Integrated Accessibility Standards Regulation

ODA- Ontarians with Disabilities Act

Service Provider- The service provider in all Transportation Requirements refers to the contractual obligation with Stock Transportation

TSAAC- Temiskaming Shores Accessibility Advisory Committee

TTY Machines- Teletype machines which is a telecommunication device for the deaf

WCAG- World Wide Web Consortium Web Content Accessibility Guidelines 2.0: Set of guidelines developed to support web-based accessibility

WSIB- Workplace Safety and Insurance Board

1.2 Statement of Commitment

The City of Temiskaming Shores is committed to treating all people in a manner that allows them to maintain their dignity and independence. The City believes in integration and equal opportunity. The City is committed to meeting the needs of people with disabilities in a timely manner and will do so by preventing and removing barriers to accessibility and meeting accessibility requirements under the Accessibility for Ontarians with Disabilities Act.

1.3 Key Contacts

PLAN INQUIRIES

David B. Treen, Municipal Clerk

Telephone: 705 672 3363 ext 4136

Email address: dtreen@temiskamingshores.ca

SITE PLAN AGREEMENT

Jennifer Pye, City Planner

Telephone: 705 672 3363 ext 4105

Email address: jpye@temiskamingshores.ca

CAPITAL FACILITIES

Mitch Lafreniere, Manager of Physical Assets

Telephone: 705 672 3363 ext 4113

Email address: mlafreniere@temiskamingshores.ca

COMMITTEE SUPPORT

Shelly Zubyck, Director of Corporate Services

Telephone: 705 672 3363 ext 4107

Email address: szubyck@temiskamingshores.ca

Organization

The City of Temiskaming Shores is located on the shores of beautiful Lake Temiskaming. The City is located approximately 500 km north of the City of Toronto, 150 km north of the City of North Bay, and 250 km south of the City of Timmins. Temiskaming Shores is just 20 km from the Ontario/Quebec border, which enhances the francophone culture in the community. Rich soils in the local area and in the region have created a proud agricultural heritage for the community.

The City is now home to approximately 9,500 people and acts as the economic and service hub for many communities in the region.

Local Community Services

The following community services are a sample of those available to support individuals in the local community and surrounding areas:

- Timiskaming Home Support;
- Temiskaming Hospital;
- Timiskaming Health Unit;
- District of Timiskaming Social Services Administration Board;
- Canadian Mental Health Association;
- Community Living Temiskaming South;
- One Kids Place;
- Cochrane Temiskaming Resource Center;
- Northern College;
- Le Centre de santé communautaire du Témiskaming;
- Timiskaming Diabetes Clinic;
- Community Cancer Care;
- Literacy Council of South Timiskaming;
- Great Northern Family Health Team;
- Haileybury Family Health Team.
- March of Dimes
- Canadian National Institute for the Blind (CNIB)
- Area Food Banks

2.0 Plan Statement

This plan addresses accessibility considerations for the City of Temiskaming Shores and its requirements under the Integrated Accessibility Standards Regulation (IASR). This plan builds on prior plans developed and goals achieved. The Plan will be reviewed every five years to address future requirements under the IASR and, when available, the Built Environment improvements to public infrastructure.

The 2014-2018 plan focused on the IASR requirements and it is the intent of this plan to focus on the following pillars as we move towards eliminating barriers in our Community:

- 1) Education/Advocacy
- 2) Facilities
- 3) Infrastructure
- 4) Programming

2.1 Plan Consultation

This plan was prepared in consultation with the City of Temiskaming Shores senior management team, members of Council, and members of the Temiskaming Shores Accessibility Advisory Committee (TSAAC). The City also asked various community organizations to review the plan and provide feedback.

For further information on this plan please contact the Municipal Clerk (contact information listed on page 5).

3.0 Temiskaming Shores Accessibility Advisory Committee

3.1 Accessibility Advisory Committee

Under the ODA, municipalities with populations of or exceeding 10,000 are required to establish an Accessibility Advisory Committees (AAC) and a majority of the Committee members must be persons with disabilities. As a result of the 2016 census, the City's population is now below the 10,000 threshold, however, the City remains committed to the elimination of barriers and accessibility in our community and continues to have a functioning and active AAC.

In response to this requirement, the City of Temiskaming Shores formed its AAC in February 2004. The Temiskaming Shores Accessibility Advisory Committee (TSAAC) has been assigned the task of advising Council on all

matters pertaining to accessibility considerations for persons with disabilities.

3.2 Terms of Reference for TSAAC

Please see By-law No. 2012-186 for The Temiskaming Shores Accessibility Advisory Committee Terms of Reference attached in section 7.0.

3.3 Accessibility Accomplishments 2014-2018

- Audible Pedestrian Signals
- Accessible fleet upgrades to Temiskaming Transit
- Facility Accessibility Upgrades
 - Riverside Place
 - Dymond Community Centre
 - Waterfront Pool Fitness Centre
- STATO Trail Extension
- Haileybury Medical Centre Parking Lot Upgrades
- Refurbishment of municipal playgrounds to include accessible equipment and rubberized surface.
 - Camsall Park
 - Algonquin Beach Park
 - Spurline Park
 - Farr Park
 - Dymond Firefighters Park
- Multiple Site Plan control reviews and input on a variety of City and private developments.
- Community Engagement
 - Participation at a variety of tradeshow, workshops and fairs
 - Forrest Willet Presentation – May 2016
 - CNIB "awareness tours"

3.4 Planned Strategies and Actions for the Identifications, Removal and Prevention of Barriers Temiskaming Shores 2019– 2023

Accessibility Priorities

Over the course of the term of the current Accessibility Advisory Committee and in the development of the 2019-2023 plan, the following were continually identified as priorities and goals that our municipality will strive to achieve moving forward.

