TOWNSHIP OF PELEE
Closed Meeting of Council
Monday, November 23, 2020, 7:00 pm
Electronic Meeting

1. 7:00 PM - Closed Meeting – Not open to the Public
   (i) Personal matters about an identifiable individual, including municipal or local board employees, Section 239(2)(b), Municipal Act.
   (ii) Education and Training per Section 239(3.1) the Municipal Act, 2001 c.25.

TOWNSHIP OF PELEE
Regular Meeting of Council
Monday, November 23, 2020, 8:00 pm
Electronic Meeting

2. 8:00 PM - Regular Meeting - Call to Order

3. Confirmation of Previous Meeting Minutes

4. Disclosure of Pecuniary Interest

5. Delegations

6. Reports
   a. Deputy Mayor David Dawson:
      i) Pinegrove Productions: Proposal to undertake a documentary video focusing on the on-going efforts of residents, the municipality, industry, ENGOs and others to meet the challenges of achieving a sustainable balance between human needs and species at risk. Funded through the Species at Risk Stewardship Fund.
   b. Chief Administrative Officer and Clerk – Janice Hensel:
      i) Service Delivery Review – Status Update (Verbal)

7. Consent Reports
   a. Treasurer – Michelle Feltz:
      i) Loan Renewal: West Water Plant Upgrades.

8. Recognitions
   From Mayor Durocher:
      i) To recognize the efforts of Kevin Ryersee and Craig Ryersee, Hydro One - for providing assistance with hydro restoration following the weather event on November 15, 2020.

9. Communications and Petitions
a. **Corporation of the Township of Asphodel Norwood** – Requesting the Province appoint a governing body to oversee cannabis production and provide support to local governments.

b. **Corporation of the City of Belleville** – Requesting the Premier of Ontario, the Minister of Municipal Affairs and Housing and the Minister of the Solicitor General respect Ontario municipalities’ ability to apply sound representative principles in their execution of elections.

c. **Corporation of the City of Brantford** – Opposing proposed changes to the Municipal Elections Act related to the removal of the option for a municipality to hold a ranked ballot election, and encouraging the provincial government to consult with municipalities prior to introducing legislative changes of this magnitude.

d. **Corporation of the Township of East Garafraxa** – Resolution in support of the County of Wellington requesting the Government of Ontario work with the Municipal Property Assessment Corporation to address assessment issues so that aggregate resource properties are assessed for their industrial value.

e. **Corporation of the Towns of Fort Erie** – Resolution in support of the Township of Asphodel Norwood – Requesting the Province appoint a governing body to oversee cannabis production and provide support to local governments.

f. **Corporation of the Town of Fort Erie** – Resolution in support of the City of Hamilton request to provincial government to amend licensing and application process for Cannabis Retail Stores to consider radial separation from other cannabis locations.

g. **Corporation of the Town of Fort Erie** – Resolution in support of Town of Grimsby - Amendment to Bill 108 - More Homes, More Choice Act, 2019, which amended the Ontario Heritage Act - Request to Remove the Powers provided to the Local Planning Appeal Tribunal, Retain Authority for Hearing Certain Appeals by the Conservation Review Board, and Return the Authority for Final Decisions to Municipal Council.

h. **Howick Township** – Requesting the Ministry of Agriculture, Food and Rural Affairs consider lowering the interest rate on Tile Drain Loans to 4% and increasing the yearly loan limit to $100,000.

i. **Ministry of Municipal Affairs and Housing** – Advising of municipal engagement: Ontario Rebuilding and Recovery Act: Accelerating Infrastructure Initiatives.

10. **Scheduled Motions**

11. **Action Motions**

a. To receive report from Deputy Mayor Dawson on Proposal to undertake a documentary video focusing on the on-going efforts of residents, the municipality, industry, ENGOs and others to meet the challenges of achieving a sustainable balance between human needs and species at risk. Funded through the Species at Risk Stewardship Fund.

12. **Consent Motions**

a. Township of Pelee consents to pass the following:


13. **Deferred Matters**

14. **Enquires**
15. Emergent Matters

16. By-Laws
   a. **By-Law 2020 – 36**; Being a By-law to enter into a Term Loan Renewal Agreement with Libro Credit Union.

17. Adjournment
1. Call to Order
Meeting called to order at 8:03 p.m.

   a. Regular Meeting of Council Agenda, November 9th, 2020
      Moved By: Councillor Sherri Smith Ouellette
      Seconded By: Deputy Mayor Dave Dawson

2. Confirmation of Previous Meeting Minutes
      Moved By: Councillor Sherri Smith Ouellette
      Seconded By: Deputy Mayor Dave Dawson

3. Disclosure of Pecuniary Interest
   None

4. Delegations
   None

5. Reports
   a. Chief Administrative Officer and Clerk – Janice Hensel:
      i) Report No. 2020 – 30 DD, JH: Steering Committee Update on Tourism
         Destination Plan.
         i. Kick-off meeting was held on November 5th, 2020 to
            review the project plan
         ii. A report was provided including the project work plan,
             projected timelines and to discuss
   i. Council agreed to the Regular Council Meeting Dates as proposed with the following amendment: April 19th meeting instead of the noted April 20th meeting.

   i. CAO recommends staff proceed with the Service Delivery Review and approve the proposal submitted by StrategyCrop Inc.

   i. The Township has submitted an application in partnership with the Nature Conservancy of Canada to restore roadside sections of lakeshore where improvements to shoreline protection works, undertaken in 2020, resulted in the removal of vegetation. The project will naturalize the shoreline, provide resilience to climate change and erosion control, safeguard wildlife and the habitat and provide a necessary natural vegetative barrier to reduce the use of excessive road salt during winter months when high water, winds and waves create ice accretion on roadways. Approximately 2755 feet of roadside shoreline will be restored along West Shore Road and McCormick Road.
   ii. Requesting Council hereby support the application submitted by Nature Conservancy of Canada to the Great Lakes Local Action Fund to construct an elevated boardwalk, install bird blinds, education signage and revegetate the area around a 25-hectare wetland that is being created at the NCC Florian Diamante Nature Reserve located on Pelee Island in Lake Erie.

v) Update – Shoreline Protection
   i. CAO stated that recent high winds and water have further deteriorated approximately 300 feet of the shoreline protection on McCormick Road.
   ii. This area was previously identified in the engineers report, but was not part of the scope of the 2020 West Shore shoreline project.
   iii. There are concerns with the stability of McCormick Road over the winter as erosion is already occurring.
   iv. Approximately $70,000 has been redirected from the Roads Department Budget to McCormick Road shoreline repairs to be completed November 15-20, 2020.

6. Consent Reports
a. Treasurer and Deputy Clerk – Michelle Feltz:
i. The Treasurer presented revenue and expense forecasting to December 31, 2020 as per the requirements of the Safe Restart Agreement – Municipal Operating Funding and to provide additional year end forecasting to Council.


7. **Recognitions**
   a. Mayor Ray Durocher recognized:
      i) Tom and Mary Schweiger for organizing a beach clean-up.
      ii) Bernie Vandonk for organizing the cleaning of the Legion.
      iii) Mack Feltz for his dedication and kindness in taking Herby fishing.

8. **Communications and Petitions**
      i) Communication received by the Council of the Corporation of the Township of Pelee by the Ministry of Finance.

      i) Communication received by the Council of the Corporation of the Township of Pelee from the Rural Ontario Municipal Association.
      ii) Councillor Sherri Smith Ouellette and Deputy Mayor Dave Dawson have asked administration to register them for this event.
      iii) Deputy Mayor has requested, if possible, the CAO also be in attendance for delegations with Ministries.

   c. **Corporation of the Town of Plympton-Wyoming** – Expressing support for resolution from Loyalist Township requesting senior government funding for charities, community groups and service clubs affected by the Covid-19 pandemic.
      i) Communication received by the Council of the Corporation of the Township of Pelee from the Corporation of the Town of Plympton-Wyoming.

   d. **Corporation of the Township of Lincoln** – Expressing support for resolution from the Municipality of Tweed regarding Cannabis Production facilities, the Cannabis Act and Health Canada Guidelines.
      i) Communication received by the Council of the Corporation of the Township of Pelee from the Corporation of the Township of Lincoln.

   e. **Corporation of the Municipality of St. Charles** – Expressing support for resolution from the County of Grey requesting the premier and the Ontario Government champion the implementation of broadband in underserviced areas of the province.
i) Communication received by the Council of the Corporation of the Township of Pelee from the Corporation of the Municipality of St. Charles.

f. **Corporation of the County of Prince Edward** – Recommending the Government of Ontario support the freedom of municipalities to run democratic elections with the existing framework of the *Ontario Elections Act*.
   i) Communication received from the Council of the Corporation of the Township of Pelee from the Corporation of the County of Prince Edward.

i) Communication received from the Council of the Corporation of the Township of Pelee from the Corporation of the County of Prince Edward – Recommending the Government of Ontario support the freedom of municipalities to run democratic elections with the existing framework of the *Ontario Elections Act*.

j) **Corporation of the City of Belleville** – Requesting the Government of Ontario consider providing funding support and training resources to municipalities to meet the requirements of the Accessibility for Ontarians with Disabilities Act respecting conforming to WCAG 2.0 Level AA by January 1, 2021.
   i) Communication received by the Council of the Corporation of the Township of Pelee from the Corporation of the City of Belleville.
   ii) Noted by CAO that the Township of Pelee website is already compliant to the WCAG 2.0 Level AA and recognizes the administrative staff for accomplishing this in a timely matter.

h. **Corporation of the City of Oakville** – Requesting the Premier adopt a targeted COVID-19 restriction on specific sectors that are seeing increased infection rates as an alternative to ordering the full closure of an entire municipality or region as has most recently been the case in York Region and its eight municipalities and asking municipalities to petition the Province to by endorsing a letter to Premier Ford and Health Minister Christine Elliott.
   i) Communication received by the Council of the Corporation of the Township of Pelee from the Corporation of the City of Oakville.

i. **Northumberland County** – Expressing support for resolution of Town of Wasaga Beach and concerns about an unauthorized car rally recently held.
   i) Communication received by the Council of the Corporation of the Township of Pelee from Northumberland County.

j. **Corporation of the Township of Huron-Kinloss** – Expressing support for resolution by the Town of Amherstburg requesting an amendment to Schedule 11, *More Homes, More Choice Act*, to return the authority for final decisions for certain appeals by the Conservation Review Board be returned to municipal councils where the features of cultural heritage value exist.
   i) Communication received by the Council of the Corporation of the Township of Pelee from the Corporation of the Township of Huron-Kinloss.

k. **Corporation of the Township of Huron-Kinloss** – Expressing support for resolution by the Township of Wollaston requesting the Minister of Municipal Affairs and Housing to review the *Municipal Elections Act* and provide for amendments to a) ensure valid eligibility of resident electors; b) to provide Clerks with clear direction when adding names to the voter’s list; and c) to ensure rules in the *Municipal Elections Act* are enforceable.
i) Communication received by the Council of the Corporation of the Township of Pelee from the Corporation of the Township of Huron-Kinloss.