Education and Awareness:

The City of Temiskaming Shores is committed to promoting a culture of accessibility awareness and understanding within its organization, as well as among its residents, businesses and visitors. In order to achieve this goal, the Accessibility Advisory Committee emphasized the importance of staff training, and overall promotion of accessibility in the workforce. The City will continue to work with community partners to ensure that information regarding accessibility of municipal programs, services and facilities is communicated through available channels.

1. Inform the general public, businesses, children, local contractors, city councillors, staff, and city contractors on:
 - a. the importance of accessibility;
 - b. design guidelines to make Temiskaming Shores an accessible community;
 - c. the IASR;
2. Follow available accessible design guidelines that have been developed by industry professionals that will assist in guiding developers, designers, contractors, renovators, homeowners, and city staff in their support of accessible design. Accessible guidelines include:
 - a. Site Plan control guidelines;
 - b. Subdivision design guidelines;
 - c. Interior design of buildings;
 - d. Design guidelines for the future Built Environment: Outdoor Public Spaces requirements under the IASR;
3. Review and abide by the developed accessible policies and procedures in accordance with the IASR. Policies include:
 - a. Procurement policies and procedures;
 - b. Templates for accessible documents;

- c. Accessible website development
 - d. Human resources and hiring;
4. Continue to source all available accessibility specific funding opportunities that may be available through both provincial and federal levels of government and other sources.

Facilities:

Together with City representatives, TSAAC will complete a semi-annual review of City facilities, with hopes of identifying one priority project based on community usage and needs. With the prioritization, the City can budget engineering costs in Year 1 and construction/renovations as a capital project in Year 2. To date, the Committee has identified the following facilities as being in need of accessibility upgrades:

- Don Shepherdson Memorial Arena (Engineering completed in 2018)
- New Liskeard Library Relocation (Engineering completed 2018)
- New Liskeard Community Hall (Engineering completed 2018)
- Haileybury Medical Centre Parking Lot (Paving)
- Haileybury Arena
- Haileybury Beach

The Committee will continue to work with community partners such as the STOP GAP group for the promotion of accessible features on existing buildings and facilities.

Infrastructure:

Throughout the duration of the plan, the Committee, together with the Public Works Department will develop a plan that will include a traffic review to better determine where repairs to existing intersections and crosswalks need to be addressed such as:

Intersections:

- Whitewood/Armstrong
- Whitewood/Paget
- Whitewood/Wellington
- Whitewood/John – Pedestrian Crosswalk

Moving forward, the Committee also recommends the City continue with the allocation of \$25,000 annually within the budget for accessibility related costs such as curb cuts, sidewalk repairs, and accessible parking spaces. The Committee will meet with City representatives annually to identify areas of priority.

The Committee will also conduct a review of accessible parking spaces during the plan period and work with the Public Works Department to identify needs and appropriate curb cuts to improve access and eliminate barriers.

The Committee will work with other City groups such as the Temiskaming Transit Committee on ensuring the transit fleet and transit shelters remain in compliance with accessibility standards, as well as, with Recreation on any future refurbishment of playgrounds and community trails.

Programming:

The City remains committed to supporting programming initiatives such as the Age Friendly Committee, as well as, working towards developing Accessibility work shops for businesses and the general public to further motivate and educate our population on accessibility.

The Corporation of the City of Temiskaming Shores

By-law No. 2019-182

Being a by-law to enter into a Recyclables Acceptance Agreement with R & D Recycling to accept and process recyclable materials collected by the City of Temiskaming Shores through its Waste Management Program

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to responds to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council considered Administrative Report No. PW-035-2019 at the December 3, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to enter into an agreement with R & D Recycling for the acceptance and processing of recyclable materials collected by the City through its Waste Management Program for consideration at the December 3, 2019 Regular Council meeting;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council authorizes the entering into an agreement with R & D Recycling for the acceptance and processing of recyclable materials collected through the City's Waste Management Program, a copy of which is attached hereto as Schedule "A" and forming part of this by-law; and
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule "A" to

By-law 2019-182

Agreement between

The Corporation of the City of Temiskaming Shores

and

R & D Recycling

For acceptance and processing of recyclable materials

This Recyclables Acceptance Agreement made in duplicate this 3rd day of December, 2019.

Between:

The Corporation of the City of Temiskaming Shores
hereinafter called the “City”

Party of the First Part

And:

R & D Recycling
Hereinafter called the “Processor”

Party of the Second Part

Whereas the City provides certain recycling collection, storage and transportation services for the benefit of residents of the City of Temiskaming Shores and area, as part of its waste management program;

And whereas the City is a municipality which provides curbside recycling collection services for the benefit of inhabitants within its municipal boundaries, but does not provide recycling processing services;

And whereas the City has requested the Processor to accept all those recyclable materials collected by the City through its waste management program;

And whereas the Processor is authorized to accept such recyclables on the terms set out herein;

Therefore, in consideration of the Terms hereinafter stated, the City and Processor agree as follows:

1. Definitions

In this agreement:

1.1 **Contaminates** means any delivered material not accepted by the Processor;

1.2 **Contamination Rate** means the rate per cubic yard payable by the City to the Processor for accepting contaminated Recyclables, including overhead;

1.3 **Director** means the Director of Public Works and includes his or her authorized designate;

- 1.4 **Material Recovery Facility (MRF)** means the Material Recovery Facility located on Hwy 17 W, North Bay, Ontario.
- 1.5 **Processing Rate** means the rate per tonne payable by the City for Recyclables accepted by the Processor, including overhead;
- 1.6 **Recyclables** means recyclable materials accepted by the Processor in effect from time-to-time;
- 1.7 **Spoke Transfer Station** means the Spoke Transfer Station located at 547 Barr Drive, New Liskeard, Ontario, P0J 1P0.
- 1.8 **Term** includes renewal term;

2. Acceptable Recyclables

During the term of this agreement (or until the agreement is earlier terminated), the Processor agrees to accept Recyclables from the City, in accordance with the terms and conditions of this agreement and the policies and procedures implemented by the City from time-to-time.

3. Recyclables

The Processor will accept Recyclables of a type set out in Appendix 01 (attached), or as otherwise determined by the Processor from time-to-time. The Processor may advise the City from time-to-time of suggested changes in Recyclables by way of a letter. Subsequently, the City may amend Appendix 01 attached hereto in accordance with the provisions for notice in this agreement.

4. Delivery of Recyclables

- 4.1 The City shall be responsible to deliver all Recyclables to the Material Recovery Facility (MRF) at its sole cost and expense. All deliveries of Recyclables shall be made to the location within the MRF and in the manner determined by the Processor from time-to-time and communicated to the City.
- 4.2 The City shall arrange for all deliveries of Recyclables to be made during the days that the Processor is open for business at the MRF, from time-to-time, or such other hours as the Processor may advise from time-to-time. The City acknowledges and agrees that the Processor may change the days of operation of the MRF and the permitted times of delivery from time-to-time, and shall notify the City in advance and in writing, of such changes.
- 4.3 No shipment of Recyclables shall be left at the MRF until the shipment has first been approved for acceptance by the Processor.

4.4 The City acknowledges and agrees that its employees, contractors and agents on site at the MRF must comply with any guidelines and protocols that effect governing the MRF.

5. Rejected Shipment

The Processor shall not reject in whole or in part any shipment of Recyclables, including contaminates, delivered by the City.

6. Fee and Payment

6.1 During the term of this agreement, the City agrees to pay the Processor for each shipment of Recyclables approved by the Processor for acceptance at the Material Recovery Facility (MRF), a fee equal to the total of the Processing Rate set out in Appendix 02, times the number of tonnes of Recyclables in that shipment. Where a part tonne is delivered, the Processing Rate shall be prorated appropriately. All fees hereunder shall be subject to Harmonized Sales Tax (HST).

6.2 During the term of this agreement, the City agrees to pay the Processor a fee equal to the total of the Contamination Rate, set out in Appendix 03, times the number of cubic yards of Contaminates in that shipment, for processing contaminated Recyclable material. Where a part cubic yard of Contaminates is found, the Contamination Rate shall be prorated appropriately. All fees hereunder shall be subject to Harmonized Sales Tax (HST).

6.3 The Processing Rate will be adjusted for each subsequent year of this Agreement. The City shall calculate an inflation adjustment equal to the Canada Consumer Price Index, (“All Items Ontario”) (“CPI”), on April 1st for each subsequent year of this Agreement, starting April 1st, 2015. The City will provide notification to the Processor of such changes to the Processing Rate to be delivered in accordance with the Notice provisions outlined in this agreement.

6.4 Despite anything to the contrary, herein, the Processor in writing may request that a modified Processing Rate or the Contaminate Rate be renegotiated with the City. Any such request to modify the Processing Rate will have to be validated by the Processor based on circumstances related to market fluctuations. Any such request to modify the Contamination Rate will have to be validated by the Processor based on circumstances related the local government’s landfill rates. The City will not unreasonably withhold a change in the Processing Rate or the Contaminate Rate. Such changes to the Processing Rate or the Contamination Rate will be reflected through amendment to Appendix 02 and/or Appendix 03, attached hereto. The amended Appendices will be delivered in accordance with the provisions for notice in this agreement.

6.5 The tonnage of the Recyclables delivered shall be determined using the weigh scale at the City’s Spoke Transfer Station, and the tonnage will be supplied to the Processor by certified weight tickets. In the event that the weigh scale at the

Spoke Transfer Station is not operational for any reason, the City will advise of an alternate location at which weighing can take place prior to delivery of the Recyclables at the sole cost and expense of the City.

- 6.6 The Processor shall invoice the City monthly for the fees incurred for approved Recyclables delivered for processing and accepted by the Processor, and any other amounts owing under this agreement.
- 6.7 Payment shall be due on the date specified in the invoice.
- 6.8 The obligation under this Section 6 shall survive any expiry or other termination of this agreement.