9. Scheduled Motions

Action Motions
a. Resolution 2020 – 144 was CARRIED
   Moved By: Councillor Dayne Malloch
   Seconded By: Deputy Mayor Dave Dawson

   “Be it Resolved that the Council of the Township of Pelee hereby receives Report No. 2020 – 30 DD, JH: Steering Committee Update on Tourism Destination Plan.”

b. Resolution 2020 – 145 was CARRIED
   Moved By: Councillor Dayne Malloch
   Seconded By: Councillor Sherri Smith Ouellette

   “Be it Resolved that the Council of the Township of Pelee hereby approve the Annual schedule of Regular Council Meeting Dates for January – April, 2021 as follows:

   January 11, 2021
   February 8, 2021 and February 22, 2021
   March 22, 2021
   April 6, 2021 and April 19, 2021

   Regular Meetings from January - April shall be held at 5:30 PM with closed meetings at 4:30 PM.

   All regular meetings will continue to be held electronically under section 8A of the Township Procedural By-law 2019-12, as amended until such time as COVID-19 restrictions are removed.”

c. Resolution 2020 – 146 was CARRIED
   Moved By: Councillor Dayne Malloch
   Seconded By: Councillor Sherri Smith Ouellette

   “Be it Resolved that the Council of the Township of Pelee hereby receive Report No. 2020 – 32 JH and direct staff to proceed with the Service Delivery Review.

   AND FURTHER that the proposal, as submitted by StrategyCorp Inc. in the amount of $90,400.00 including HST to conduct the review be accepted.

   The proposal is hereto attached.”

d. Resolution 2020 – 147 was CARRIED
   Moved By: Councillor Dave DeLellis
   Seconded By: Deputy Mayor Dave Dawson
“Be it Resolved that the Council of the Township of Pelee hereby Support the submission of an application by the Township of Pelee to the Lake Erie Local Action Fund in partnership with the Nature Conservancy of Canada to restore roadside sections of lake shore where improvements to shoreline protection works, undertaken in 2020 resulted in the removal of vegetation. The project will naturalize the shoreline, provide resilience to climate change and erosion control, safeguard wildlife and habitat and provide a necessary natural vegetative barrier to reduce the use of excessive road salt during winter months when high water, winds and waves create ice accretion on roadways.”

e. Resolution 2020 – 148 was CARRIED
Moved By: Councilor Dave DeLellis
Seconded By: Deputy Mayor Dave Dawson

“Be it Resolved that the Council of the Township of Pelee hereby support the application submitted by Nature Conservancy of Canada to the Lake Erie Local Action Fund to construct an elevated boardwalk, install bird blinds, education signage and revegetate the area around a 25-hectare wetland that is being created at the NCC Florian Diamante Nature Reserve located on Pelee Island in Lake Erie.”

Consent Motions
a. Resolution 2020 – 149 was CARRIED
Moved By: Councilor Sherri Smith Ouellette
Seconded By: Councilor Dave DeLellis

“Be it Resolved that the Council of the Township of Pelee hereby consents to the following:

b. Resolution 2020 – 150 was CARRIED
Moved By: Councilor Dave DeLellis
Seconded By: Councilor Sherri Smith Ouellette

“Be it Resolved that the Council of the Township of Pelee hereby consents to the following item:
   i) Disbursements as at November 4, 2020 in the amount of $52,575.14.”

10. Deferred Matters
None

11. Enquires
None

12. Emergent Matters
a. Resolution 2020 – 151 was CARRIED
   Moved By: Councillor Dave DeLellis
   Seconded By: Councillor Sherri Smith Ouellette

   “Be it Resolved that the Council of the Corporation of the Township of Pelee hereby proceed with emergency additional shoreline repairs, as identified in the landmark engineering report, to repair, improve and/or replace deteriorated shoreline protection along McCormick Road in the amount of $70,000.00.”

13. By-Laws
a. Resolution 2020 – 152 was CARRIED
   Moved By: Councillor Sherri Smith Ouellette
   Seconded By: Councillor Dave DeLellis

   “Be it Resolved that the Council of the Corporation of the Township of Pelee hereby adopts By-Law 2020 – 35; Being a By-Law to Confirm Proceedings.”

14. Adjournment
   Regular Meeting of Council adjourned at 8:42 p.m.

_____________________________________________
Raymond Durocher,
Mayor

_____________________________________________
Janice Hensel,
CAO/Clerk
Pelee Island, the southernmost inhabited place in Canada, is home to a rich diversity of plants and animals, many of which are species at risk. It is also home to a population of 250 permanent residents, some of whom have lived on the island for multiple generations. The challenge for both humans and other species inhabiting the island, is how to share the habitat so that everyone can thrive.

The focus of the documentary video being produced by Pinegrove Productions is on the ongoing efforts by residents, the municipality, industry, ENGOs, and others to meet the challenges of achieving a sustainable balance between human needs and those of species at risk. People and species at risk need to cohabit; that means fostering a healthy place for people to live, work and play, as well as providing safe and sufficient habitat for the species. When the needs of humans collide with those of the wild species, then it is not only the plants and animals that pay the price, we all do.

This documentary will explore differing perspectives to these challenges and showcase some of the progress towards species recovery based on finding common ground and collaboration.

Other organizations and individuals advising/assisting with the project include:
- Ontario Nature – Smera Sukumar, assisting with outreach/social media
- Nature Conservancy of Canada – Jill Crosthwaite, member of the advisory team
- Ron Tiessen – Pelee resident, member of the advisory team
- John Ambrose - Pelee resident, member of the advisory team
- Ron Gould – Ontario Parks, member of the advisory team
- Dan Lebedyk – ERCA, member of the advisory team
- Thomas Hossie – Salamander researcher Trent University, member of the advisory team
- Ryan Wolfe – Blue racer researcher, University of Toronto, member of the advisory team
- Caldwell First Nation – we are in discussions with them re joining the advisory team

Pinegrove Productions

Since 2004 Pinegrove Productions (www.pinegroveproductions.ca) has been working with scientists, ENGOs and First Nations in producing educational/best practises videos. In 2019, for example, we completed Eco-Highway, a documentary on finding a win/win solution for the economy and protecting species at risk during the construction of the Rt. Hon. Herb Gray Parkway (www.ecohighway.ca). This video, supported by MTO, Walpole Island FN, ERCA, the City of Windsor and others, continues to be hugely successful with requests for screenings from across the province and beyond.

This documentary is being funded by the Ontario Government through their Species at Risk Stewardship Fund. This 3 year Project is being funded by the Ontario Government’s SARF.
Report to Council

Report No: 2020 – 36 MF  
Date: November 23, 2020  
Subject: Financial Relief Related to COVID-19  
Attachments: None  
Purpose (Information/Action): Action

Purpose:
This report has been prepared to provide Council options as it relates to financial relief for property owners during the COVID-19 pandemic.

Overview:
The consensus of the local Treasurers was that given the gradual reopening of the region, penalty and interest should be reinstated at 1.25% monthly to encourage property owners to pay. Allowing property owners to further delay payments without any interest or penalty, does not eliminate their responsibility and requirement to pay for municipal services.

The first option is to reinstate penalties and interest on all overdue accounts consistent with the neighbouring municipalities. This will mean that interest will be calculated, as established in By-Law 2020-18, during the first week of December on any overdue balance past November 30 at 1.25% per month.

The second option is that Council continue the extension of financial relief for a specific period (i.e. December 31, 2020). By not charging penalties and interest, Council would continue to offer support to property owners during these unprecedented times. The financial impact of the COVID-19 pandemic on the economy and personal livelihoods is still very uncertain.

While financial relief may be necessary for some residents, property owners have always been encouraged to maintain their regular tax, water and waste payments to support the municipality’s ability to continue to provide essential services.

Deferring the interest and penalties does reduce the financial burden that property taxpayers are currently facing during the global pandemic and does not contravene the Municipal Act. This deferral does come at a cost to the Municipality in the amount of approximately $3,750 per month. This is based on the amount included in the 2020 budget for interest and penalty revenue. It is important to note that deferring the interest and penalties does not remove the property owner’s obligation to pay property taxes.

The majority of property owners continue to pay their property tax bill as the amount of outstanding taxes at the end of October was within 2% of 2019’s outstanding taxes. The 4th quarter installment is due November 30th which will provide a solid benchmark of the percentage of outstanding taxes compared to previous years.
**Recommendations:**

It is recommended that:

Option #1  
Council direct Administration to reinstate all penalties and interest on any overdue balances as of November 30, 2020.