7. Title to Recyclables

The City represents and warrants that at the time of delivery of Recyclables to the Material Recovery Facility (MRF) for processing, it will have all right, title and interest to the Recyclables and will at that time, have the right to dispose of same. The parties agree that ownership of the Recyclables shall pass to the Processor upon approval and acceptance of the Recyclables by the Processor. The City acknowledges being advised that the Processor will be processing the Recyclables and subsequently selling the processed Recyclables. The City acknowledges and agrees that it has no right, claim or interest in any revenues received by the Processor as a result of the sale of Recyclables.

8. Risk

- 8.1 The City, its officers, employees, contractors and agents enter on the Material Recovery Facility (MRF) at its or their own risk.
- 8.2 The Processor hereby agrees that the City, its elected and non-elected officials, employees, agents and those for whom the City is at law responsible, shall not be liable for any personal injury to, bodily injury to (including death of) or for any damage or loss to any property (including loss of use thereof) or for any incidental, indirect, special or consequential damages or any loss of use, revenue or profit arising out of or in any way related to the occupation of the MRF or lands on which same are situate, which is or may be suffered or incurred by the Processor, or its officers, employees or agents for any reason whatsoever, unless caused by or resulting from the negligence or willful misconduct of the City, its employees or agents while acting within the scope of his or her employment or agency respectively.

9. Indemnification

- 9.1 Each party (the “indemnifying Party”) hereby indemnifies and saves harmless the other party (the “indemnified Party”) on its behalf and as trustee for, its respective directors, officers, contractors, employees and agents, from and against any and

all manner of actions, causes of actions, damages, but not including consequential damages, costs, loss or expenses of whatever kind, including related legal fees on a full indemnify basis which the indemnified Party, its directors, officers, contractors, employees and agents may sustain, incur or be put to by reason of or directly or indirectly arising out of any breach of this Agreement by the other party or any willful misconduct or negligence of the indemnifying Party or any person for whom the indemnifying Party is, at law, responsible, in relation to matters arising out of this Agreement.

This provision shall survive the termination or expiry of this agreement.

10. Insurance

10.1 The Processor shall ensure that all insurance coverages required pursuant to this agreement are in place prior to the delivery of any shipments of Recyclables from the City.

10.2 During the Term of this agreement, and any renewal or extension thereof, the Processor will, at its expense (including the cost of deductibles) maintain in effect, with an insurer licensed in Ontario:

- (a) a contract of General Liability Insurance for its operations, with limits of not less than Two Million (\$2,000,000) Dollars, in addition to coverage for defence and claimants' costs, all for any one occurrence.

10.3 Every policy of insurance shall contain a deductible amount which is reasonable considering the financial circumstances of the Processor. The Processor shall be responsible to pay all deductible amounts.

10.4 Each policy of insurance shall also provide that neither the Processor nor the insurer shall cancel, materially change or allow the policy to lapse without first giving the City thirty (30) days prior written notice.

10.5 The Processor shall provide or cause to be provided to the City a certificate from its insurer, which shows that the policy or policies placed and maintained by it complies with the requirements of this agreement. No review or approval of any such insurance certificate by the Processor shall derogate from or diminish the City's rights or the Processors obligations contained in this agreement.

10.6 The taking out of insurance shall not relieve the Processor of any of its obligations under this agreement or limit its liability hereunder.

11. Workplace Safety and Insurance Act

The Processor shall at all times pay, or cause to be paid, any assessment or compensation required to be paid pursuant to the Workplace Safety and Insurance Act.

The Processor shall make a Statutory Declaration when requested by the City that all assessment or compensation have been paid.

12. Term

12.1 This agreement shall have a term of three-years, commencing 1st day of January, 2020 and terminating 31st day of December, 2022.

12.2 It is the intention of both the Processor and the City to renew the agreement on a yearly basis, thus the Processor and the City shall commence negotiations for an extended agreement at least six (6) months prior to the termination of this agreement. In the event a new agreement is not commenced prior to termination of this agreement, this contract will continue on a monthly basis at the applicable rates until a new contract is executed. The City will not be liable for any additional costs or damages of any kind caused to the Processor if this agreement is terminated.

13. Early Termination – Without Cause

This agreement may be terminated by either party, without liability to the other, on ninety (90) days notice in writing to the other party given in accordance with this agreement.

Either party may, at its option, terminate this agreement in the event of a material breach of this agreement by the other party. Any such termination may be effected through a written notice to the other party, specifically identifying the breach or breaches on which termination is based. Following receipt of such notice, the party in breach shall have fourteen (14) days to cure such breach or breaches to the satisfaction of the non-defaulting party and this agreement shall terminate in the event that such cure is not made by the end of such period.

Both Parties acknowledge that Ontario Municipalities are subject to the *Waste-Free Ontario Act, 2016* and Provincial Blue Box Program Plan (BBPP) that are outside the control of the City. Repeal, replacement and/or amendment to the BBPP may change the operation of the Contract. In the event of change, alteration and/or amendment to Applicable Law, the need for Early Termination of the Contract may be necessary. Should this Early Termination of the Contract occur, the City shall provide the Processor written notice sixty (60) days prior to the termination.

14. Third Party Observance

The City shall take all reasonable measures to ensure that its officers, directors, employees, contractors and agents are made aware of and are bound to observe the terms of this agreement. The City shall be responsible to ensure that any agreement it enters into with a contractor or agent to provide on its behalf, services related to this agreement contains terms no less favorable to the Processor than set out herein to the extent that they are applicable to the work contracted or subcontracted.

15. Notice

Any demand, notice of other communication to be given in connection with this agreement shall be given in writing and may be given by personal delivery or by registered mail, courier or facsimile transmission, addressed to the recipient as follows:

Notices to the City:

City of Temiskaming Shores
PO Box 2050
Haileybury, Ontario P0J 1P0
Attention: Director of Public Works
Phone Number: 705-672-3363 Ext 4132
Fax Number: 705-672-2911
Email: dwalsh@temiskamingshores.ca

Notices to the Processor:

R&D Recycling
Hwy 17 W
North Bay, ON P1B 8G5
Phone Number: 705-472-1768
Fax Number: 705-494-7428
Email: r.d.recycling@bellnet.ca

or to such other address or fax number as may be designated by notice by either party to the other. Any such notice if given by personal delivery shall be conclusively deemed to have been given on the deposit thereof in the mail; if by courier, on the second day after delivery to the courier; and if by fax transmission or email, on the same day if sent prior to 4:00 p.m. on a day the recipient is open for business, and on the next following working day of the recipient if sent after 4:00 p.m., or if sent on a day the recipient is not open for business. If the party giving any notice knows or ought reasonably to know of any difficulties with the postal system which might affect the delivery of mail, any such notice shall not be mailed but shall be given by personal delivery, courier or facsimile transmission.

16. MOE Approval

The agreement may be subject to the approval of the Ministry of the Environment, and any other Provincial or Federal authority having jurisdiction in matters relating to recycling and the environment. In such event, this agreement shall come into effect upon every such approval being granted. It shall be the responsibility of the Processor to apply for and maintain any such approval at its own cost and expense. The Processor shall provide or cause to be provided to the City any approval certificates which shows the Processor complies with the requirements of this agreement.

17. Relationship

Nothing in this agreement shall be read or construed as conferring upon the Processor, its officers, directors, employees or agents, the status of employee, or agent of, or partner or joint venture with the City.

18. Appendices

All terms and conditions of Appendix 01, 02 and 03 are incorporated into this agreement except where they are inconsistent with this agreement, in which case the agreement shall prevail.

19. Entire Agreement

This agreement and the attached Appendix 01, 02, and 03 embody the entire agreement and supersede any other understanding or agreement, collateral, oral or otherwise, existing between the parties at the date of execution.

20. Amendment

20.1 Except as expressly provided to the contrary in this agreement, this agreement may be amended only by amending agreement signed by both parties.

20.2 Despite Subsection 19(1) either or all Appendices to this agreement may be amended and/or substituted from time-to-time by way of an amending By-law of the City. The amended appendices shall be forwarded to the Processor by way of letter signed by the Director.

21. Governing Law

This Agreement will be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein and each of the parties hereto agrees irrevocable to conform to the non-exclusive jurisdiction of the Courts of such Province.

22. MFIPPA

The Processor acknowledges that this agreement and any information or documents provided by the Processor may be released pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.58, as amended and consents to the release of such information.

23. Rights and Remedies Cumulative

The rights and remedies of the Parties to this agreement are cumulative and are in addition to and not in substitution for any rights and remedies provided by law or in equity.

24. Headings

Headings or descriptive words at the commencement of the various sections are inserted only for convenience and are in no way to be construed as a part of this agreement or as a limitation upon the scope of the particular section to which they refer.

25. Number and Gender

In this agreement the use of the singular number includes the plural and vice versa and the use of any gender includes all genders.

26. Non-Waiver

No condoning, excusing or waiver by any part hereto of any default, breach of, non-observance by any other party hereto, at any time or times with respect to any covenant or condition herein contained, shall operate as a waiver of that party’s rights hereunder with respect to any continuing or subsequent default, breach or non-observance and no waiver shall be inferred from or implied by any failure to exercise any rights by the party having those rights.

27. Force Majeure

The City shall not be liable for any failure to perform its obligations hereunder if the non-performance is due to lightning, tempest, explosion, earthquake, acts of God, mob violence, acts of the Queen’s enemies, strike, lockout, or other labour disruption, or any catastrophic cause beyond its control.

Both Parties acknowledge that Ontario Municipalities are subject to the *Waste-Free Ontario Act, 2016* and Provincial Blue Box Program Plan (BBPP) that are outside the control of the City. Repeal, replacement and/or amendment to the BBPP may change the operation of the Contract sufficiently to be classified, in the sole discretion of the City, as a “Force Majeure” event. The parties hereby further acknowledge and understand that the *Waste-Free Ontario Act, 2016* (WOFA) received Royal Assent in June, 2016 and enacted the *Resource Recovery and Circular Economy Act, 2016* and the *Waste Diversion Transition Act, 2016* and repealed the *Waste Diversion Act, 2002* all of which along with associated regulations, when implemented may alter and/or change the scope of work of the Contract to the extent that such alteration or change may be classified in the sole discretion of the City, acting reasonably, as a “Force Majeure” event.