Option #2  
Council direct Administration to waive all penalties and interest on any overdue balances through to and including December 31, 2020.

*Respectfully submitted,*

Michelle Feltz  
Treasurer
### Bank Code: General - General Bank Account

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Township of Pelee  
List of Accounts for Approval  
As of 2020-11-19  
Batch: 2020-00120 to 2020-00122

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Total for General: 31,140.24

Certified Correct This November 19, 2020

Mayor, Raymond Durocher

Treasurer
Honourable and Dear Ministers:

Re: Township of Asphodel-Norwood - Enact Legislation to Support Local Governments with Land Use Management and Enforcement Issues regarding Bill C-45 - Cannabis Act

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of November 16, 2020 received and supported correspondence from the Township of Asphodel-Norwood dated October 7, 2020 requesting the governing body in cannabis production that: takes a unified approach to land use planning restrictions; enforces the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region; communicates more readily with local governments and provides local governments with more support.

Attached please find a copy of the Township of Asphodel-Norwood dated October 7, 2020.

Thank you for your attention to this matter

Yours very truly,

Carol Schofield, Dipl.M.A.

Manager, Legislative Services/Clerk

cschofield@forterie.ca
CS:dlk
c.c.
Roger Bonneau, Mayor, Township of Asphodel-Norwood
mhudson@antownship.ca
Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario
wgates-co@ndp.on.ca
Sam Oosterhoff, MPP-Niagara West-Glanbrook, Legislative Assembly of Ontario
sam.oosterhoff@pc.ola.org
Jennifer Stevens, MPP-St. Catharines
jstevens-co@ndp.on.ca
Jeff Burch, MPP-Niagara Centre
jburach-OP@ndp.on.ca
Dean Allison, MP-Niagara West
dean.allison@parl.gc.ca
Chris Bittle, MP- St. Catharines
chris.bittle@parl.gc.ca
Tony Baldinelli, MP- Niagara Falls
Tony.Baldinelli@parl.gc.ca
Vance Badawey, MP- Niagara Centre
Vance.Badawey@parl.gc.ca
Ontario Municipalities

Mailing Address: The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6
Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022 Web-site: www.forterie.ca
Office of the Mayor
Rodger Bonneau

October 7, 2020

Sent via E-mail

Re: Cannabis Production

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

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

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

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

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

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

AND WHEREAS Section 35(1) of the Act requires a holder of a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis to provide a written notice to the local authorities within 30 days of issuance, amendment, suspension, reinstatement or revocation of a licence and provide a copy of said notice to the Minister; and
FURTHER BE IT RESOLVED THAT the Township of Asphodel-Norwood requests a governing body in cannabis production that:

1. Takes a unified approach to land use planning restrictions;

2. Enforces the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region;

3. Communicates more readily with local governments; and

4. Provides local governments with more support.

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

Thank you for your time and consideration.

Sincerely,

Rodger Bonneau, Mayor
Township of Asphodel-Norwood

c. E. Hardeman, Minister of Agriculture, Food and Rural Affairs
   M. Bibeau, Minister of Agriculture and Agri-Food
   D. Piccini, MPP Northumberland-Peterborough South
   P. Lawrence, MP Northumberland-Peterborough South
   D. Smith, MPP Peterborough-Kawartha
   M. Monsef, MP Peterborough-Kawartha
   All municipalities in Ontario
November 10, 2020

The Honourable Doug Ford
Premier's Office, Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Dear Premier Ford:

RE: Bill 218 – Proposing Changes to the Municipal Elections Act – Extension of Nomination Period
New Business
10. Belleville City Council Meeting, November 9, 2020

This is to advise you that at the Council Meeting of November 9, 2020, the following resolution was approved.

"WHEREAS municipalities in Ontario are responsible for conducting fair and democratic elections of local representatives; and

WHEREAS the Government of Ontario, with Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020 is proposing changes to the Municipal Elections Act, 1996; to extend nomination day from the end of July to the second Friday in September; and

WHEREAS municipal elections are governed by the Municipal Elections Act which was amended in 2016 to include shorter nomination periods; and

WHEREAS the operation, finance and regulatory compliance of elections is fully undertaken by municipalities themselves; and
WHEREAS local governments are best poised to understand the representational needs and challenges of the body politic they represent, and when looking at alternative voting methods to ensure voters have options in an effort to increase voter participation and are able to vote safely, it becomes more difficult to implement these alternatives with the proposed shorter period between Nomination day and the October 24, 2022 Election day;

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Belleville send a letter to the Premier, the Minister of Municipal Affairs and Housing and Minister of the Attorney General urging that the Government of Ontario respect Ontario municipalities' ability to apply sound representative principles in their execution of elections; and,

THAT the Corporation of the City of Belleville Council recommends that the Government of Ontario supports the freedom of municipalities to run democratic elections within the existing framework the Act currently offers without amendment; and THAT this resolution be circulated to all Ontario Municipalities, AMO and AMCTO."

Thank you for your attention to this matter.

Yours truly,

Matt MacDonald
Director of Corporate Services/City Clerk

MMacD/nh
Pc: AMO
Todd Smith, MPP Prince Edward-Hastings
Daryl Kramp, MPP Hastings – Lennox & Addington
Minister of Municipal Affairs and Housing
Minister of the Attorney General
Councillor Kelly, City of Belleville
Councillor Thompson, City of Belleville
Ontario Municipalities
November 12, 2020

MPP Will Bouma
96 Nelson Street, Suite 101
Brantford, ON N3T 2X1

Sent via email: will.bouma@pc.ola.org

Dear MPP Bouma:

Please be advised that Brantford City Council at its Special meeting held November 10, 2020 passed the following resolution:

Bill 218 - Ranked Ballots for Municipal Elections

WHEREAS Bill 218 – “Supporting Ontario's Recovery and Municipal Elections Act, 2020” removes the option for municipalities to choose the ranked ballot system for an election; and

WHEREAS in 2016 the Ontario Provincial Government gave municipalities the tools to use Ranked Balloting in Municipal elections commencing in 2018, which was deployed in the City of London thereby becoming the first Municipality in Canada to make the switch, while Cambridge and Kingston both passed referendums in favour of reform and Burlington, Barrie, Guelph, Meaford and others are now exploring a change as well; and

WHEREAS the change of election method process does not impact the Provincial election models but greatly impacts a Municipalities execution options; and

WHEREAS the only explanation given for this is that we should not be ‘experimenting’ with the electoral process during a pandemic mindful that ranked ballot voting is not an experiment but widely used throughout the world and should be a local option that Municipalities can look to utilize in the next election which is just under two years away

WHEREAS Bill 218 also moves up the Municipal nomination date from the end of July to mid September for no apparent reason thereby reinforcing the power of incumbency and potentially discouraging broader participation in municipal elections; and

WHEREAS these changes are being proposed without any consultation with AMO, Municipalities or the public;
NOW THEREFORE BE IT RESOLVED:

A. THAT the City Clerk BE DIRECTED to submit the following comments on behalf of the Council of the City of Brantford to the Province of Ontario with respect to the proposed changes to the *Municipal Elections Act, 1996*:
   
i. Council does not support the proposed changes to the *Municipal Elections Act, 1996*, specifically related to the removal of the option for a municipality to hold a ranked ballot election;
   
ii. Council does support the principle that each Municipality should be able to choose whether or not to use first-past-the-post or a ranked ballot election; and
   
iii. Council encourages the Provincial government to meaningfully consult with Municipalities on municipal issues before introducing legislative changes of this magnitude; and

B. THAT the City Clerk BE DIRECTED to forward a copy of this resolution to MPP Will Bouma, Premier Doug Ford, and the list of other Municipalities and include a request to delay the decision until such a time that the Association of Municipalities of Ontario, Large Urban Mayor’s Caucus of Ontario, the Federation of Canadian Municipalities and comments from Municipalities have been collected and submitted to the Province.

I trust this information is of assistance.

Yours truly,

\[Signature\]

Tanya Daniels  
City Clerk  
tdaniels@brantford.ca

cc: Hon. D. Ford, Premier of Ontario  
The Association of Municipalities of Ontario;  
The Federation of Canadian Municipalities;  
Large Urban Mayor’s Caucus of Ontario;  
All Ontario Municipalities
November 11, 2020

County of Wellington
Donna Bryce, Clerk
74 Woolwich Street
Guelph, ON N1H 3T9
donnab@wellington.ca

Attention: Donna Bryce,

RE: Resolution of Support - Assessment Methodologies for Aggregate Resource Properties

At the October 27, 2020 special electronic meeting of Council, the following resolution was passed:

Moved by Pinkney, Seconded by Nevills

Be it Resolved that:
WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and

WHEREAS Township of East Garafraxa Council supports a fair and equitable assessment system for all aggregate resource properties; and

WHEREAS the Municipal Property Assessment Corporation determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and

WHEREAS Township of East Garafraxa Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties.

NOW THEREFORE BE IT RESOLVED:

(a) That Township of East Garafraxa Council does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and

(b) That Township of East Garafraxa Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and
(c) That Township of East Garafraxa Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and

(d) That Township of East Garafraxa Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s). CARRIED.

Trusting you will find this satisfactory.