28. Binding Effect

This agreement shall ensure to the benefit of and be binding upon the parties hereto, their heirs, legal personal representatives, successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have hereunder affixed their respective corporate seals attested to by the hands of their proper officers duly authorized in that behalf as of the day and year first above written.

Signed and Sealed in)
the presence of)

Contractor's Seal)
(if applicable))

Municipal Seal)

R & D Recycling

Owner – Jean Luc Labonte

Witness - Signature

Print Name: _____

Title: _____

**Corporation of the City of
Temiskaming Shores**

Mayor – Carman Kidd

Clerk – David B. Treen

Appendix 01

Acceptable Recyclable Materials

- All Plastics No. 1-7:
 - Clamshell containers (hinged, clear plastic containers)
 - Clear fruit and vegetable containers
 - Clear take-out food containers
 - Clear molded bakery item trays, egg cartons
 - Disposable plastic plates and glasses
 - Cold beverage cups/lids
 - Plastic bottles and jugs (lids on)
 - Plastic kitty litter tubs with plastic handles
 - Plastic laundry detergent tubs and lids
 - Clear compact disk cases (empty)
- Milk/juice cartons and boxes
- Glass bottles and jars
- Aluminum cans
- Metal cans
- Cardboard cans
- Aluminum trays, burner liners, pie plates and roasting pans
- Aerosol cans (empty)
- Metal paint cans & lids (empty)
- Foam polystyrene (Styrofoam) – white only
- Plastic bags—grocery, shopping, dry cleaning, bread bags, vegetable/fruit bags, milk bags (outer and rinsed inner bag) - Place all bags in one bag and tie handles together
- Plastic outer wrap from packages, such as from paper towels, cases of water, etc.
- Paper Bags, rolls, junk mail, writing/computer paper, envelopes, window envelopes
- Shredded paper (put in clear plastic bag and tie closed)
- Gift wrap, cards
- Newspapers, flyers, telephone directories, magazines, catalogues, soft/ hardcover books
- Boxboard boxes
- Corrugated cardboard

Appendix 02

Processing Rate

As of the date of this agreement, the Processing Rate per tonne of Recyclables accepted by the City plus overhead is **\$80.00** per tonne.

A \$10.00 per tonne surcharge will be added effective at the commencement of this agreement. This surcharge is solely related to compensation for low commodity prices. Once commodity stabilizes, and both parties agree, the surcharge will be removed.

The Processing Rate is subject to change in accordance with this agreement.

Appendix 03

Contamination Rate

As of the date of this agreement, the Contamination Rate per cubic yard of non-recyclables accepted by the Processor plus overhead is **\$350.00** per load.

The Contamination Rate is subject to change in accordance with this agreement.

The Corporation of the City of Temiskaming Shores

By-law No. 2019-183

Being a by-law to enact a Zoning by-law Amendment to rezone property from Highway Commercial (C2) and Development (D) to Community Facilities Exception 2 (CF-2) in the City of Temiskaming Shores Zoning By-law 2017-154 Southeast corner of Grant Drive and Drive-In Theatre Road Part of 5418-020-002-069.00 and 5418-020-002-080.00

Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, the Council of a Municipality may enact by-laws to authorize the use of land, buildings or structures for any purpose set out therein that is otherwise prohibited;

And whereas By-law No. 2017-154 regulates the use of land and the use and erection of buildings and structures within the City of Temiskaming Shores;

And whereas Council considered Administrative Report No. CGP-068-2019 at the Regular Council meeting held on December 3, 2019 and directed staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law No. 2017-154 to change the zoning on the portion of the properties from Highway Commercial (C2) and Development (D) to Community Facilities Exception 2(CF-2) for consideration at the December 3, 2019 Regular Council meeting;

Now therefore the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. Schedule Changes

a) Schedule "D3" of By-law No. 2017-154 is hereby amended by rezoning part of Dymond Concession North Part of Lots 9 and 10; RP54R-3676 Part 3, RP 54R-5247 Part 1, 3, 4, RP 54R-5289 Part 1; Parcel 903NND and 23075SST, as shown on Schedule "1" to this By-law, from the Highway Commercial (C2) and Development (D) Zone to the Community Facilities Exception 2 (CF-2) Zone.

2. Text Changes

a) Table 10.2 is amended to add as a permitted accessory use, in the CF-2 Zone, "uses normally incidental to the long-term care use, including but not limited to: hair salon, retail shop, café, medical/health practitioner offices, multiple dwellings and street townhouse dwellings."

3. That all other provisions of By-law No. 2017-154 shall continue to apply.

4. That the passing of this by-law shall be subject to the provisions of the *Planning Act*.

5. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be

deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

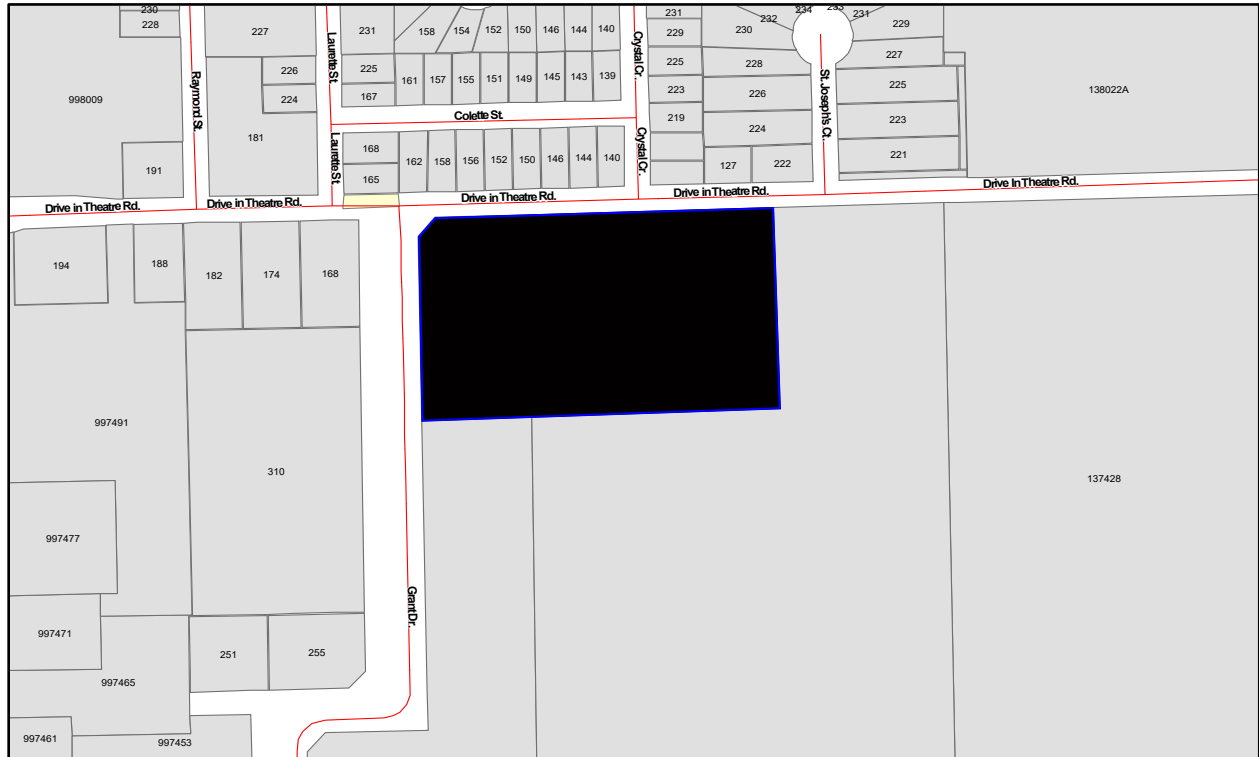
Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

Schedule "1" to By-law 2019-183

City of Temiskaming Shores



Rezoned from Highway Commercial (C2) and Development (D) to Community Facilities Exception 2 (CF-2)

The Corporation of the City of Temiskaming Shores

By-law No. 2019-184

**Being a by-law to amend By-law No. 2013-048, as amended
being a by-law to enter into an Agreement with Stewardship
Ontario to permit the City of Temiskaming Shores to host an
Orange Drop Collection Program for the Collection of
Municipal Hazardous or Special Waste**

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas the Council adopted By-law No. 2013-048 on April 2, 2013 being a by-law to enter into an Agreement with Stewardship Ontario to permit the City of Temiskaming Shores to host an Orange Drop Collection Program for the collection of Municipal Hazardous or Special Waste;

And whereas Council considered Memo 023-2019-PW at the December 3, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2013-048, as amended to allow for payment of materials associated with Orange Drop events until transition to full producer responsibility for consideration at the December 3, 2019 Regular Council meeting;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That By-law No. 2013-048, as amended is hereby further amended by the provisions set out in the amending Agreement from Stewardship Ontario, a copy of which is hereto attached as Schedule "A" forming part of this By-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor changes or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

**AMENDING AGREEMENT
NEW MUNICIPAL HAZARDOUS OR SPECIAL WASTES SERVICES AGREEMENT**

This Amending Agreement (the “**Amending Agreement**”) is made as of August 16, 2019.

BETWEEN:

STEWARDSHIP ONTARIO (“SO”)

and

**THE CORPORATION OF THE CITY OF TEMISKAMING SHORES (the
“Municipality”)**

(collectively, the “**Parties**”)

WHEREAS:

- A. Stewardship Ontario and the Municipality entered into an agreement concerning municipal hazardous or special wastes (“**MHSW**”) dated March 22, 2013 (as amended, modified or restated from time to time, by the Parties, the “**MHSW Services Agreement**”);
- B. By direction letters dated April 12, 2018, December 11, 2018 and July 2, 2019, the Minister of the Environment, Conservation and Parks for the Province of Ontario directed SO to wind up the waste diversion program for MHSW (the “**MHSW Program**”) for all designated materials. Upon wind up, materials collected under the MHSW Program will be managed according to an individual producer responsibility framework under the *Resource Recovery and Circular Economy Act, 2016*;
- C. In order to reflect the scheduled wind-down of the MHSW Program and in accordance with Section 2.3 of the MHSW Services Agreement, the Parties wish to make certain amendments to the MHSW Services Agreement as set out herein.