Regards,

Susan M. Stone, AMCT
CAO/Clerk-Treasurer
Corporation of the
Township of East Garafraxa

Cc:  Honorable Rod Phillips, Minister of Finance rod.phillips@pc.ola.org
     Honorable Steve Clark, Minister of Municipal Affairs and Housing steve.clark@pc.ola.org
     Honorable John Yakabuski, Minister of Natural Resources and Forestry john.yakabuski@pc.ola.org
     Kyle Seeback, Dufferin-Caledon MP Kyle.Seeback@parl.gc.ca
     Sylvia Jones, Dufferin-Caledon MPP sylvia.jonesco@pc.ola.org
     AMO amo@amo.on.ca
     ROMA roma@roma.on.ca
     Ontario Municipalities
Community Services

Legislative Services

November 17, 2020

File #120203

The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
11th Floor, 77 Grenville St.
Toronto, ON M5S 1B3
Ernie.Hardeman@pc.ola.org

The Honourable Marie-Claude Bibeau, Minister of Agriculture and Agri-Food
House of Commons *
Ottawa, ON K1A 0A6
Marie-Claude.Bibeau@parl.gc.ca

Honourable and Dear Ministers:

Re: Township of Asphodel-Norwood - Enact Legislation to Support Local Governments with Land Use Management and Enforcement Issues regarding Bill C-45 - Cannabis Act

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of November 16, 2020 received and supported correspondence from the Township of Asphodel-Norwood dated October 7, 2020 requesting the governing body in cannabis production that: takes a unified approach to land use planning restrictions; enforces the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region; communicates more readily with local governments and provides local governments with more support.

Attached please find a copy of the Township of Asphodel-Norwood dated October 7, 2020.

Thank you for your attention to this matter

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca
CS:dlk
c.c.
Roger Bonneau, Mayor, Township of Asphodel-Norwood mhudson@antownship.ca
Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario wgates-co@ndp.on.ca
Sam Oosterhoff, MPP-Niagara West-Glanbrook, Legislative Assembly of Ontario
sam.oosterhoff@pc.ola.org
Jennifer Stevens, MPP-St. Catharines JStevens-CO@ndp.on.ca
Jeff Burch, MPP-Niagara Centre JBurch-OP@ndp.on.ca
Dean Allison, MP-Niagara West dean.allison@parl.gc.ca
Chris Bittle, MP- St. Catharines Chris.Bittle@parl.gc.ca
Tony Baldinelli, MP- Niagara Falls Tony.Baldinelli@parl.gc.ca
Vance Badawey, MP- Niagara Centre Vance.Badawey@parl.gc.ca
Ontario Municipalities

Mailing Address: The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6
Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022 Web-site: www.forterie.ca
Office of the Mayor
Rodger Bonneau

October 7, 2020

Sent via E-mail

Re: Cannabis Production

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

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

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

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

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

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

AND WHEREAS Section 35(1) of the Act requires a holder of a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis to provide a written notice to the local authorities within 30 days of issuance, amendment, suspension, reinstatement or revocation of a licence and provide a copy of said notice to the Minister; and
FURTHER BE IT RESOLVED THAT the Township of Asphodel-Norwood requests a governing body in cannabis production that:

1. Takes a unified approach to land use planning restrictions;

2. Enforces the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region;

3. Communicates more readily with local governments; and

4. Provides local governments with more support.

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

Thank you for your time and consideration.

Sincerely,

Rodger Bonneau, Mayor
Township of Asphodel-Norwood

c. E. Hardeman, Minister of Agriculture, Food and Rural Affairs
M. Bibeau, Minister of Agriculture and Agri-Food
D. Piccini, MPP Northumberland-Peterborough South
P. Lawrence, MP Northumberland-Peterborough South
D. Smith, MPP Peterborough –Kawartha
M. Monsef, MP Peterborough-Kawartha
All municipalities in Ontario
The Honourable Doug Ford, Premier of Ontario
Room 281, Legislative Building,
Queen's Park
Toronto, ON M7A 1A1

premier@ontario.ca

The Honourable David Lametti,
Minister of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th floor
Toronto, ON M7A 2S9

David.Lametti@parl.gc.ca

Honourable and Dear Sirs:

Re: City of Hamilton - Request to the Premier and Minister of Attorney General - Amending the AGCO Process to Consider Radial Separation from other Cannabis Locations

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of November 16, 2020 received and supported correspondence from the City of Hamilton dated September 8, 2020 requesting the Province to consider amending its licensing and application process for Cannabis Retail Stores to consider radial separation from other cannabis locations.

Attached please find a copy of the City of Hamilton's correspondence dated September 8, 2020.

Thank you for your attention to this matter

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca
CS:dlk

c.c.
Fred Eisenberger, Mayor
Email: Lisa Kelsey, Legislative Coordinator lisa.kelsey@hamilton.ca
Association of Municipalities of Ontario amo@amo.on.ca
Sam Oosterhoff, MPP, Niagara West sam.oosterhoff@pc.ola.org
Jennie Stevens, MPP, St. Catharines jstevens-QP@ndp.on.ca
Wayne Gates, MPP, Niagara Falls wgates-qp@ndp.on.ca
Jeff Burch, MPP, Niagara Centre jburgh-qp@ndp.on.ca
Ontario Municipalities
September 8, 2020

Honourable Doug Ford
Premier of Ontario
Premier's Office, Room 281
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Honourable Doug Downey
Attorney General
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9

Subject: Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations

Dear Premier & Attorney General,

Hamilton City Council, at its meeting held on August 21, 2020, approved a motion, Item 6.1, which reads as follows:

WHEREAS in late 2019 the Province of Ontario announced that the AGCO had been given regulatory authority to open the market for retail cannabis stores beginning in January 2020, without the need for a lottery;

WHEREAS the AGCO has continued to send Cannabis Retail Store applications to the City of Hamilton for the required 15-day comment period,

WHEREAS the City has reviewed 61 Cannabis Retail Store applications for comment since January 2020;

WHEREAS the AGCO does not take into consideration radial separation for Cannabis Retail Stores.

THEREFORE, BE IT RESOLVED:
(a) That the Mayor contact the Premier of Ontario, Ministry of Attorney General, and local Members of Parliament to ask that the Province consider amending its licensing and application process for Cannabis Retail Stores to consider radial separation from other cannabis locations.

(b) That the request be sent to other municipalities in Ontario, including the Association of Municipalities of Ontario for their endorsement.

(c) That Staff be requested to submit heat maps outlining the location of all proposed AGCO Cannabis Retail Store in the City on all AGCO Cannabis Retail Store applications.

As per the above, we write to request, on behalf of the City of Hamilton, that the appropriate legislative and regulatory changes be made and implemented to the AGCO licensing and application process to take into consideration radial separation for Cannabis Retail Stores as a condition of approval for a license.

Currently the City of Hamilton has reviewed 61 cannabis retail location applications since January 2020. Approximately 12 of these potential locations are within 50m (or less) of each other.

The City of Hamilton appreciates that the AGCO conducts a background search prior to approving any licenses, however the lack of separation between locations poses a community safety issue, as the over saturation in specific area(s)/wards, can negatively impact the surrounding community with increased traffic flow, and an overall "clustering" of stores within a small dense area.

The City of Hamilton is confident that radial separations from cannabis retail locations will have a significant positive impact on the community and allow for its residents to continue to enjoy a safe and healthy community lifestyle.

Sincerely,

Fred Eisenberger
Mayor

C: Hon. Donna Skelly, MPP, Flamborough-Glanbrook
Hon. Andrea Horwath, Leader of the Official Opposition, MPP, Hamilton Centre
Hon. Paul Miller, MPP, Hamilton East-Stoney Creek
Hon. Monique Taylor, MPP, Hamilton Mountain
Hon. Sandy Shaw, MPP, Hamilton West-Ancaster-Dundas
Community Services
Legislative Services

November 17, 2020
File #120203
Sent via email: premier@ontario.ca

The Honourable Doug Ford, Premier of Ontario
Room 281, Legislative Building, Queen’s Park
Toronto, ON M7A 1A1

Honourable and Dear Sir:

Re: Town of Grimsby - Amendment to Bill 108 - More Homes, More Choice Act, 2019, which amended the Ontario Heritage Act - Request to Remove the Powers provided to the Local Planning Appeal Tribunal, Retain Authority for Hearing Certain Appeals by the Conservation Review Board, and Return the Authority for Final Decisions to Municipal Councils

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of November 16, 2020 received and supported correspondence from the Town of Grimsby dated November 4, 2020 strongly recommending that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council’s as the elected representatives of the communities wherein the property and its features of cultural heritage value exist.

Attached please find a copy of the Town of Grimsby’s correspondence dated November 4, 2020.

Thank you for your attention to this matter

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS:dlk
c.c.
The Honourable Lisa MacLeod, Ministry of Heritage, Sport, Tourism and Culture Industries Lisa.macleodco@pc.ola.org
Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party, MPP horwatha-qp@ndp.on.ca
Steven Del Duca, Leader of the Ontario Liberal Party steven@ontarioliberal.ca
Mike Schreiner, MPP and Leader of the Green Party of Ontario Mechreiner@ola.org
Sam Oosterhoff , MPP, Niagara West sam.oosterhoff@pc.ola.org
Devanne Kripp, Deputy Town Clerk, Town of Grimsby dkripp@grimsby.ca
Association of Municipalities of Ontario amo@amo.on.ca
Ontario Municipalities
All MPP’s in the Province of Ontario
Niagara Region ann-marie.norio@niagararegion.ca

Mailing Address: The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6
Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022 Web-site: www.forterie.ca
Dear Hon. Doug Ford:

At its meeting of October 19, 2020, the Town of Grimsby Committee of the Whole passed the following resolution, which was subsequently approved by Council on November 2, 2020:

Moved by Councillor Bothwell; Seconded by Councillor Freake;

Resolved that the Report PA20-22 dated October 19, 2020, be received; and, That the report be endorsed and submitted to the Province, along with the following motion, as the Town of Grimsby’s comments to the Environmental Registry.

WHEREAS Royal Assent has been granted to Bill 108 entitled ‘More Homes, More Choice Act, 2019’ on June 6, 2019; and,

WHEREAS Schedule 11 of Bill 108 contains amendments to the Ontario Heritage Act which require appeals under the Ontario Heritage Act to be heard by the Local Planning Appeal Tribunal not the Conservation Review Board; and,

WHEREAS the Conservation Review Board is an adjudicative tribunal that, through the mandate provided by the Ontario Heritage Act, considers a number of matters such as:
  • The proposed designation of a property as having cultural heritage value or interest;
  • Applications for the repeal of a By-law on a specific property;
  • Applications related to the alteration of a property covered by a By-law; and,
  • Matters related to archaeological licensing, and,

WHEREAS Schedule 11 of Bill 108 will come into effect on a date to be proclaimed by the Lieutenant Governor; and,

WHEREAS the Local Planning Appeal Tribunal are not experts in heritage matters unlike members of the Conservation Review Board; and,

WHEREAS the Local Planning Appeal Tribunal decisions are binding decisions unlike the Conservation Review Board non-binding recommendations; and,

WHEREAS the Ontario Heritage Act provides a means for municipalities to protect and preserve the cultural heritage value or interest of the municipality for generations to come; and,

WHEREAS the Conservation Review Board currently provides reports to municipal council’s setting out its findings of fact, and its recommendations so that a final decision can be rendered by municipalities about what is valuable in their community;

WHEREAS the Town of Grimsby remains committed to the preservation and protection of property of cultural heritage value or interest;

NOW THEREFORE BE IT RESOLVED THAT the Town of Grimsby strongly recommends that Schedule 11 of Bill 108 be amended to remove the powers provided to
the Local Planning Appeal Tribunal, retaining authority for hearing certain appeals by the Conservation Review Board; and,

BE IT FURTHER RESOLVED THAT the Town of Grimsby strongly recommends that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council’s as the elected representative of the communities wherein the property and its features of cultural heritage value exist; and,

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, Lisa McLeod the Minister of Heritage, Sport, Tourism and Culture Industries, Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party, MPP Steven Del Duca Leader of the Ontario Liberal Party, Mike Schreiner MPP and Leader of the Green Party of Ontario, Sam Oosterhoff MPP Niagara West; and,
BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Association of Municipalities of Ontario (AMO), all MPP’s in the Province of Ontario, the Niagara Region and all Municipalities in Ontario for their consideration."

We strongly recommend that the Ontario government consider amendments to Bill 108 to return the final authority to municipal Council’s to determine what is of cultural heritage value or interest in their communities with the benefits of the expert and professional advice provided by the Conservation Review Board.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

A copy of the report has been enclosed.

Regards,

Devanne Kripp, Dipl. M. A.
Deputy Town Clerk
905 945 9634 ext. 2177
Town of Grimsby | 160 Livingston Avenue, P.O Box 159 | Grimsby ON L3M 4G3 | www.grimsby.ca
Report To: Committee of the Whole

Meeting Date: October 19, 2020

Subject: Proposed Regulation under the Ontario Heritage Act (Bill 108)

Recommendation(s)

1. That the Report PA20-22 dated October 19, 2020, be received and

2. That the report be endorsed and submitted to the Province, along with the following motion, as the Town of Grimsby's comments to the Environmental Registry.

WHEREAS Royal Assent has been granted to Bill 108 entitled ‘More Homes, More Choice Act, 2019’ on June 6, 2019; and,

WHEREAS Schedule 11 of Bill 108 contains amendments to the Ontario Heritage Act which require appeals under the Ontario Heritage Act to be heard by the Local Planning Appeal Tribunal not the Conservation Review Board; and,

WHEREAS the Conservation Review Board is an adjudicative tribunal that, through the mandate provided by the Ontario Heritage Act, considers a number of matters such as:

- The proposed designation of a property as having cultural heritage value or interest;

- Applications for the repeal of a By-law on a specific property;

- Applications related to the alteration of a property covered by a By-law; and,

- Matters related to archaeological licensing. AND,

WHEREAS Schedule 11 of Bill 108 will come into effect on a date to be proclaimed by the Lieutenant Governor; and,

WHEREAS the Local Planning Appeal Tribunal are not experts in heritage matters unlike members of the Conservation Review Board; and,

WHEREAS the Local Planning Appeal Tribunal decisions are binding decisions unlike the Conservation Review Board non-binding recommendations; and,
WHEREAS the Ontario Heritage Act provides a means for municipalities to
protect and preserve the cultural heritage value or interest of the municipality for
generations to come; and,

WHEREAS the Conservation Review Board currently provides reports to
municipal council's setting out its findings of fact, and its recommendations so
that a final decision can be rendered by municipalities about what is valuable in
their community;

WHEREAS the Town of Grimsby remains committed to the preservation and
protection of property of cultural heritage value or interest;

NOW THEREFORE BE IT RESOLVED THAT the Town of Grimsby strongly
recommends that Schedule 11 of Bill 108 be amended to remove the powers
provided to the Local Planning Appeal Tribunal, retaining authority for hearing
certain appeals by the Conservation Review Board; and,

BE IT FURTHER RESOLVED THAT the Town of Grimsby strongly recommends
that Schedule 11 of Bill 108 be amended to return the authority for final decisions
to municipal council's as the elected representative of the communities wherein
the property and its features of cultural heritage value exist; and,

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the
Honourable Doug Ford, Premier of Ontario, Lisa McLeod the Minister of
Heritage, Sport, Tourism and Culture Industries, Andrea Horwath, MPP and
Leader of the Official Opposition and the Ontario NDP Party, MPP Steven Del
Duca Leader of the Ontario Liberal Party, Mike Schreiner MPP and Leader of the
Green Party of Ontario, Sam Oosterhoff MPP Niagara West; and,

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the
Association of Municipalities of Ontario (AMO), all MPP's in the Province of
Ontario, the Niagara Region and all Municipalities in Ontario for their
consideration."

We strongly recommend that the Ontario government consider amendments to Bill 108
to return the final authority to municipal Council's to determine what is of cultural
heritage value or interest in their communities with the benefits of the expert and
professional advice provided by the Conservation Review Board.
Purpose

To provide staff with direction to provide comments to the Environmental Registry on the proposed changes to the Ontario Heritage Act (Bill 108). As the impetus for the new proposed regulations is Bill 108, The More Homes, More Choices Act, staff remain concerned that the Province's stated objective to increase housing supply should not come at the expense of the Town of Grimsby's irreplaceable cultural heritage resources, as the purpose of the Ontario Heritage Act being to protect and conserve heritage properties.

Background

Updates to the Ontario Heritage Act (Bill 108)

In November 2018, the Province introduced a consultation document: "Increasing Housing Supply in Ontario." On May 2, 2019, the Minister of Municipal Affairs and Housing introduced "More Homes, More Choice: Ontario's Housing Supply Action Plan" and the supporting Bill 108 – the proposed More Homes, More Choice Act. The Province stated that the objective of these initiatives is to ensure more housing choices/supply and address housing affordability. The Ontario Heritage Act was one of 13 provincial statues impacted by Bill 108.

At that time, the proposed regulations for the OHA were unknown but the Ministry of Tourism, Culture and Sport indicated that regulations were to be released "later this year" after consultation and would be posted for comment. At that time, the changes to the OHA were expected to be proclaimed and in full force and effect for July 1, 2020. Later this date was changed to January 1, 2021. The proposed regulations were released for public comment on September 21, 2020, being partially delayed by the COVID-19 pandemic. The changes to the OHA are still anticipated to be proclaimed on January 1, 2021. Comments on the proposed regulations are due to the Environmental Registry by November 5, 2020. Communication from the Ministry of Tourism, Culture and Sport indicates that 'Updates to the existing Ontario Heritage Tool Kit, which will support implementation of the amendments and proposed regulation, are forthcoming. Drafts of the revised guides will be made available for public comment later this fall.' Staff will share this information with the Grimsby Heritage Advisory Committee and Council as it becomes available.
Analysis/Comments

The Environmental Registry posting includes the proposed regulations and a summary of the proposed regulations for the following:

1. Principles that a municipal council shall consider when making decisions under specific parts of the OHA.


3. Events which would trigger the new 90-day timeline for issuing a notice of intention to designate and exceptions to when the timeline would apply.

4. Exceptions to the new 120-day timeline to pass a designation by-law after a notice of intention to designate has been issued.

5. Minimum requirements for complete applications for alteration or demolition of heritage properties.

6. Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute.

7. Information and material to be provided to Local Planning Appeal Tribunal (LPAT) when there is an appeal of a municipal decision to help ensure that it has all relevant information necessary to make an appropriate decision.

8. Housekeeping amendments related to amending a designation by-law and an owner’s reapplication for the repeal of a designation by-law.


Many of the proposed regulations are procedural and provide clarity on the new processes that were including in Bill 108. The summary of the proposals is as follows:

**Regulatory Proposals**

1. **Principles to guide municipal decision making**

The amendments to the Ontario Heritage Act give authority to prescribe principles that a municipal council shall consider when making decisions under prescribed provisions of Parts IV and V of the Act. The proposed principles relate to the purpose of the Ontario Heritage Act and are intended to help decision-
makers better understand what to focus on when making decisions under the Act.

The proposed principles are consistent with Ontario's policy framework for cultural heritage conservation. The proposed principles provide context for a municipality to follow when making decisions about designated heritage properties, including the minimization of adverse impacts to the cultural heritage value of a property or district. They also require the municipality to consider the views of all interested persons and communities. The new principles will be used in conjunction with Ontario Regulation 9/06, for which no changes have been proposed at this time. While staff already use many similar principles to guide the review process, it is noted that many of the principles use 'should' rather than 'shall' in reference to the principles. The most problematic is the principle that "property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations". Using 'should' rather than 'shall' contradicts the Provincial Policy Statement 2020, which states "Significant built heritage resources and significant cultural heritage landscapes shall be conserved". Staff would prefer consistency in the language in these two provincial policies and recommend that the language from the PPS 2020 be adopted as a principle for the Ontario Heritage Act.

An additional recommendation would be that the definition of 'adaptive reuse' included in this section be revised from "the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property" to "the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the cultural heritage value or interest and the heritage attributes of the property".

2. Mandatory content for designation by-laws

The Ontario Heritage Act amendments provide a regulatory authority to prescribe mandatory content for designation by-laws. The goal is to achieve greater consistency across municipalities and to provide improved clarity for property owners through designation by-laws including:

- Identifying the property for the purposes of locating it and providing an understanding of its layout and components;
- Establishing minimum requirements for the statement of cultural heritage value or interest; and
- Setting standards for describing heritage attributes.

From staff's perspective, the most significant changes to the requirements for a
The requirement to include a map or image of the area. This has not typically been done in the past due to the preferences of the Land Registry Office; however, from a staff perspective, this would not be difficult or onerous.

The description of the heritage attributes must be 'brief' and also explain how each attribute contributes to the cultural heritage value or interest of the property. Staff note that the requirement for explanations may make the description less brief, but are generally supportive of this requirement as it may help clarify both the heritage attributes and the cultural heritage value of the property. However, this requirement will likely increase the amount of staff time required to draft designation by-laws.

The by-law may list any features of the property that are not heritage attributes. Including a formal list of non-heritage attributes within the by-law could provide clarity to both the property owner and the Town of Grimsby.

3. 90-day timeline to issue a Notice of Intention to Designate Amendments to the Ontario Heritage Act establish a new 90-day timeline for issuing a notice of intention to designate (NOID) when the property is subject to prescribed events. It also allows for exceptions to this restriction to be prescribed.

The new timeline is intended to encourage discussions about potential designations with development proponents at an early stage to avoid designation decisions being made late in the land use planning process. The ministry has proposed three triggers which would place this restriction on council's ability to issue a NOID. These are applications submitted to the municipality for either an official plan amendment, a zoning by-law amendment or a plan of subdivision.

The proposed regulation also provides exceptions to when the 90-day timeline applies. The ministry is proposing the following categories of exceptions.

- Mutual agreement – Where an extension of, or exemption from, the 90-day restriction on issuing a NOID is mutually agreed to by the municipality and the property owner who made the application under the Planning Act.

- Administrative restrictions – Where municipal council or heritage committee are limited in their ability to reasonably fulfill the statutory requirements for issuing a NOID within the original 90-day timeframe. This would apply in cases of a declared emergency or where a municipal heritage committee would be unable to provide its recommendations to council. The timeframe would be extended by 90 days.

- New and relevant information – Where new and relevant information could have an impact on the potential cultural heritage value or interest of the
property is revealed and needs further investigation. Council would be able to extend the timeframe through a council resolution. In the case of new and relevant information council would have 180 days from the date of the council resolution to ensure there is sufficient time for further information gathering and analysis to inform council's decision.

Expiration of restriction – The 90-day restriction on council's ability to issue a NOID would not remain on the property indefinitely and would no longer apply when the application that originally triggered the 90-day timeframe is finally disposed of under the Planning Act.

The proposed regulation also provides notification requirements related to the exceptions to the 90-day timeframe restriction.

Overall, the regulations provide required clarity to the proposed new timelines. Staff are pleased that one of the exemptions to the new regulated timelines is through mutual agreement, as many developers in Grimsby have demonstrated their willingness to work with staff and Council to work towards heritage conservation goals through the planning process.

The exemption for 'new and relevant' materials is useful to ensure that all parties have all of the information needed to make a decision. To this end, the regulations also provide a definition of 'new and relevant' to be applied in this context.

The termination period for the 90-day timelines is limited to the lifespan of the specific planning application. This will ensure that properties are not prohibited from heritage conservation indefinitely.

However, staff have several concerns in regards to these proposed regulations. First, the 90 day timeline will not provide enough time for the town to request and review a peer review of a Heritage Impact Assessment, should the town feel that review is necessary. Staff recommend that the 90 day timeline be increased, or that an additional exemption be included that provides municipalities more time to address requirements for peer review. Likewise, the substantially reduced time limit for planning decisions in Bill 108, especially in regards to decisions for zoning by-law amendments, will create challenges for staff where heritage properties are involved in a planning application.

Staff also note that these new timelines will require significant changes to internal processes in order to accommodate the regulations, which in turn will take a significant amount of staff time to coordinate between Heritage Planning staff, and Planning staff.

4. 120-day timeline to pass a designation by-law Amendments to the Ontario Heritage Act establish a new requirement for designation by-laws to be passed within 120 days of issuing a Notice of Intention to Designate (NOID). It also
allows for exceptions to be prescribed. The ministry is proposing the following categories for exceptions.

- Mutual agreement - Where an extension of, or exemption from, the requirement to pass a by-law within 120 days of issuing a NOID is mutually agreed to by the municipality and the property owner.

- Administrative restrictions – Where municipal council is limited in its ability to reasonably fulfill the statutory requirements for passing a designation bylaw within the original 120-day timeframe. This would apply in cases of a declared emergency.

- New and relevant information – Where new and relevant information that could have an impact on the potential cultural heritage value or interest of the property is revealed and needs further investigation.

- Council would be able to extend the timeframe through a council resolution to ensure there is enough time for further information gathering and analysis to inform its decision.

- Council would have an additional 180 days from the date of the council resolution to pass the bylaw.

Exceptions allowing for the extension of the 120-day timeframe for passing a by-law must occur prior to the expiry of the initial 120 days. The proposed regulation includes notification requirements related to the exceptions to the 120-day timeframe.

Similar to the exemptions for the 90-day designation notice timeline, the proposed exemptions to pass a designation by-law, especially through mutual agreement, are generally considered helpful. The practice of passing a by-law soon after the objection period has expired (or an appeal has been resolved), is already undertaken in Grimsby for most designations. However, staff would note that implementing these regulations will require staff time to accomplish.

5. 60-day timeline to confirm complete applications, alteration or demolition and contents of complete applications

Amendments to the Ontario Heritage Act establish a new timeline of 60 days for the municipality to respond to a property owner about the completeness of their application for alteration of, or demolition or removal affecting, a designate heritage property. It also provides a regulatory authority for the Province to set out minimum requirements for complete applications. The purpose of these provincial minimum standards is to ensure transparency so that property owners are aware of what information is required when making an application. The
details of what is proposed in regulation reflect current municipal best practices. The proposed regulation also enables municipalities to build on the provincial minimum requirements for complete applications as a way of providing additional flexibility to address specific municipal contexts and practices. Where municipalities choose to add additional requirements, the proposed regulation requires them to use one of the following official instruments: municipal by-law, council resolution or official plan policy. The proposed regulation establishes that the 60-day timeline for determining if the application is complete and has commenced starts when an application is served on the municipality. It further proposes that applications may now be served through a municipality’s electronic system, in addition to email, mail or in person.

The introduction of a timeline to confirm a complete application for heritage issues is new, but is not unwelcome as it will provide clarity for the property owner and the town. The list of submission requirement set out in the regulations is similar to the requirements that the town already requires; however, a more thorough review of any proposed materials should be undertaken and a report brought forward to Council to confirm Grimsby’s list of required submissions and be adopted by municipal by-law as required by the regulation. The ability for the town to set its own additional requirements (through due process) is important to ensure that the town’s heritage conservation goals are met.

However, staff note that the requirements for a complete application are only applied to subsections 33 (2) and 34 (2) of the Ontario Heritage Act, meaning that there are no requirements for a complete application for properties designated under Part V as part of heritage conservation districts. Staff recommend that the requirements for complete application also be applied to district properties.

6. Prescribed steps following council’s consent to a demolition or removal under s. 34.3

Amendments to the Ontario Heritage Act provide that municipal council consent is required for the demolition or removal of any heritage attributes, in addition to the demolition or removal of a building or structure. This is because removal or demolition of a heritage attribute that is not a building or structure, such as a landscape element that has cultural heritage value, could also impact the cultural heritage value or interest of a property.

Prior to the amendments, where council approved a demolition or removal under s. 34, the Act required council to repeal the designation by-law. However, in cases where only certain heritage attributes have been removed or demolished, or where the demolition or removal was of a structure or building that did not have cultural heritage value or interest, the property might still retain cultural
heritage value or interest. In these cases, repeal of the by-law would not be appropriate.

The proposed regulation provides municipalities with improved flexibility by requiring council to first determine the impact, if any, of the demolition or removal on the cultural heritage value or interest of the property and the corresponding description of heritage attributes. Based on the determination council makes, it is required to take the appropriate administrative action, which ranges from issuing a notice that no changes to the by-law are required, to amending the by-law as appropriate, to repealing the by-law. Council’s determination and the required administrative actions that follow are not appealable to LPAT.

The proposed regulation provides that, where council has agreed to the removal of a building or structure from a designated property to be relocated to a new property, council may follow an abbreviated process for designating the receiving property. The proposed regulation provides a series of administrative steps to support the designation by-law. Council’s determination that the new property has cultural heritage value or interest and the subsequent designation by-law made under this proposed regulation would not be appealable to LPAT.

The requirement to issue notice for demolition of any heritage attributes of a property was a concern, however, the clarification that a repealing by-law may not be required for every demolition is helpful. Following the demolition or removal, if the cultural heritage value or interest and heritage attributes do not need amending, the only notice requirement is to the Ontario Heritage Trust, who are already required to receive notice of all decisions regarding alterations, demolitions, removals and relocations.

However, staff would note that the wording of the regulation is slightly confusing: “After the demolition or removal of a building, structure or heritage attribute on the property is complete, the council of the municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, if one has been established, make one of the following determinations.” Staff are unclear on if this means that removal of any building, even one that is not a heritage attribute (i.e. a modern garden shed), requires Council approval.

7. Information to be provided to LPAT upon an appeal with the exception of decisions made under section 34.3 as described above, all final municipal decisions related to designation, amendment and repeal, as well as alteration of a heritage property under the Act will now be appealable to LPAT, in addition to decisions related to demolition and Heritage Conservation Districts, which were already appealable to LPAT. The decisions of LPAT are binding. Preliminary objections to designation matters will now be made to the municipality, before the final decision is made. Prior to the amendments, appeals of designation-related notices or appeals of alteration decisions were made to the Conservation Review Board, whose decisions were not binding.
A regulatory authority was added to ensure that appropriate information and materials related to designations, alteration and demolition decisions are forwarded to the LPAT to inform appeals. The proposed regulation outlines which materials and information must be forwarded for every LPAT appeal process in the Act by the clerk within 15 calendar days of the municipality’s decision.

The two-tier process of objection to the municipality, followed by appeal to the LPAT, is a noted concern as this new process will create delays for property owners, staff, the Grimsby Heritage Advisory Committee and Council. The updated regulation does not change this; it provides a list of the materials and information required for LPAT appeals.

8. Housekeeping amendments
Amendments to the Act included regulatory authority to address a few housekeeping matters through regulation. Previously, where a municipality proposed to make substantial amendments to an existing designation by-law it stated that the designation process in section 29 applied with necessary modifications. The proposed regulation clearly sets out the modified process, including revised language that is more appropriate for an amending by-law. The proposed regulation also makes it clear that there is no 90-day restriction on issuing a notice of proposed amendment to a by-law and provides that council has 365 days from issuing the notice of proposed amendment to pass the final amending by-law and that this timeframe can only be extended through mutual agreement.

The proposed regulation also outlines restrictions on a property owner’s ability to reapply for repeal of a designation by-law where the application was unsuccessful, unless council consents otherwise. The one-year restriction on an owner’s reapplication maintains what had been included in the Act prior to the amendments.

The ability to amend a heritage designation by-law is improved through the regulations that provide clarity to the stated process. Staff support this regulation as it will make it easier to update old designation by-laws as required, as well as make amendments to by-laws that require updating to remove listed heritage attributes as per the new regulation.

9. Transition
Section 71 of the Ontario Heritage Act establishes a regulation-making authority for transitional matters to facilitate the implementation of the amendments, including to deal with any problems or issues arising as a result of amendments. The proposed transition rules provide clarity on matters that are already in progress at the time the amendments come into force.

General Transition Rule
All processes that commenced on a date prior to proclamation would follow the process and requirements set out in the Act as it read the day before proclamation. The proposed regulation sets out the specific triggers for determining if a process had commenced.

Exceptions

Outstanding notices of intention to designate. Where council has published a notice of intention to designate but has not yet withdrawn the notice or passed the by-law at the time of proclamation, the municipality will have 365 days from proclamation to pass the by-law, otherwise the notice will be deemed withdrawn. Where a notice of intention to designate has been referred to the Conservation Review Board, the 365 days would be paused until the Board either issues its report or until the objection has been withdrawn, whichever occurs earlier.

90-Day restriction on issuing a NOID
The 90-day restriction on council’s ability to issue a NOID would only apply where all notices of complete application have been issued by the municipality in relation to a prescribed Planning Act application, on or after proclamation.

Prescribed steps following council’s consent to demolition or removal (s. 34.3)
The ministry is proposing that the prescribed steps would apply following consent to an application by the municipality or by order of the Tribunal, where at the time of proclamation council had not already repealed the by-law under s. 34.3.

Staff would note that the transitions proposed will place increased demand on staff time and resources in order to prepare for the January 1, 2021 implementation deadline. As this has not been accounted or planned for, staff would recommend that the proclamation deadline be pushed to July 1, 2021 to allow municipalities more time to prepare, especially in consideration of the COVID-19 pandemic, which has already created additional stress on staff resources.

Regulatory Impact Assessment
The objective of the proposed regulation is to improve provincial direction on how to use the Ontario Heritage Act, provide clearer rules and tools for decision making, and support consistency in the appeals process. Direct compliance costs and administrative burdens associated with the proposed regulations are unknown at this time. New rules and tools set out in the proposed regulations are expected to result in faster development approvals.

There are anticipated social and environmental benefits as the proposed regulation seeks to achieve greater consistency to protecting and managing heritage property across the province.

Overall, staff support many of the proposed regulation changes, as they provide greater clarity for the new processes created through Bill 108. Some of the concerns identified
by the town in their comments on Bill 108 remain, such as all appeals being moved to the Local Planning Appeal Tribunal (LPAT) from the Conservation Review Board (CRB).

The proposed regulations appear to be consistent with the objectives of Provincial policy and the OHA to conserve significant cultural heritage resources. However, many of the town’s existing processes will need to be adjusted to conform to the proposed regulation changes. Staff would recommend to the Province that more time be provided to municipalities to accommodate the new regulations, especially given that the COVID-19 pandemic is in the second wave and also because the revised Ontario Heritage Took Kit has not been provided for draft comment and review. Additionally, staff resources will need to be evaluated in light of the current volume of heritage alteration applications to ensure the delivery of heritage reports and notices occur within the specified timelines. The substantially reduced time limit for planning decisions in Bill 108, especially in regards to decisions for zoning by-law amendments, will create challenges for staff where heritage properties are involved in a planning application.

The Province has noted that the direct compliance costs and administrative burdens are unknown at this time. Staff would suggest that the cost and burden on already stressed municipalities operating in an ongoing pandemic would be significant.

**Strategic Priorities**

This report addresses the corporate strategic goal to: Protect, preserve and enhancing Grimsby’s distinct heritage and culture

**Financial Impact**

There are no direct financial implications arising from the recommendations in this report. However, the proposed regulation changes will have undetermined financial impacts for the town.

**Public Input**

Members of the public may provide comments on Bill 108’s proposed changes through the related postings on the Environmental Registry of Ontario (ERO) website.

**Conclusion**

As the impetus for the new proposed regulations is Bill 108, *The More Homes, More Choices Act*, staff remain concerned that the Province’s stated objective to increase housing supply should not come at the expense of the Town of Grimsby’s irreplaceable cultural heritage resources, as the purpose of the *Ontario Heritage Act* being to protect and conserve heritage properties.
Prepared by,

[Signature]

Name: Bianca Verrecchia
Title: Assistant Heritage Planner

Submitted by,

[Signature]

Name: Antonietta Minichillo
Title: Director of Planning, Building & Bylaw
November 19, 2020

The Honourable Ernie Hardeman
Minister of Agriculture, Food and Rural Affairs

By email only minister.omafra@ontario.ca

Dear Mr. Hardeman:

Please be advised that the following resolution was passed at the November 17, 2020 Howick Council meeting:

Moved by Councillor Gibson; Seconded by Deputy Reeve Bowman:
Whereas; installing tile drainage is a common land improvement practice among farmers in Ontario and the benefits of tile drainage for crop productivity, farm efficiency and even for reducing environmental impacts have been studied and are generally well known to farmers; and
Whereas; the Tile Loan Program, authorized by the Tile Drainage Act, provides loans to agricultural property owners to help them finance these tile drainage projects; all tile loans have 10-year terms and repayments are made annually; and
Whereas; the provincial government sets the program interest rate at a competitive level which was reduced from 8% to 6% in the fall of 2004 and the loan limit was also increased from $20,000.00 to $50,000.00 at the same time; and
Whereas; interest rates have continued to decline over the years and the cost per acre for tile drainage has increased over the years;
Now therefore; be it resolved that Council request the Ontario Ministry of Agriculture, Food and Rural Affairs to consider lowering the interest rate on Tile Drain Loans to 4% and increasing the yearly loan limit to $100,000; and that this resolution be forwarded to Ontario Ministry of Agriculture, Food and Rural Affairs; MPP Huron Bruce Lisa Thompson; AMO; Land Improvement Contractors of Ontario and Drainage Superintendents of Ontario Association. Carried. Resolution No. 276/20

If you require any further information, please contact this office, thank you.

Yours truly,

Carol Watson
Carol Watson, Clerk
Township of Howick

cc MPP Perth Wellington Randy Pettapiece
ROMA
Dear Municipal Partners,

As you may be aware, on October 22, 2020, the Province introduced the Ontario Rebuilding and Recovery Act, 2020: Accelerating Infrastructure Projects – a package of legislative measures, policy changes, and communication opportunities that would accelerate the delivery of major public (infrastructure) projects. The details of the announcement can be found here.

As part of the Ontario Rebuilding and Recovery initiative, the Ministry of Municipal Affairs and Housing is working together with the Ministry of Transportation, Ministry of Infrastructure and other partner ministries to consult with municipalities to better understand the challenges and barriers they are facing in delivering local linear infrastructure projects. We will also explore what new authorities municipalities may need to accelerate the delivery of these projects, considering the accelerating measures recently included in the Building Transit Faster Act, the COVID-19 Economic Recovery Act, 2020, the proposed Ontario Rebuilding and Recovery legislative package, and other potential authorities and tools.

The anticipated outcomes of the proposed municipal consultation for accelerated delivery of municipal infrastructure projects include, but are not limited to:

1. Improving our understanding of the challenges and barriers to expediting municipal infrastructure delivery;
2. Determining whether the authorities in the Building Transit Faster Act, 2020 (BTFA) could offer potential solutions if made available to municipalities;
3. Exploring potential additional accelerating authorities that may be of benefit to municipalities;
4. Considering how municipal infrastructure projects could be designated by the province as priorities to support economic recovery.

Additional background material on the overview of the BTFA authorities (see Appendix C) are attached for your reference.
As part of these municipal consultations, my ministry together with partner ministries, is requesting written input from our municipal partners across the province. For your reference, we have attached a copy of the discussion questions and parameters for discussion to guide your submission (see Appendix A and B). We are also reaching out through other municipal forums such as Association of Municipalities of Ontario (AMO-MOU), Toronto-Ontario Cooperation and Consultation Agreement (T-OCCA), the Provincial-Municipal Technical Working Group, Regional Planning Commissioners of Ontario (RPCO) Regional Public Works Commissioners of Ontario (RPWCO) and the Municipal Engineers Association (MEA).

Your invaluable insight and perspectives will help inform any recommendations we will make going forward. We want to hear from you regarding on-the-ground challenges municipalities like yours may be experiencing, and any suggestions you may have that offer potential solutions to help expedite priority local infrastructure projects. Informed by these consultations, my ministry, working with partner ministries, plan to develop proposals to bring forward for Spring 2021.

We have prepared an online survey, available here, with some discussion questions to gather your feedback and perspectives. If you prefer to provide us with a written submission, we encourage you to submit your input to PlanningConsultation@Ontario.ca by December 18, 2020. In the meantime, if you have any questions, please feel to contact Sean Fraser, Director or the Provincial Planning Policy Branch, at Sean.Fraser@Ontario.ca.

Once again, please accept our sincere thanks for your support and we look forward to engaging with you on this important government initiative.

Yours truly,

Kate Manson-Smith
Deputy Minister
Ministry of Municipal Affairs and Housing

Cc: Jonathan Lebi, ADM, Local Government and Planning Policy
Sean Fraser, A/Director Provincial Planning Policy Branch

**Part 1. Problem Identification**

Q1: What are the challenges/barriers that your municipality is facing in moving funded and planned priority infrastructure forward?

Q2: Which of these challenges/barriers are best addressed municipally through existing functions?

**Part 2. *Building Transit Faster Act, 2020* Authorities**

Q3: Can or should the authorities included in the BTFA be made available to support municipal infrastructure?

Q4: Which authorities should be scoped for municipal application? Are there any limitations to municipal application?

Q5: Which authorities should/could be used in partnership with the Province?

**Part 3. How to Use/Apply Potential New Authorities**

Q6: What types or categories of infrastructure projects should we consider for any new authorities?

Q7: What key considerations or criteria should be used to assess any proposed new municipal authorities?

Q8: How might an infrastructure project be identified or designated as being eligible to benefit from the accelerating authorities?

Q9: What obligations should run with any delegated/granted new authorities (e.g. public consultation)?

**Part 4. Other Considerations**

Q10: What other authorities beyond the BTFA would be helpful to meet municipal infrastructure challenges?

Q11: Can you foresee any challenges or obstacles with potential new authorities for municipalities?

Q12: With what other parties and/or stakeholders should the province engage on this topic?
Appendix B: Parameters for Discussion, Ontario Rebuilding and Recovery Act: Municipal Consultations

The following describes what is in-scope and what is out-of-scope for consideration of accelerating authorities for the delivery of municipal infrastructure projects:

In Scope
- New municipal authorities like the authorities of the BTFA for municipal transportation infrastructure (regional roads, corridors)
- New municipal authorities like the authorities of the BTFA applied to other infrastructure (water, sewer, other linear corridors)
- New authorities that were not included in the BTFA

Out of Scope
- EA modernization is ongoing and is a separate initiative
- Provincial approvals/fast-tracking the land use planning and development approvals (e.g., MZOs) and permitting process– ongoing and involves separate initiatives of a number of different ministries
- Municipal buildings and vertical infrastructure
- Funding, loans and other financial or tax support
- Other aspects of the Ontario Rebuilding and Recovery initiative
Appendix C: Overview of the accelerating authorities provided under the *Building Transit Faster Act, 2020*

The *Building Transit Faster Act, 2020* (BTFA or Bill 171) received Royal Assent on July 8, 2020, and includes several measures designed to address challenges, accelerate timelines, reduce project delivery risk, and enable stronger partnerships in respect of the delivery of four priority transit projects. Many of the Act’s provisions are intended as a “back-stop” in their application, with the commitment that the Province would first use a collaborative approach to reach agreements with necessary parties.

These new authorities for accelerating priority transit projects include:

1. **Corridor Development Permits**
   - Require development and construction activities in the transit corridor land to obtain a permit
   - Aids in coordinating activities in the corridor and managing timing of construction to reduce impacts to safety, schedule and budget
   - Intent is to collaborate with proponents throughout the permit process, allows for the Minister of Transportation to establish a process for proponents to seek a review of permit decisions.
   - Includes an escalating enforcement regime to support compliance

2. **Ability to Enter Land**
   - Ability to enter transit corridor lands to conduct preview inspection, obstruction removal and construction danger inspection and elimination work during planning and construction phases, without consent of the property owner
   - Limits and obligations include: notice, time of day restrictions, no entry to dwellings, restoration of property, compensation for damages or removals

3. **Land Assembly**
   - Exempt lands from Hearing of Necessity requirements under the *Expropriations Act* for land that is at least partially on the transit corridor land
   - Enables the Minister to establish an alternative process for considering comments from landowners about a proposed expropriation and for considering those comments, potentially saving five months from land assembly timelines
   - Every effort made to negotiate amicable land purchases before expropriation

4. **Utility Company Coordination**
   - Enhanced process to coordinate utility relocations to support better management of project schedule and costs
   - Provides clear process for dispute management, including mechanism to permit the seeking of compensation from utilities when work not completed on time or court order upon failure to comply

5. **Municipal Service and Right-of-Way-Access**
   - Ability of the Minister of Transportation to issue an order outlining conditions for the use or modification of municipal assets where negotiations are unsuccessful
   - Provides certainty that transit works can proceed where a negotiated agreement not reached
   - Intent to work collaboratively with municipalities and only used as a last measure
The Corporation of the Township of Pelee
Regular Meeting of Council
COUNCIL RESOLUTION

Date: November 23, 2020

Resolution 2020 –
Moved by: Seconded by:

“Be it Resolved that the Council of the Township of Pelee hereby receive report from Deputy Mayor Dawson on Proposal to undertake a documentary video focusing on the ongoing efforts of residents, the municipality, industry, ENGOs and others to meet the challenges of achieving a sustainable balance between human needs and species at risk. Funded through the Species at Risk Stewardship Fund.”

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MAYOR-Raymond Durocher CAO/Clerk-Janice Hensel

The above is a certified to be true copy of resolution number 2020 –

Janice Hensel
CAO/Clerk
The Corporation of the Township of Pelee  
Regular Meeting of Council  
COUNCIL RESOLUTION

Date: November 23, 2020

Resolution 2020 –

Moved by: Seconded by:

“Be it Resolved that the Council of the Township of Pelee hereby consents to the following item:
   i. Disbursements as at November 19, 2020 in the amount of $31,140.24.”

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MAYOR-Raymond Durocher CAO/Clerk-Janice Hensel

The above is a certified to be true copy of resolution number 2020 –

Janice Hensel  
CAO/Clerk
THE CORPORATION OF THE TOWNSHIP OF PELEE
BY-LAW NUMBER: 2020 – 36

“Term Loan Renewal Agreement – Libro Credit Union”

(November 23, 2020)

Being a By-law to enter into a Term Loan Renewal Agreement with Libro Credit Union.

WHEREAS pursuant to Section 9 of the Municipal Act, 2001, S.O. 2001, c 25, a Council may enter into Agreements;

AND FURTHER that the Municipal Council for the Township of Pelee deems it expedient to enter into a Term Loan Renewal Agreement with Libro Credit Union.

THEREFORE the Council of the Corporation of the Township of Pelee enacts as follows:

1. That authority is hereby granted to the Mayor and Treasurer, Tax Collector and Deputy Clerk to enter into a Term Loan Renewal Agreement with Libro Credit Union.

2. That the agreement attached as Schedule ‘A’ forms part of this by-law.

3. That any and all actions taken and required to be taken by the Mayor and Treasurer, Tax Collector and Deputy Clerk on behalf of the Corporation of the Township of Pelee to complete this matter including the execution of the Agreement and any other associated documentation are hereby authorized; confirmed and ratified.

4. That this by-law shall come into force and take effect immediately upon the approval of Township Council.

By-law enacted this 23rd day of November, 2020.

__________________________________  __________________________________
Raymond Durocher Janice Hensel
Mayor Chief Administrative Officer & Clerk
THE CORPORATION OF THE TOWNSHIP OF PELEE

BY-LAW: 2020 – 37

"CONFIRMATION OF PROCEEDINGS"

(November 23rd, 2020)

A by-law to confirm the proceedings of Council

WHEREAS the Municipal Act 2001, as amended, states that the powers of a municipal corporation are to be exercised by by-law;

AND WHEREAS the Council of The Corporation of the Township of Pelee wishes to confirm the proceedings and business conducted by Council;

NOW THEREFORE the Council of The Corporation of the Township of Pelee does hereby enact as follows:

1. That the action of the Council at its Council meeting held on the 23rd day of November, 2020 in respect to each motion, resolution and other action passed and taken by Council is hereby adopted, ratified and confirmed; save and except resolutions resulting from closed meetings.

2. That the Mayor and the proper Officers are hereby authorized and directed to execute all documents as may be necessary and the Clerk is authorized and directed to affix the Corporate Seal to all such documents.

3. That this by-law shall be cited as the "Confirmation of Proceedings By-law" (November 23rd, 2020)

4. That this by-law shall come into force and take effect on the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 23rd day of November, 2020.

______________________________
MAYOR, Raymond Durocher

______________________________
CAO/Clerk, Janice Hensel