NOW THEREFORE, FOR VALUE RECEIVED, the Parties agree as follows:

- 1. The MHSW Services Agreement is hereby amended in accordance with the provisions set out in Schedule “A” hereto effective as of September 1, 2019.
- 2. All capitalized terms which are used herein without being specifically defined herein shall have the meanings ascribed to them in the MHSW Services Agreement.
- 3. Any section marked as “Intentionally Deleted” in the MHSW Services Agreement remains “Intentionally Deleted” and is not replaced by or amended by anything in Schedule “A”.

4. Except as amended by the amendments expressly set forth in Schedule “A” of this Amending Agreement, the MHSW Services Agreement shall remain unchanged and continue in full force and effect and is hereby in all other respects ratified and confirmed.
5. If any provision of this Amending Agreement is or becomes illegal, invalid or unenforceable in any jurisdiction, the illegality, invalidity or unenforceability of that provision will not affect (a) the legality, validity or enforceability of the remaining provisions of this Amending Agreement or (b) the legality, validity or enforceability of that provision in any other jurisdiction.
6. This Amending Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein and each of the Parties hereto agrees irrevocably to conform to the non-exclusive jurisdiction of the Courts of such Province.
7. This Amending Agreement shall enure to the benefit of and shall be binding upon the Parties hereto and their respective successors and permitted assigns. Nothing in this Amending Agreement, express or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy or claim under this Amending Agreement.
8. If any provision of this Amending Agreement is inconsistent or conflicts with any provision of the MHSW Services Agreement, the relevant provision of this Amending Agreement shall prevail and be paramount.
9. Schedule “A” is attached hereto and incorporated in and forms part of this Amending Agreement.
10. This Amending Agreement may be executed in one or more counterparts, including by means of facsimile and/or portable document format, each of which shall be deemed to be a duplicate original, but all of which, taken together, constitute a single document.

[THIS SECTION LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF the Parties have signed this Amending Agreement as of the date first set out above.

STEWARDSHIP ONTARIO

By: _____

Name: Cullen Hollister

Title: Director of Operations

**THE CORPORATION OF THE CITY OF
TEMISKAMING SHORES**

By: _____

Name:

Title:

**SCHEDULE “A” TO THE AMENDING AGREEMENT
NEW MUNICIPAL HAZARDOUS OR SPECIAL WASTES SERVICES AGREEMENT**

The Parties agree to amend the MHSW Services Agreement as follows:

1. Section 1.1 of the MHSW Services Agreement is hereby amended by deleting the words “*Waste Diversion Act 2002 (Ontario)*” and replacing them with the words “*Waste Diversion Transition Act, 2016 (Ontario)*”.

2. Section 2.4 of the MHSW Services Agreement is deleted in its entirety and replaced with the following new Sections 2.4 and 2.5:

“2.4 The Parties also understand that an ISO may, at any time, be approved by the Board of the Authority for one or more of the Obligated MHSW materials. In the event an ISO is approved by the Authority, SO will have no responsibility to pay for MHSW Services provided by the Municipality with respect to the materials for which the ISO is then responsible on and after the effective date of such approval by the Authority, unless SO provides written notice to the Municipality indicating that there will not be any changes to the then current MHSW Services within 30 days of the ISO approval date.

2.5 The Parties also understand that the Minister of the Environment, Conservation and Parks has directed SO to wind-up the MHSW Program Plan under the *Resource Recovery and Circular Economy Act, 2016*, following which individual producers will become responsible for materials collected under the MHSW Program Plan. The Parties agree that effective on the date of wind-up of the MHSW Program Plan in respect of a specific MHSW material (a “**Materials Wind-Up**”), SO will have no further responsibility to pay for MHSW Services provided by the Municipality with respect to such MHSW materials. As a courtesy, SO will provide a written reminder to the Municipality at least 30 days prior to the effective date of such Materials Wind-Up.”

3. Subsection 5.1(b) of the MHSW Services Agreement is deleted in its entirety and replaced with the following new subsections 5.1(b) and 5.1(c):

“(b) Notwithstanding the foregoing, in the event an ISO is approved by the Authority, title to the Obligated MHSW with respect to the materials for which the ISO is then responsible will not belong to SO or SO’s Service Providers unless SO provides written notice to

the Municipality indicating that there will not be any changes to the then current MHSW Services within 30 days of the ISO approval date.

(c) Notwithstanding the foregoing, in the event of a Materials Wind-Up, title to the Obligated MHSW will not belong to SO or SO's Service Providers as of the effective date of the Materials Wind-Up."

4. Section 18.1 of the MHSW Services Agreement is hereby amended to delete the words "Waste Diversion Ontario" and to replace them with the words "the Authority".

The Corporation of the City of Temiskaming Shores

By-law No. 2019-185

Being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Special meeting held on November 25, 2019 and its Regular meeting held on December 3, 2019

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas it is the desire of the Council of The Corporation of the City of Temiskaming Shores to confirm proceedings and By-laws;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the actions of the Council at its Special meeting held on **November 25, 2019** and its Regular meeting held on **December 3, 2019** with respect to each recommendation, by-law and resolution and other action passed and taken or direction given by Council at its said meeting, is, except where the prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. That the Mayor, or in his absence the presiding officer of Council, and the proper officials of the municipality are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor, or in his absence the presiding officer, and the Clerk are hereby directed to execute all documents required by statute to be executed by them, as may be necessary in that behalf and to affix the corporate seal of the municipality to all such documents.

Read a first, second and third time and finally passed this 3rd day of December, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen