

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
COMMITTEE OF THE WHOLE MEETING  
WEDNESDAY, JUNE 21, 2023  
6:00 p.m.**

**AGENDA**

Members of the public wishing to attend can do so by attending in person to the Council Chambers located in the Administration Centre at 5786 County Road 21, Utopia.

**1. OPENING OF MEETING BY THE MAYOR**

The Township of Essa acknowledges that we are situated on the traditional land of the Anishinaabeg, Huron-Wendat and the Tiononati people. We are dedicated to honouring Indigenous history and culture and committed to moving forward in the spirit of reconciliation and respect with all First Nation, Métis and Inuit people.

**2. DISCLOSURE OF PECUNIARY INTEREST**

**3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS**

- p. 1     **a. Public Meeting**  
Re: 231 Barrie Street - Proposed Official Plan Amendment (OPA46) and Zoning By-law Amendment (Z4-23)
- p. 5     **b. Delegation from Nottawasaga Valley Conservation Authority (NVCA)**  
Doug Hevenor and Chris Hibberd  
Re: Memoranda of Understanding

**STAFF REPORTS**

**4. PLANNING AND DEVELOPMENT**

- p. 13   **a. Staff Report PD019-23 submitted by the Manager of Planning, re: 150 Mill Street – Site Plan Control Amending Agreement 2579566 Ontario Inc.**

*Recommendation: BE IT RESOLVED THAT Staff Report PD019-23 be received for information purposes.*

- p. 17   **b. Staff Report PD020-23 submitted by the Manager of Planning, re: 5136 9<sup>th</sup> Line – Site Plan Control Agreement White Veal Meat Packers.**

*Recommendation: BE IT RESOLVED THAT Staff Report PD020-23 be received for information purposes.*

**5. PARKS AND RECREATION / COMMUNITY SERVICES**

- p. 21   **a. Staff Report PR011-23 submitted by the Manager of Parks and Recreation, re: TNTBA Baseball Request.**

*Recommendation: BE IT RESOLVED THAT Staff Report PR011-23 be received; and That Council direct the Manager of Parks and Recreation to establish the TNTBA as a*

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*Local Minor League Sports Affiliation; and  
THAT Staff proceed with invoicing the TNTBA at a Local Minor League rate as per the  
terms set out in the current Council Approved Schedule Fee Schedule.*

- p. 27     **b.     Staff Report PR016-23 submitted by the Manager of Parks and Recreation,  
re: New Proposed Angus Splash Pad Location.**

*Recommendation: BE IT RESOLVED THAT Staff Report PR016-23 be received; and  
THAT Council direct the Manager of Parks and Recreation to proceed with pursuing 191  
Maplewood Drive as the new site for a splash pad in Angus along with some additional  
playground equipment required to be replaced from 152 Greenwood Drive.*

## **6.     FIRE AND EMERGENCY SERVICES**

- p. 30     **a.     Staff Report FD002-23 submitted by the Fire Chief, re: Award for Fire  
Master Plan and Mandatory Community Risk Assessment.**

*Recommendation: BE IT RESOLVED THAT Staff Report FD002-23 be received; and  
THAT Council authorize the Fire Chief to award a contract for the provision of completing  
a Fire Master Plan and Mandatory Community Risk Assessment for the community and  
the Fire Department in partnership with the Town of New Tecumseth and Township of  
Adjala-Tosorontio to Emergency Management Group Inc., in keeping within the 2023  
approved budget amount.*

## **7.     PUBLIC WORKS**

- p. 32     **a.     Staff Report PW014-23 submitted by the Township Engineer Ainley  
Group, re: Proposed Baxter Wastewater Treatment Plant Collection  
System and Assessment of Collection System ECA Amendment  
Application**

*Recommendation: BE IT RESOLVED THAT Staff Report PW014-23 be received; and  
THAT Council accept that the application for amendment to the wastewater collection  
system Environmental Compliance Approval (ECA) for Brookfield's proposed  
wastewater collection and treatment system in Baxter is suitable for submission to the  
Ministry of the Environment Conservation and Parks (MECP).*

## **8.     FINANCE**

- p. 35     **Staff Report TR009-23 submitted by the Manager of Finance, re: 2023 Development  
Charge Background and By-law.**

*Recommendation: BE IT RESOLVED THAT Staff Report TR009-23 be received; and  
THAT the Township of Essa Development Charge (DC) Background Study dated April  
21, 2023, for the Township-wide and Area Specific Development Charges by-law be  
approved under Section 10 of the Development Charges Act, 1997; and  
THAT approval of the capital program, included in the DC Background Study,  
indicates Council's intention that an increase in the need for service will be met as  
required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997  
and Section 3 of Ontario Regulation 82/98, and that this approval shall be subject to  
further annual review during the capital budget process; and*

*THAT in accordance with s.s.5(1)5 of the Development Charges Act, 1997 and Section 5 of Ontario Regulation 82/98, it is Council's clear intention that any excess capacity identified in the DC Background Study, as amended, shall be paid for by development charges contemplated in the said DC Background Study, or other similar changes; and*

*THAT having considered the use of more than one development charge by-law to reflect different needs for services in different areas, Council determines that for the services and associated infrastructure proposed to be funded by development charges under the Development Charge By-Law, that it is fair and reasonable that the charges be calculated on a township-wide and area-specific basis; and*

*THAT having considered the submissions received on, before, and during the public meeting held on May 17, 2023 in connection with the DC Background Study and the proposed Development Charge By-law, and taking into consideration any changes made to the proposed Development Charge By-law following the said public meeting, Council determines that no further public meeting under Section 12 of the Development Charges Act, 1997, is necessary with respect to the said Development Charges Background Study or the Development Charges By-Law; and*

*THAT Council approve the asset management plan outlined in the DC Background Study, and give consideration to incorporate the asset management plan outlined in the DC Background Study within the Township's ongoing practices and corporate asset management strategy.*

## **9. CLERKS / BY-LAW ENFORCEMENT / IT**

- p. 62 a. **Staff Report C012-23 submitted by the Manager of Legislative Services, re: Request for Exemption to Schedule 1 (Kennels) of Business Licensing – 5524 30<sup>th</sup> Sideroad**

Recommendation: *BE IT RESOLVED THAT Staff Report C012-23 be received, and THAT Council approve an exemption to Schedule "1" of Essa's Business Licensing By-law, to allow for the operation of a dog run / boarding kennel at 5524 30<sup>th</sup> Sideroad, with a front yard setback of 50 metres, and a setback of 75 metres to the closest residential dwelling.*

- p. 76 b. **Staff Report C014-23 submitted by the Manager of Legislative Services, re: Integrity Commissioner's Annual Report**

Recommendation: *BE IT RESOLVED THAT Staff Report C014-23 be received; and THAT Council accept the Annual Report as submitted by Principles Integrity for the period spanning from May 31, 2022 to June 1, 2023; and THAT Council direct staff to place the Annual Report on the Township's website for public viewing.*

## **10. CHIEF ADMINISTRATIVE OFFICER (C.A.O.)**

## **11. OTHER BUSINESS**

**12. ADJOURNMENT**

Recommendation: *BE IT RESOLVED THAT this meeting of Committee of the Whole of the Township of Essa adjourn at \_\_\_\_\_ p.m., to meet again on the 5<sup>th</sup> day of July, 2023 at 6:00 p.m.*



**PUBLIC MEETING HANDOUT**  
**June 21<sup>st</sup>, 2023**

**PROPOSED OFFICIAL PLAN AMENMENT &  
ZONING BY-LAW AMENDMENT (OPA46/Z4-23)**  
**(Affecting 231 Barrie Street)**

Mayor: The purpose of this Public Meeting is to review a proposal for An Official Plan Amendment & Zoning By-law Amendment to redesignate as well as rezone lands to accommodate for a proposed severance that will result in deficiencies regarding minimum lot requirements on the severed and retained lots.

**DESCRIPTION OF THE PROPOSAL (Planner):**

The purpose of the meeting is to review an application for a Zoning By-law Amendment and Official Plan Amendment towards the creation of a new residential lot on the subject lands at 231 Barrie Street in Thornton. The applicant is proposing to redesignate the subject site from 'Commercial' to 'Residential'. The applicant is also proposing to rezone the northern portion of the subject site from 'Community Commercial (C1)' to 'Residential, Low Density, Detached with Special Provisions (R1-SP)' and the southern portion of the subject site from 'Community Commercial (C1)' to 'Residential Low Density, Semi-Detached with Special Provisions (R2-SP)' (See attachment 1). This Zoning By-law Amendment and Official Plan Amendment application is also accompanied by a Consent application to sever the southern portion (severed) from the northern portion (retained) of the subject site. The Consent application goes before the Committee of Adjustment on June 30, 2023. The applicant is not proposing any development for either of the proposed lots being considered for rezoning/redesignation/severance.

**SUMMARY OF COMMENTS FROM NEIGHBOURS & AGENCIES (Planner):**

**County of Simcoe:** The County of Simcoe stated that they had no objections to the Zoning By-law Amendment; however, they are the approval authority for Official Plan Amendments within the County of Simcoe and stated it would need to be submitted to them for review.

**CAO:** Ensure that adequate parking is available, as well, that storm water management is addressed and is to the satisfaction of the Township Engineer.

**Public Works:** The Township will require all current development application to be in compliance with the new standards unless a subdivision agreement is already secured.

**SCDSB:** No comments were received.

**SMCDSB:** No comments were received.

**Neighbours:** No comments were received.

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OFFER APPLICANT A CHANCE TO PRESENT:

COMMENTS & QUESTIONS FROM PUBLIC (Mayor):

Speakers must state their name and address so that proper records may be kept and notice of future decisions be sent to those persons involved in the review process.

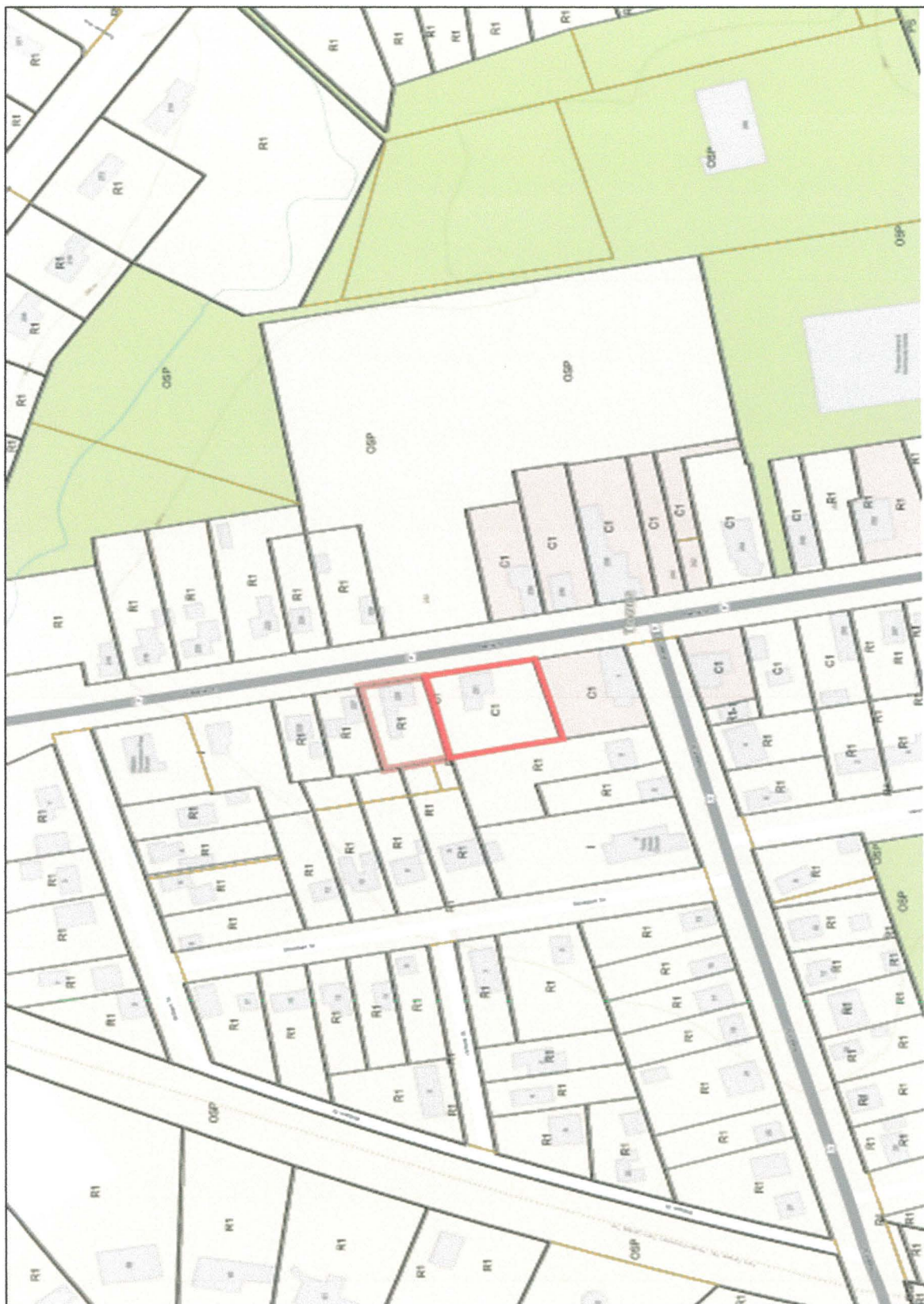
REPLY (Mayor):

Council may ask questions for clarification of specific matters.

FINAL STATEMENT (Mayor):

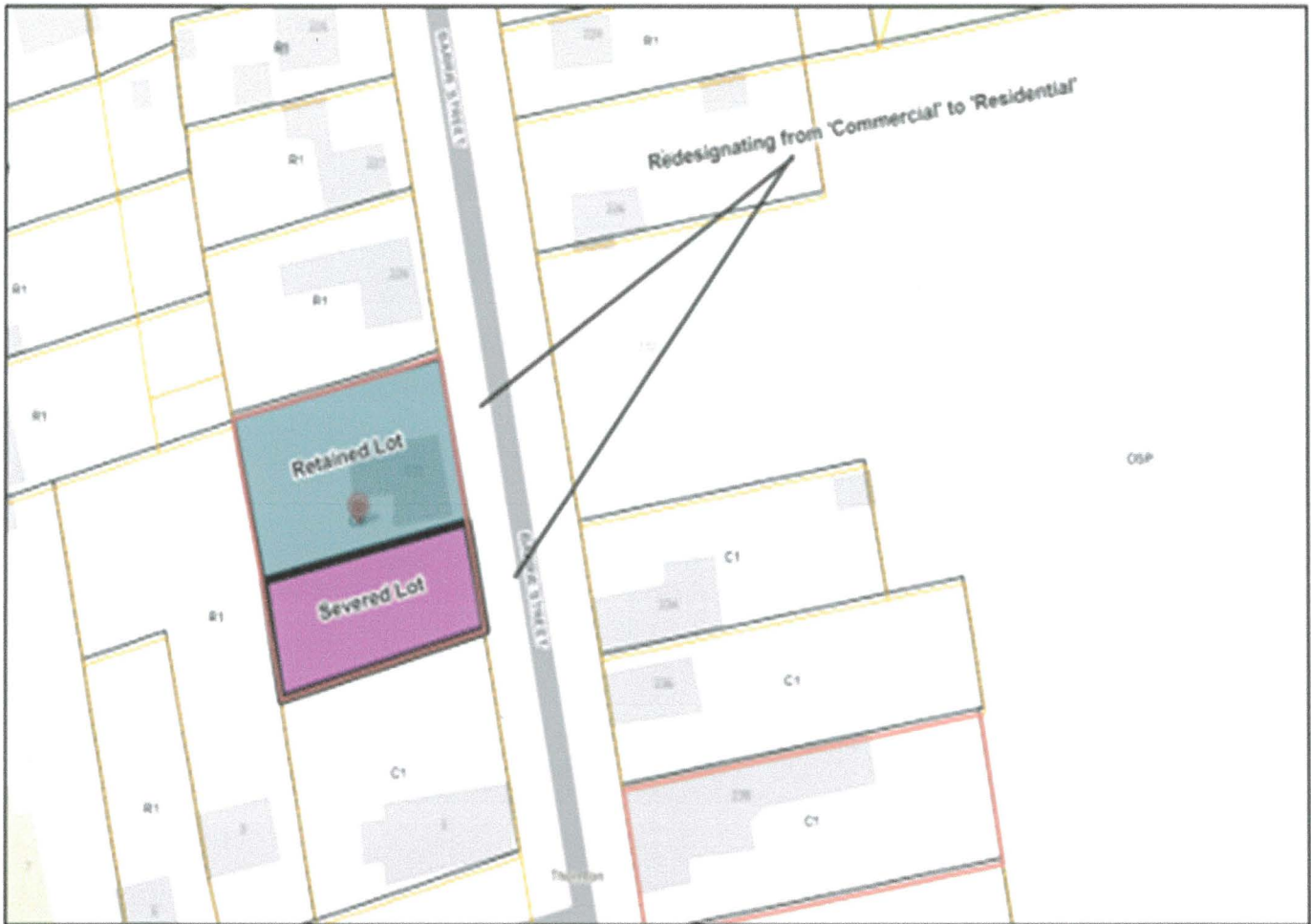
If there are no further questions or submissions, Council wishes to thank all those in attendance for their participation. The planning office will be preparing a report and by-law to be presented to Council concerning this matter.

Attachment 1. Context Map



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Attachment 2. Concept Layout



Existing Designation		Proposed Designation	
Retained Lot	'Commercial'	Retained Lot	'Residential'
Severed Lot	'Commercial'	Severed Lot	'Residential'
Existing Zoning		Proposed Zoning	
Retained Lot	'Community Commercial (C1)'	Retained Lot	'Residential, Low Density, Detached (R1)' with Special Provisions (SP-XX)
Severed Lot	'Community Commercial (C1)'	Severed Lot	'Residential, Low Density, Semi-Detached (R2)' with Special Provisions (SP-XX)



# Conservation Authority Memoranda of Understanding

Town of Essa Council

Presented by:

Doug Hevenor and Chris Hibberd, Nottawasaga Valley Conservation Authority

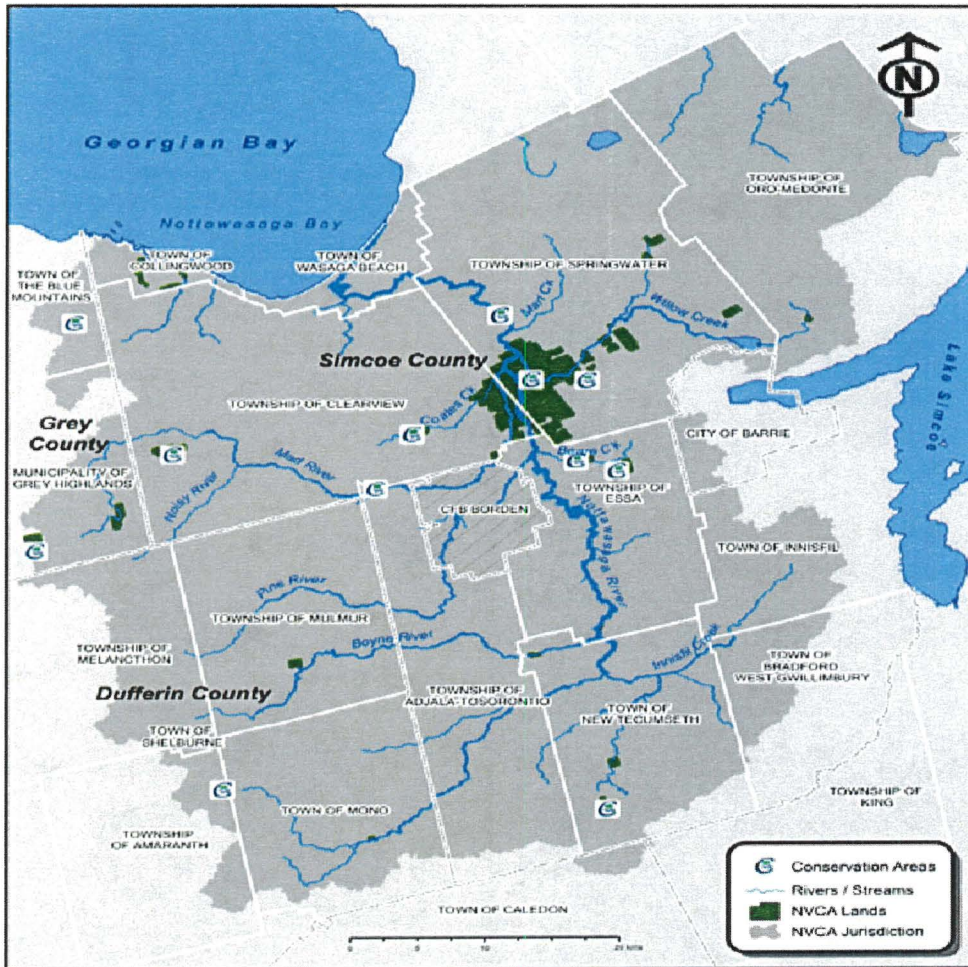
June 21, 2023



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# Nottawasaga Valley Conservation Authority

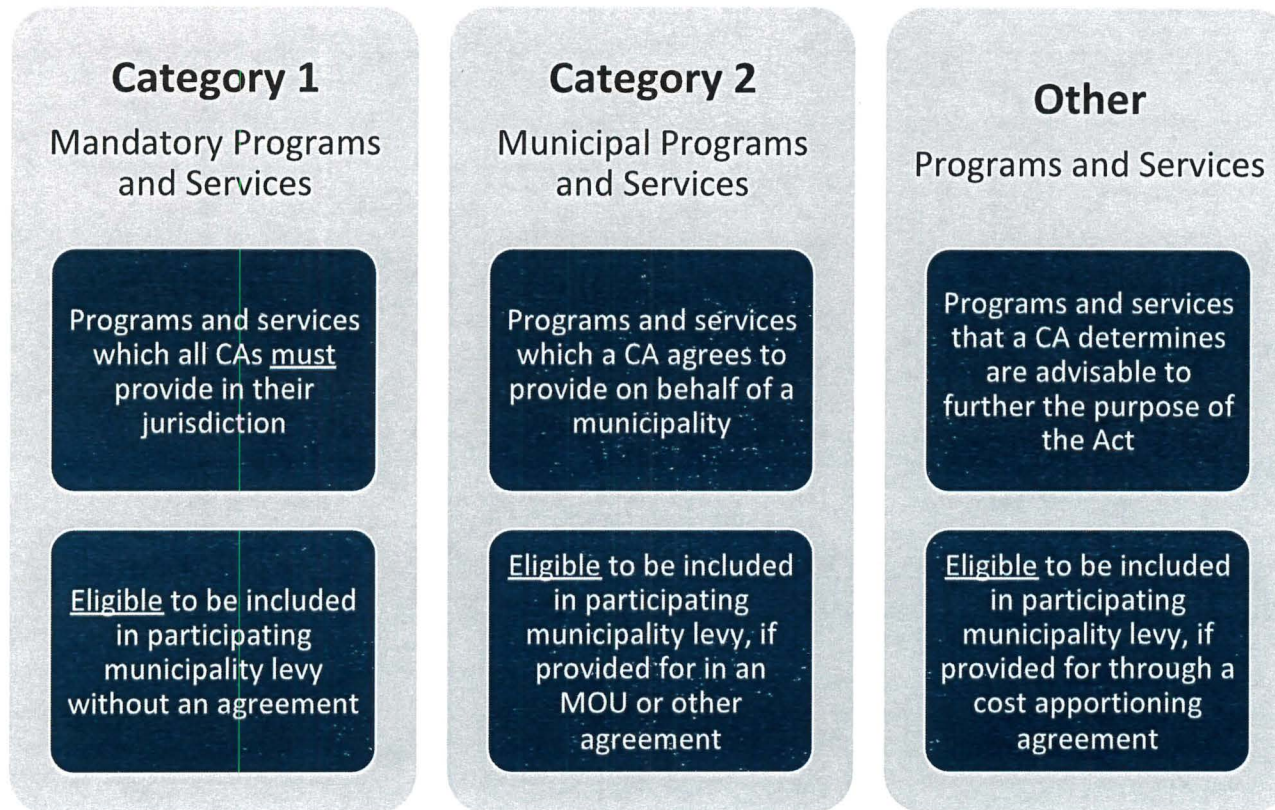


- Established 63 years ago
- Legislated under the Conservation Authorities Act (CA Act)
- Governed by Board of Directors through municipal representation
- Partnering with 18-municipalities
- Utilizing integrated watershed management of natural hazards and the conservation of natural resources
- Rapidly changing population numbers, high growth
- Working in Dufferin, Grey, Peel and Simcoe, Counties
- Need to balance agriculture, development growth and environment within a changing climate while supplying more housing



# Conservation Authority Programs and Services

(Sections 21.1, 21.1.1, and 21.1.2 of the Act)



## In addition to the legislation above

October 25, 2022, brought in Bill 23, More Homes Built Faster Act, 2022 (Bill 23) to support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023.

Minister's regulation was released January 1, 2023, which sets out the Prescribed Acts – Subsections 21.1.1. (1.1) and 21.1.2 (1.1) of the Act (O.Reg.596/22) which is intended to focus conservation authorities' role when reviewing and commenting on proposals, applications, or other matters related to development and land use planning.

Bill 23 does not affect other CA programs and services, including the wide variety of programs and services offered that further the conservation, restoration, development, and management of natural resources in watersheds.



# Memorandums of Understanding (MOUs)

- CAs and participating municipalities are required by the Conservation Authorities Act to enter into MOUs in order for CAs to deliver Category 2/ municipally-requested services by **January 1, 2024**
- NVCA has a collaborative and transparent budget processes with Essa allowing 60-days review to identify and deliver joint priorities
- MOUs allow municipally-requested services to continue to be delivered and funded through existing budget processes with participating municipalities
- CAs and participating municipalities must enter into MOUs to cover the 2024 budget year

## MOU Steps

- Inventories of CA programs and services and draft generic MOUs approved by CA boards and circulated to participating municipalities
- Executive meetings held with municipal staff for review and comment
- MOUs reflect business-as-usual approach to service delivery and 2024 budget

# Next Steps

- MOU approval by Essa Council
- Conservation Authorities bring 2024 budgets to municipal councils in fall 2023





Thank You



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3b





## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** PD019-23

**DATE:** June 21<sup>st</sup>, 2023

**TO:** Committee of the Whole

**FROM:** Samuel Haniff  
Manager of Planning

**SUBJECT:** 150 Mill Street – Site Plan Control Amending Agreement  
2579566 Ontario Inc.

### RECOMMENDATION

That Staff Report PD019-23 be received for information purposes.

### BACKGROUND

In June 2019, an application was made to the Township for Site Plan Control in support of a commercial development at the lots known as 150, 152, 154, 156 Mill Street and 9, 11 River Drive in Angus. These lots are currently being consolidated by the Township Solicitor into a single lot known as 150 Mill Street. The proposed facility would consist of a gas station, convenience store with food partner (Burger King) and a car wash. The size of the proposed development area is 0.723ha (1.8ac).

### COMMENTS AND CONSIDERATIONS

On May 10, 2022, the Site Plan Control Agreement (SPCA) was signed between the Township and 2579566 Ontario Inc. Following this signed agreement, in June 2023, the applicant informed the Township that further engineering amendments would be needed to the Site Plan. The applicant was informed that any amendments would require sign off and administration by the Township solicitor and that a Site Plan Control Amending Agreement would be needed.

The Site Plan Control Amending Agreement (SPCA) for commercial development at 150 Mill Street was managed by Ainley Group on behalf of the Township.

All relevant agencies and departments were satisfied with the submission or provided no comment/no objection.

The Site Plan Control Amending Agreement was signed by the Mayor and Clerk at the Township Council Meeting of June 7<sup>th</sup>, 2023. Signed copies were subsequently submitted to the Township Solicitor for registration on title on June 8<sup>th</sup>, 2023.

**FINANCIAL IMPACT**

Based on internal correspondences with the Finance Department, the following have been confirmed:

- The property is currently assessed as follows:
  - Commercial Vacant Land: \$862,000
- All necessary insurance documents have been submitted to the Township;
- \$158,639.91 in cash securities and a \$4,000 deposit are held by the Finance Department to ensure compliance with the SPCA; and
- All accounts are in good standing.

  
 \_\_\_\_\_  
 Manager of Finance Approval

**SUMMARY/OPTIONS**

Council may consider:

1. Receive this report for information purposes.
2. Direct staff in another manner Council deems appropriate.

**CONCLUSION**

Option #1 is recommended as the approved Site Plan Control Amending Agreement makes for good Planning and seems to have no negative impacts on neighbours. Additionally, the proposed Site Plan Control Amending Agreement accommodates necessary Engineering updates to the original Site Plan Control Agreement.

Prepared and Submitted by:



\_\_\_\_\_  
 Samuel Haniff, BURPI., MCIP, RPP  
 Manager of Planning

Reviewed by:



\_\_\_\_\_  
 Colleen Healey-Dowdall, RPP  
 Chief Administrative Officer

**Attachments:**

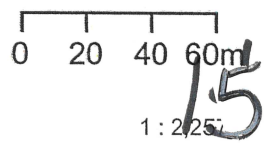
- Attachment 1: Context Map – 150 Mill Street
- Attachment 2: Site Plan – 150 Mill Street



# 150 Mill Street



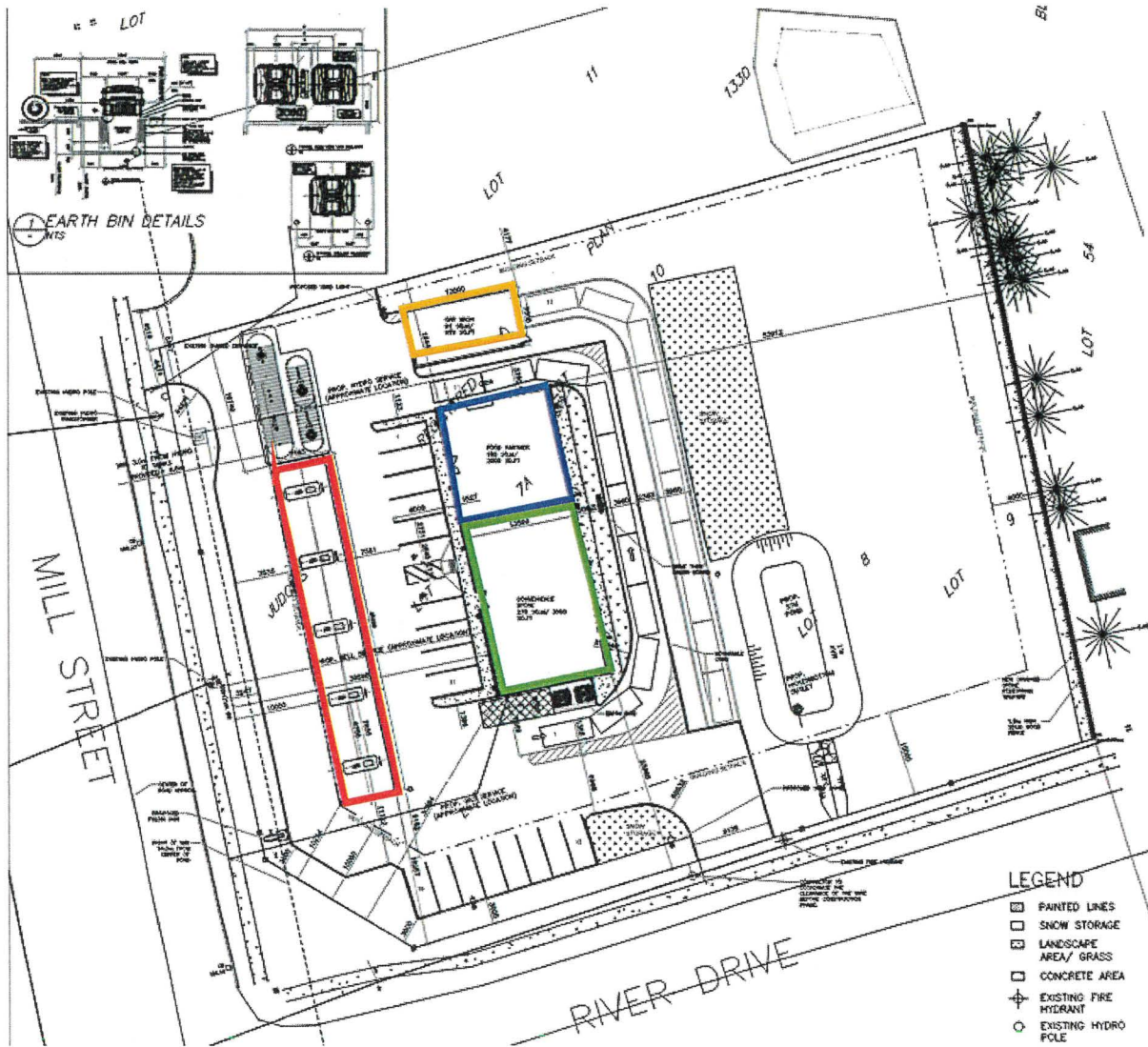
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### Site Plan – 150 Mill Street



- LEGEND**
- PAINTED LINES
  - SNOW STORAGE
  - LANDSCAPE AREA/ GRASS
  - CONCRETE AREA
  - EXISTING FIRE HYDRANT
  - EXISTING HYDRO POLE

### Legend

- Car Wash
- Burger King
- Convenience Store
- Gas Pumps



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**TOWNSHIP OF ESSA STAFF REPORT**

**STAFF REPORT NO.:** PD020-23

**DATE:** June 21<sup>st</sup>, 2023

**TO:** Committee of the Whole

**FROM:** Samuel Haniff  
Manager of Planning

**SUBJECT:** 5136 9<sup>th</sup> Line – Site Plan Control Agreement  
White Veal Meat Packers

**RECOMMENDATION**

That Staff Report PD020-23 be received for information purposes.

**BACKGROUND**

In May 2022, an application was made to the Township for Site Plan Control in support of an expansion to the existing single-storey meat packing facility at 5136 9<sup>th</sup> Line. The proposed expansion would accommodate a new freezer and 5-bay cold dock, new warehouse space and welfare area. The applicant is proposing an additional 1,133sq.m of gross floor area to the existing 2,492sq.m building.

During the Site Plan Control Agreement (SPCA) process, it was observed that the stormwater pond overlaps with the property immediately north of the subject site (Roll No. 4321-010-002-06603). Since both properties are owned by the same person, the applicant was asked to apply for a lot line adjustment to accommodate the pond fully in 5136 9<sup>th</sup> Line. Subsequently, on May 26, 2023, the referenced Lot Line Adjustment (B7-23) was granted by the Committee of Adjustment.

**COMMENTS AND CONSIDERATIONS**

All relevant agencies and departments were satisfied with the submission or provided no comment/no objection.

The SPCA was signed by the Mayor and Clerk at the Township Council Meeting of June 7<sup>th</sup>, 2023. Signed copies were subsequently submitted to the Township Solicitor for registration on title on June 8<sup>th</sup>, 2023.

The applicant has agreed to pave 20 metres on the 9<sup>th</sup> Line (10m south and 10m north of the main entrance) including paved curb to accommodate wider turning movement.

4b

**FINANCIAL IMPACT**

Based on internal correspondence with the Finance Department, the following have been confirmed:

- The property is currently assessed as follows:
  - Industrial Full: \$2,569,000
  - Industrial Excess Land: \$99,000
- All necessary insurance documents have been submitted to the Township;
- A Letter of Credit in the amount of \$176,633.76 and a \$432.18 deposit are held by the Finance Department to ensure compliance with the SPCA; and
- All accounts are in good standing.

  
Manager of Finance Approval

**SUMMARY/OPTIONS**

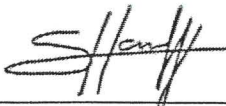
Council may consider:

1. Receive this report for information purposes.
2. Direct staff in another manner Council deems appropriate.

**CONCLUSION**

Option #1 is recommended as the approved Site Plan Control Agreement makes for good Planning and has no negative impacts on neighbours. Additionally, the proposed expansion at 5136 9<sup>th</sup> Line will see a portion of the 9<sup>th</sup> Line repaired/improved at cost to the applicant.

Prepared and Submitted by:



\_\_\_\_\_  
Samuel Haniff, BURPI., MCIP, RPP  
Manager of Planning

Reviewed by:

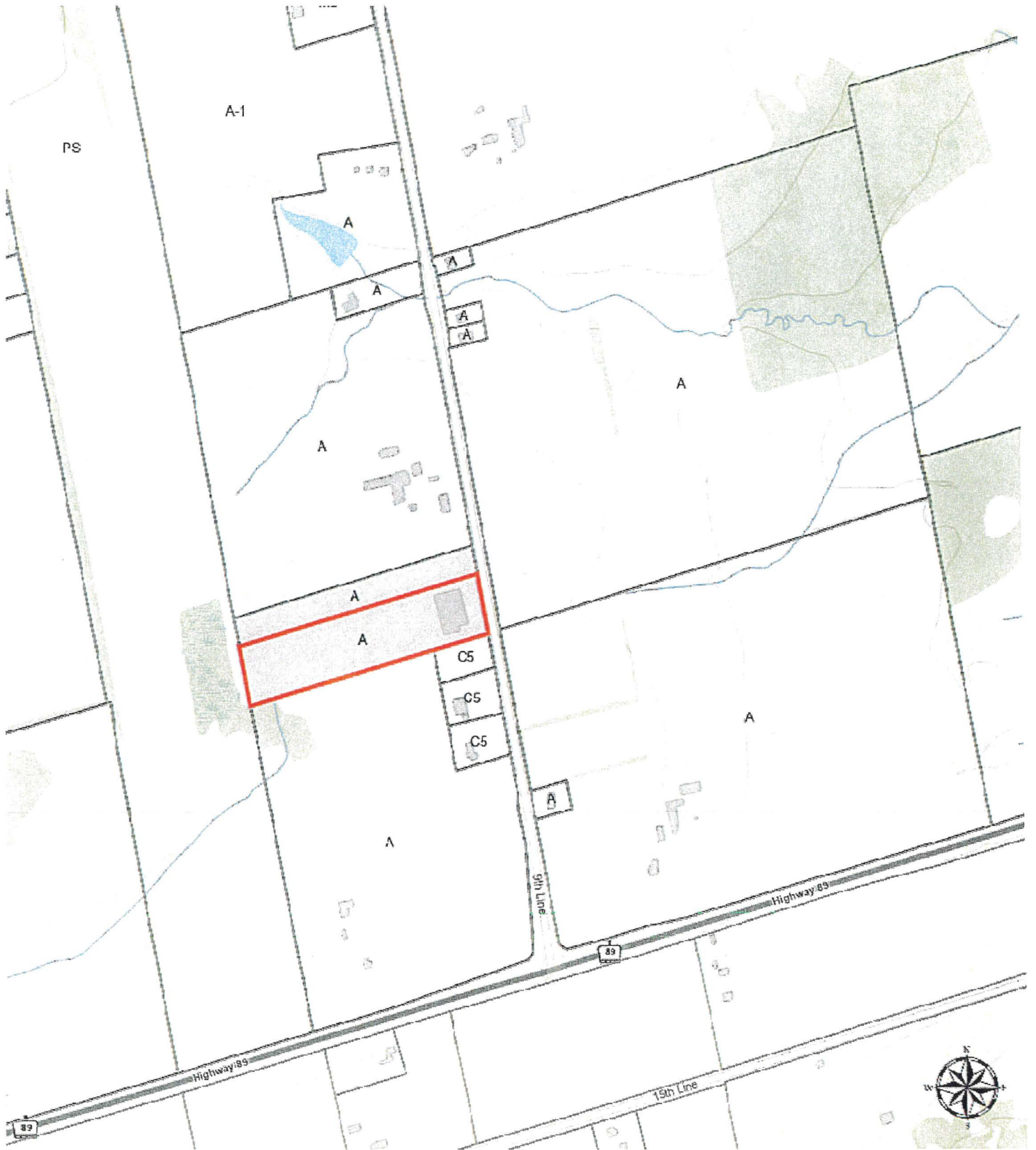


\_\_\_\_\_  
Colleen Healey-Dowdall, RPP  
Chief Administrative Officer

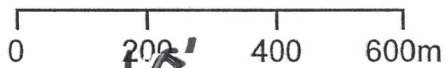
**Attachments:**

- Attachment 1: Context Map – 5136 9<sup>th</sup> Line (White Veal)
- Attachment 2: Site Plan – 5136 9<sup>th</sup> Line (White Veal)

5136 9th Line (White Veal)



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1 : 11,368





Attachment 2

Site Plan – 5136 9<sup>th</sup> Line (White Veal)

b1



LEGEND:	
	NEW SCOPE OF WORK
	EXISTING SPACE NOT PART OF THE SCOPE OF WORK
	ALTERATION IN EXISTING STRUCTURE
	TRUCK & VEHICLES ACCESS
	VEHICLES ACCESS (ONE WAY)

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### TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** PR011-23  
**DATE:** June 21, 2023  
**TO:** Committee of the Whole  
**FROM:** Jason Coleman – Manager of Parks and Recreation  
**SUBJECT:** TNTBA Baseball Request

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#### RECOMMENDATION

That Staff Report PR011-23 be received; and that Council direct the Manager of Parks and Recreation to establish the TNTBA as a Local Minor League Sports Affiliation; and as such proceed with invoicing the TNTBA at a Local Minor League rate as per the terms set out in the current Council Approved Schedule Fee Schedule.

#### BACKGROUND

A newly formed baseball association, the Tosorontio New Tecumseth Thunder Baseball Association (TNTBA) started in 2019. The TNTBA provides Representative and Select level baseball, as well as Local League baseball opportunities for youth aged 7 to 17, in Simcoe County.

Attachment #1 (pages 2/3 below) display the league’s boundaries which encompass Tosorontio - New Tecumseth and the southern portion of Essa Township. There are 170 registrants in the league, 14 of which live in Essa Township. The league has expanded this year and reached into Essa.

The following organizations are on Essa’s Local Minor League Affiliated Group List and the chart below refers to which specific Township Policy.

<u>Policy</u>	<u>League</u>
Essa Township Field Use Policy	Angus Minor Baseball, Ivy Minor Baseball
Essa Township Ice Use Policy	Essa Minor Hockey, Thornton Minor Hockey, TNT Tornados, South Simcoe Ice Cats

The TNTBA currently rents Elmgrove Baseball Diamond Monday through Thursday each week from 6pm to 8pm with the season beginning middle of May through to the middle of August.

The cost per individual for the 2023 season for the TNTBA league are as follows:



<u>Category (Age)</u>	<u>2023 Season Fee Per Person</u>
8U & 9U	\$285
11 U	\$295
13 U	\$315
15U and 18U	\$345

**COMMENTS AND CONSIDERATIONS**

The TNTBA's letter (attachment #1) has requested Council to consider the association to be recognized as an affiliated local minor league (it is currently not affiliated with Essa as they are new and previously did not exist prior to 2019). The TNTBA has made the request to take effect immediately onwards for all future rentals. The TNTBA would like a reduction in fees in accordance with the Township's current fee schedule and is requesting to pay the current local minor league affiliate rate of \$10 per hour per field rental instead of the regular rate of \$20 per hour per field rental as per terms set out in the Council Approved Fee Schedule.

The discounted rate would enable the league to grow without an additional financial impact to the players.

**FINANCIAL IMPACT**

The total cost for the 2023 season for the TNTBA to be invoiced in accordance with current Council Approved Fee Schedule at the standard hourly field rate of \$20 per hour per rental would be \$4,320 + HST.

The total cost for the 2023 season for the TNTBA to be invoiced in accordance with current Council Approved Fee Schedule at the local minor league hourly field rate of \$10 per hour per fee rental would be \$2,160 + HST.

If Council were to approve the request of a discounted rate, it would be a reduction in revenue fees of approximately \$2,160 collected by the Township for the 2023 season. This amount could possibly increase in future years if additional booking requests were to be received due to increase in registration numbers by the TNTBA.

  
\_\_\_\_\_  
Manager of Finance

**SUMMARY/OPTIONS**

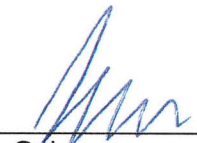
Council may:

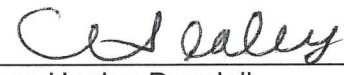
1. Take no action.
2. Direct the Manager of Parks and Recreation to establish the TNTBA as a Local Minor League Sports Affiliation; and as such proceed with invoicing the TNTBA at a Local Minor League rate as per the terms set out in the current Council Approved Schedule Fee Schedule.
3. Direct Staff in another course of action

**CONCLUSION**

Staff recommends that Option 2 be approved to assist with the growth of the league.

Respectfully submitted,

  
 \_\_\_\_\_  
 Jason Coleman  
 Manager of Parks and Recreation

  
 \_\_\_\_\_  
 Colleen Healey-Dowdall  
 Chief Administrative Officer

Attachment #1 – TNT Thunder Letter



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# TNT THUNDER

**TNT Baseball Association**  
10-117 Young St., Box #118  
Alliston, ON, L9R 0R9 416-616-6777

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May 12, 2023

Essa Township  
5786 Simcoe County Road 21.  
Utopia, ON  
L0M 1T0

To Whom It May Concern:

On behalf of Tosorontio New Tecumseth Baseball Association (TNTBA) we are requesting that you consider our association to be recognized as an affiliated local minor league.

We are a newly formed baseball association, since 2019, and we provide Representative and Select level baseball, as well as Local League baseball opportunities for youth in our area which includes the south part of Essa Township.

You can see from the TNTBA Boundary Map and the Essa Township Map, both attached, that our geography includes the south part of Essa Township, from County Road 15 east to 11<sup>th</sup> Line, from County Road 21 south to Highway 89.

We have over a dozen children from Essa Township that are playing in our organization both on our Rep/Select teams and our local league teams this season and as we continue to grow and become known in the area we expect that number to significantly increase in future.

We appreciate your consideration in this matter and if you have any questions or require any additional information, please don't hesitate to contact me.

Sincerely,

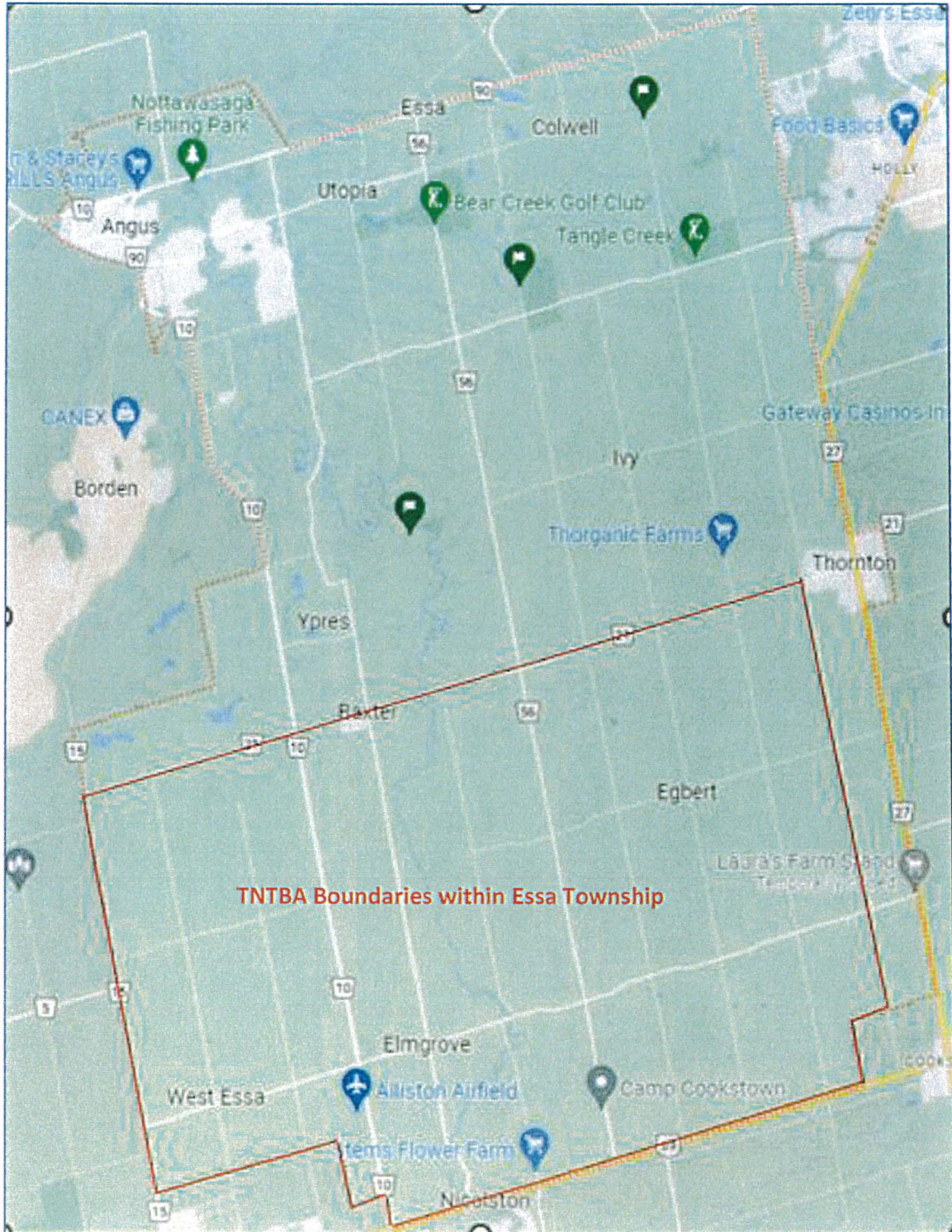


Ted Scovell  
TNTBA President

Cc:file

2.4

Map of TNTBA Boundaries Within Essa Township



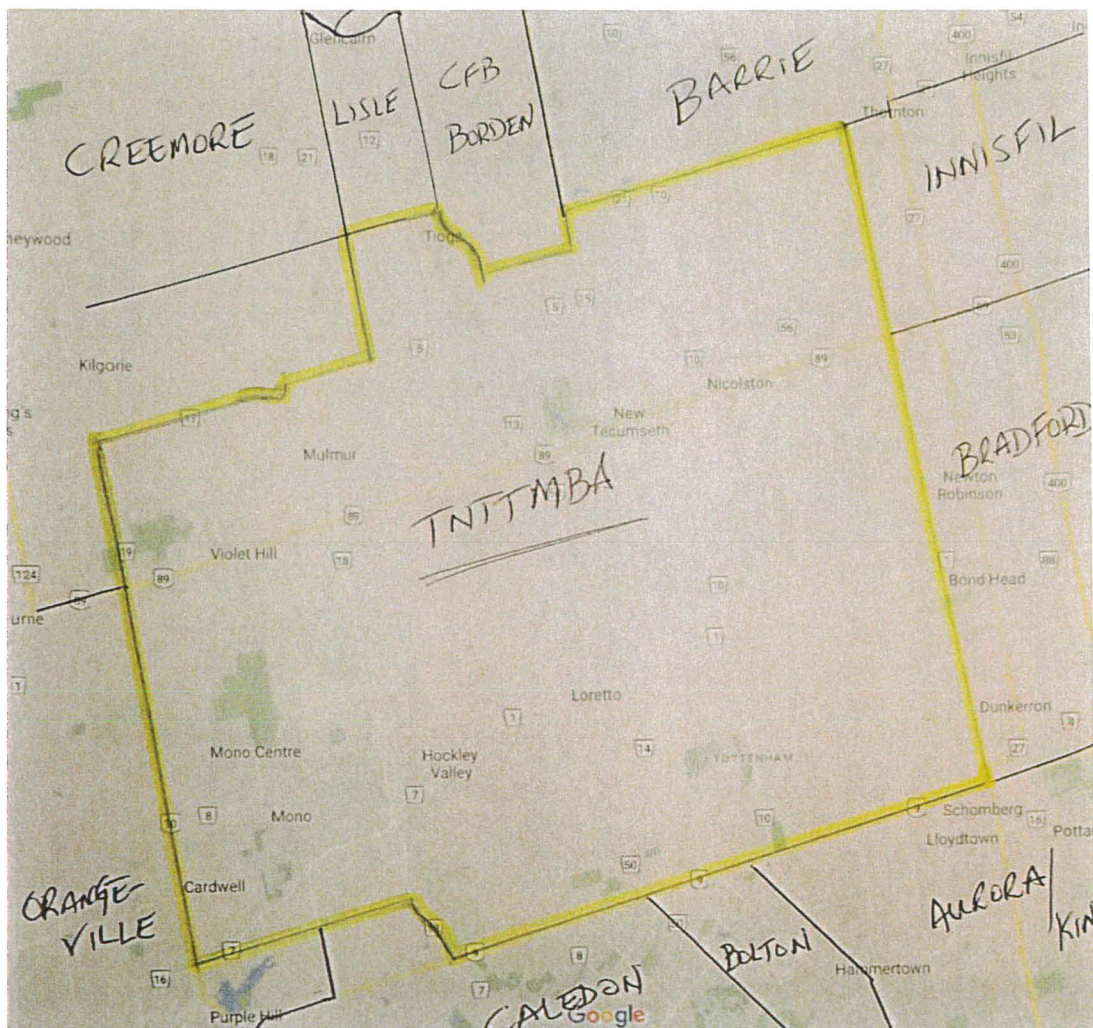




# TNT THUNDER

## Tosorontio New Tecumseth Baseball Association (TNTBA) Boundaries

Starting at County Rd 13 and Tosorontio Sideroad 15 head east to County Road 15, go north and then east along County Road 21 to 10<sup>th</sup> Line. Head south along 10<sup>th</sup> Line to Highway 89 and continue south on 20<sup>th</sup> Side Rd to Highway 9, then west along Highway 9 to Airport Road. Go north on Airport Road to Sideroad 5 and head west along Sideroad 5 to Highway 10. Travel north on Highway 10/Prince of Wales Rd to 10 Sideroad/County Road 17, turn east and stay on 10 Sideroad to Mulmur Tosorontio Townline, head north to 20 Sideroad, then east on 20 Sideroad to County Road 13. Go south on County Road 13 to starting point at Tosorontio Sideroad 17.





## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** PR016-23

**DATE:** June 21, 2023

**TO:** Committee of the Whole

**FROM:** Jason Coleman- Manager of Parks and Recreation

**SUBJECT:** New Proposed Angus Splash Pad Location

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### RECOMMENDATION

That Staff Report PR016-23 be received; and

That Council direct the Manager of Parks and Recreation to proceed with pursuing 191 Maplewood Drive as the new site for a splash pad in Angus along with some additional playground equipment required to be replaced from 152 Greenwood Drive.

### BACKGROUND

152 Greenwood Drive is named Stonemount Park in Angus and has been sold to the Simcoe County District School Board to build a new elementary school in Angus at an undisclosed future date.

Due to the School Board purchasing the existing 152 Greenwood Drive park in Angus to accommodate the need for a new school, this requires existing park amenities including the existing splash pad at 152 Greenwood Drive to be relocated/replaced to an alternate suitable and available nearby site.

### COMMENTS AND CONSIDERATIONS

After meeting with Township Consulting Engineers to review and consider all aspects and components of the project to install a new splash pad in Angus within close to proximity to the existing one, it has been suggested and recommended by the Consulting Engineer and Staff to locate the new splash pad at the existing vacant parkland at 191 Maplewood Drive (as opposed to Mike Hart or Gold Park Gate sites).



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## FINANCIAL IMPACT

Council approved \$400,000 to come from Parks Reserve Funds to cover the associated costs with the creation and implementation of a new splash Pad in Angus. The Township received money in the sale of land at 152 Greenwood which is to be re directed and invested back into the Townships parkland development near to the original Stonemount Park.

  
\_\_\_\_\_  
Manager of Finance

## SUMMARY/OPTIONS

Council may:

1. Take no further action, but this could put residents at a loss of a splash pad in the future.
2. Direct the Manager of Parks and Recreation to proceed with pursuing 191 Maplewood Drive as the new site for a splash pad in Angus along with some additional playground equipment to be replaced.
3. Direct staff in another manner.

## CONCLUSION

Staff recommends that Option 2 be approved.

Respectfully submitted by:

Reviewed by:



\_\_\_\_\_  
Jason Coleman  
Manager of Parks and Recreation



\_\_\_\_\_  
Colleen Healey-Dowdall  
CAO

Attachments:

1. Angus Map

28

Attachments:

- 1. Angus Map



29'



**TOWNSHIP OF ESSA STAFF REPORT**

**STAFF REPORT NO.:** FD002-23

**DATE:** June 8, 2023

**TO:** Committee of the Whole

**FROM:** D. Burgin, Fire Chief

**SUBJECT:** Award for Fire Master Plan and Mandatory Community Risk Assessment

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**RECOMMENDATION**

That Staff Report FD002-23 be received; and

That Council authorize the Fire Chief to award a contract for the provision of completing a Fire Master Plan and Mandatory Community Risk Assessment for the community and the Fire Department in partnership with the Town of New Tecumseth and Township of Adjala-Tosorontio to Emergency Management Group Inc., in keeping with the 2023 approved budget amount.

**BACKGROUND**

The last Fire Master Plan completed for the Essa Fire Department was over ten (10) years ago. Fire Master Plans review current service as well as look at projected needs and services and guide Fire Departments in their operation for specific periods of time. As well, all Fire Departments within Ontario have been mandated by the Office of the Fire Marshal and Emergency Management (OFMEM) to complete comprehensive Community Risk Assessments and supply the information to the OFMEM.

To limit the impact on the 2023 budget, Essa Fire entered into a working group partnership with both New Tecumseth Fire and Adjala-Tosorontio Fire to obtain quotes for completion of the work. The concept being to have costs reduced as the winning vendor would get three Departments to work with. New Tecumseth Fire spearheaded the request for proposal process on behalf of the other two Fire Departments and included Essa Fire in all aspects of the process. As part of this process each of the three municipalities will receive an individual Fire Master Plan and Community Risk Assessment. Community Risk Assessments are required pursuant to Ontario Regulation 378/18 and must be completed by July 1, 2024.

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Quote	Price	Comments
Emergency Management Group Inc.	\$74,800 Essa only stand-alone report vs \$69,900 tri-dept report;  excluding applicable tax (providing all three Departments agree to this contract and award same)	This vendor was evaluated by all three Fire Departments and met the requirements as laid out in the RFP process
No other companies or organization submitted as part of the RFP process		

**FINANCIAL IMPACT**

The award for services to have a Fire Master Plan and Community Risk Assessment completed has been included in the 2023 Fire Department Capital Budget with funding approval of \$80,000.00 to cover both components of the projects.

  
\_\_\_\_\_  
Manager of Finance

**SUMMARY/OPTIONS**

Council may:

1. Take no further action.
2. **Authorize the Fire Chief to proceed with the award of services from Emergency Management Group Inc. along with the other two Fire Departments.**
3. Direct staff in another manner.

**CONCLUSION**

Option #2 is recommended since this is the only vendor that submitted a bid and the cost is within the 2023 approved budget.

Respectfully submitted by:

Reviewed by:

D. Burgin



\_\_\_\_\_  
Name, Job Title

\_\_\_\_\_  
Colleen Healey-Dowdall, RPP, CAO





TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** PW014-23

**DATE:** June 21<sup>st</sup>, 2023

**TO:** Committee of the Whole

**FROM:** Preya Balgobin P. Eng., Senior Project Manager,  
Ainley Group, Township Engineers

**SUBJECT:** Proposed Baxter Wastewater Treatment Plant Collection System  
Assessment of Collection System ECA Amendment Application

**RECOMMENDATION**

That Staff Report PW014-23 be received; and

That Council accept that the application for amendment to the wastewater collection system Environmental Compliance Approval (ECA) for Brookfield’s proposed wastewater collection and treatment system in Baxter is suitable for submission to the Ministry of the Environment Conservation and Parks (MECP).

**BACKGROUND**

Brookfield Properties previously submitted and received approval for an ECA for the wastewater collection system to service their new residential development in Baxter. The design and layout of the collection system was based on transferring all wastewater to the Angus Wastewater Treatment Plant (WWTP). However, since the finalized path forward is to construct a wastewater treatment plant in Baxter rather than transferring to Angus, the wastewater collection system/piping needs to be modified to connect to the Baxter WWTP at the selected preferred location as per the approved EA and the attached layout.

An amendment to the previous collection system ECA is required for the modification. Brookfield has submitted their proposed application for the ECA amendment for peer review. The application contains the following information and supporting documents:

- The filled out ECA application form
- Engineering drawings of the proposed design of the new section of wastewater sewer pipe
- Design data in support of the design

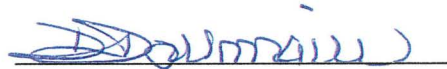
**COMMENTS AND CONSIDERATIONS**

The Ainley Group has completed a peer review of the proposed application for ECA amendment, provided comments to Brookfield, and received their responses. Based on the review comments and subsequent responses from Brookfield, we find that the application is adequate for submission to the MECP. The MECP may have questions and/or additional requirements, which Brookfield will need to address as part of the MECP's review process.

The Amendment is simply requesting a permission to redirect the gravity sewer pipes from the proposed subdivision to the approved location of the proposed Wastewater Treatment facility IN Baxter instead of connecting to the WWTP in Angus as per the attached layout.

**FINANCIAL IMPACT**

None. All costs to be born by the developer.



Manager of Finance

**SUMMARY/OPTIONS**

Council may:

1. Accept that the application for amendment to the wastewater collection system Environmental Compliance Approval (ECA) for Brookfield's proposed wastewater collection and treatment system in Baxter is suitable for submission to the Ministry of the Environment Conservation and Parks (MECP).
2. Direct staff in another manner.

**CONCLUSION**

Option #1 is recommended.

Respectfully submitted by:

Reviewed by:

Reviewed by:

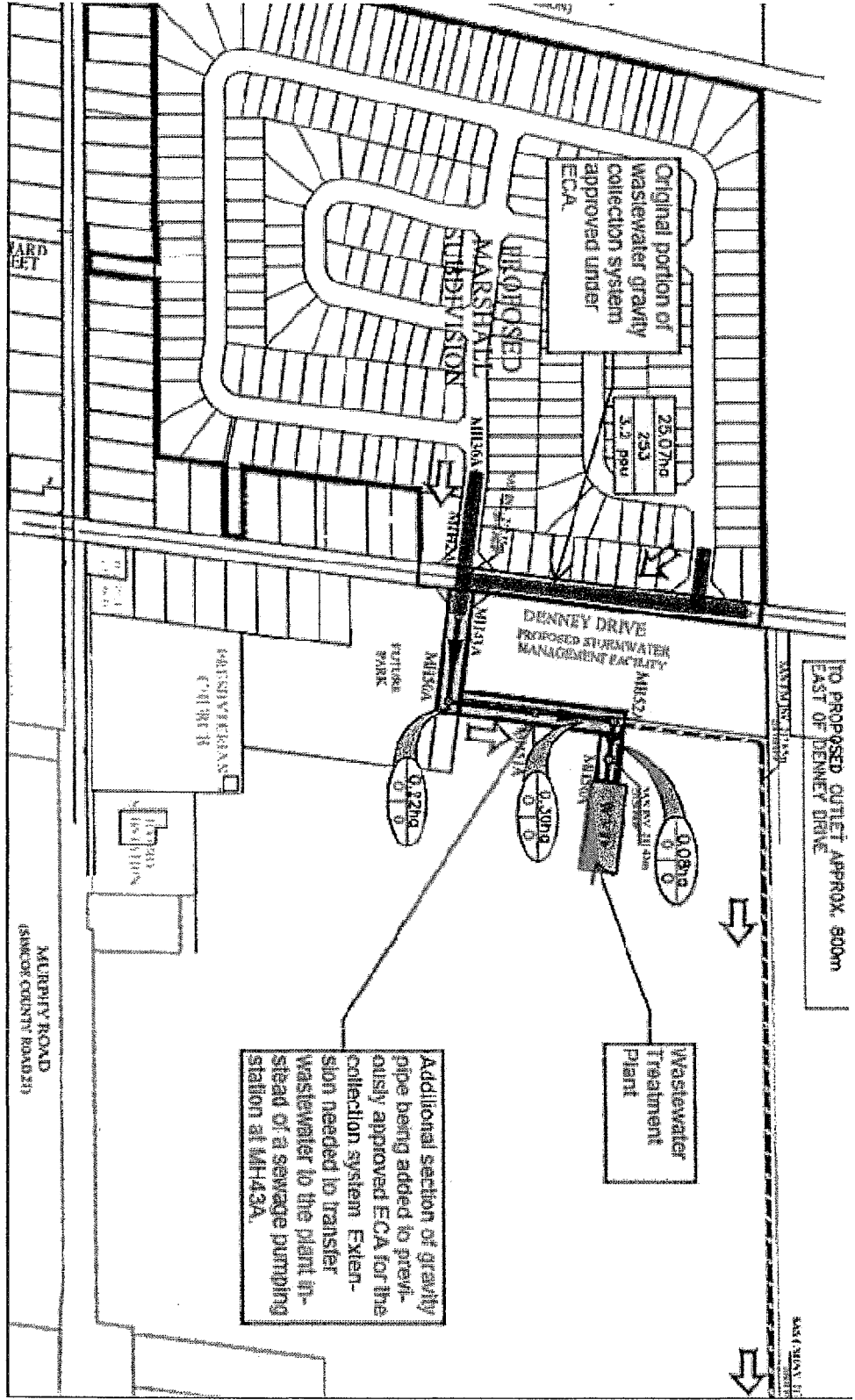
\_\_\_\_\_  
Preya Balgobin, P. Eng.  
Senior Project Manager



\_\_\_\_\_  
Michael Mikael, P.Eng  
Manager of Public  
Works/Deputy CAO



\_\_\_\_\_  
Colleen Healey-Dowdall, RPP  
CAO







## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** TR009-23

**DATE:** June 21<sup>st</sup>, 2023

**TO:** Committee of the Whole

**FROM:** Deborah Dollmaier, Manager of Finance

**SUBJECT:** 2023 Development Charge Background and By-Law

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### RECOMMENDATION

That Staff Report TR009-23 be received.

That the Township of Essa Development Charge (DC) Background Study dated April 21, 2023, for the Township-wide and Area Specific Development Charges By-law be approved under Section 10 of the *Development Charges Act, 1997*; and

That approval of the capital program, included in the DC Background Study, indicates Council's intention that an increase in the need for service will be met as required under paragraph 3 of Section 5(1) of the *Development Charges Act, 1997* and Section 3 of *Ontario Regulation 82/98*. This approval shall be subject to further annual review during the capital budget process; and

That in accordance with s.s.5(1)5 of the *Development Charges Act, 1997* and Section 5 of *Ontario Regulation 82/98*, it is Council's clear intention that any excess capacity identified in the DC Background Study, shall be paid for by development charges contemplated in the said DC Background Study, or other similar charges; and

That having considered the use of more than one development charge by-law to reflect different needs for services in different areas, Council determines that for the services and associated infrastructure proposed to be funded by development charges under the Development Charge By-Law, that it is fair and reasonable that the charges be calculated on a township-wide and area-specific basis; and

That having considered the submissions received on, before and during the public meeting held on May 17, 2023 in connection with the DC Background Study and the proposed Development Charge By-law, and taking into consideration any changes made to the proposed Development Charge By-law following the said public meeting, Council determines that no further public meeting under Section 12 of the *Development Charges Act, 1997*, is necessary with respect to the said Development Charges Background Study or the Development Charges By-Law; and

That Council approve the asset management plan outlined in the DC Background Study, and give consideration too incorporate the asset management plan outlined in the DC Background Study within the Township's ongoing practices and corporate asset management strategy; and

## **BACKGROUND**

The Township's current Development Charges By-law, By-law 2018-54, covers those services which are levied on a Township-wide basis as well as those levied on a service area specific basis for the provision of water and wastewater related infrastructure in Angus, Thornton, and Baxter.

A development charge by-law is a mechanism to fund the capital expenditures of municipal infrastructure that relates to growth. Examples of such growth-related capital projects include road over-sizing, facility expansions, new facilities, or fleet requirements over and above the existing amount.

## **COMMENTS AND CONSIDERATIONS**

On April 5<sup>th</sup>, 2023, Council received the draft development charges information (CAO009-23) and authorized staff to proceed with advertising and hold a public meeting to receive comments on the Draft Development Charges Background Study.

Staff did receive comments from one developer. Questions were mainly related to requiring further clarification on specific items, which was addressed through consultation with Hemson Consulting. Hemson's response to Brookfield's questions is attached to this report.

The attached 2023 Development Charges By-law will repeal By-law 2018-54.

**FINANCIAL IMPACT** - Approximately \$32,000. (Excluding applicable taxes).

## **SUMMARY/OPTIONS**

Council may:

1. Approve the Background Study and By-law as per Section 10 of the *Development Charges Act, 1997*; and
2. Determine Council's intention that an increase in the need for service will be met as required under paragraph 3 of Section 5(1) of the *Development Charges Act, 1997* and Section 3 of *Ontario Regulation 82/98*. This approval shall be subject to further annual review during the capital budget process; and

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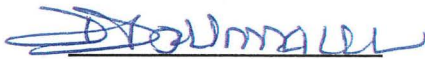
3. Determine it is Council's clear intention that any excess capacity identified in the DC Background Study, as amended, shall be paid for by development charges contemplated in the said DC Background Study, or other similar changes; and
4. Determine that for the services and associated infrastructure proposed to be funded by development charges under the Development Charge By-Law, that it is fair and reasonable that the charges be calculated on a township-wide and area-specific basis; and
5. Determine that no further public meeting under Section 12 of the *Development Charges Act, 1997*, is necessary with respect to the said Development Charges Background Study or the Development Charges By-Law; and
6. Approve the asset management plan outlined in the DC Background Study, and give consideration too incorporate the asset management plan outlined in the DC Background Study within the Township's ongoing practices and corporate asset management strategy.

## CONCLUSION

Options # 1 - 6 are recommended based on the advice of Hemson Consulting to comply with legislation.

Respectfully submitted:

Reviewed by:



Deborah Dollmaier  
Manager of Finance



Colleen Healey-Dowdall, RPP  
Chief Administrative Officer

Attachments – Response to Brookfield's questions  
2023 DC By-law

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Attachment 1

**HEMSON**

Hemson Consulting Ltd

1000 – 30 St. Patrick Street, Toronto, ON M5T 3A3

416-593-5090 | [hemson@hemson.com](mailto:hemson@hemson.com) | [www.hemson.com](http://www.hemson.com)

## MEMORANDUM – WITHOUT PREJUDICE

**To:** Rayna Thompson (Brookfield Properties)  
**From:** Andrew Mirabella and Jaclyn Hall, Hemson Consulting Ltd.  
**Date:** June 13, 2023  
**Re:** Township of Essa 2023 Development Charges Background Study – Response to Brookfield Property Questions

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This letter provides a response from Hemson Consulting, in consultation with Township staff, to the questions raised in the memorandum received from Brookfield Properties dated May 23, 2023. The original questions provided by Brookfield are copied in this memorandum for reference and are bolded below.

### A. RESPONSE TO QUESTIONS RELATED TO THE MAIN BODY OF REPORT

#### Question 1: Section 4, Table 2 – Summary of Average Historic Service Levels

- The historic service level for the Roads and Related component have increased over what was provided in the 2018 DCBS. In the 2018 DCBS, the 2008-2017 Service Level Indicator for Roads and Related was \$4,063.34 per pop. & emp., which has increased in the 2023 DCBS to \$35,674.23 per pop. & emp. for the period of 2008-2022, which is an increase of over 8x. This is not in line with the increases for the other services which generally have increases in the order of 2x. Please identify the reasoning for the exponential increase for this service.

**Response:** The costs of road related construction in Ontario has increased substantially in recent years. This trend is consistent with the increases experienced by other municipalities in recent years. Importantly, the roads replacement costs used in the 2023 DC Background Study are supported through the Township's recent 2023 Transportation and Trails Master Plan (TTMP) currently underway by WSP. The costs used accurately reflect the current day replacement costs as permitted by the *Development Charges Act* (DCA).

Question 2: Section 5, Subsection C, Development-Related Capital Forecast for Engineered Services, and Table 4

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- This section notes that development-related costs associated with water and sewer servicing are recovered on an area-specific basis in Angus. There is no reference to water and/or sewage DCs for Baxter, yet DCs are being collected from the Brookfield Baxter subdivision. The note under Table 4 in the 2018 study noting that “New units in Baxter will be levied the Angus Sewer charge.” Has been removed. Please confirm if wastewater DCs are no longer to be collected from developments in Baxter on municipal sanitary sewers.

**Response:** Wastewater DCs will no longer be collected from development in Baxter once the proposed 2023 DC By-law is enacted and in effect. As we understand, future development in Baxter is planned to be serviced by its own WWTP facility. If the servicing arrangements change in the future, the Township can update the DC By-law to reflect this.

**Question 3: Section 6, subsection v. – Comparison of 2023 Newly Calculated Development Charges With Charges Currently in Force in Essa**

- This section acknowledges removing the Baxter Sewer charge. Please confirm that wastewater DCs are no longer payable from developments in Baxter, even if on municipal sanitary sewers.

**Response:** Correct. The Angus wastewater DCs will not apply to development currently occurring in Baxter.

**Question 4: Section 6, Tables 9 & 10**

- The Baxter Service Area charge does not include for a Baxter Sewer charge. Please confirm that wastewater DCs are no longer payable from developments in Baxter, even if on municipal sanitary sewers. Will any capital funding for the Eco Park project be provided by the Credit Valley Conservation Authority?

**Response:** Correct. The Angus wastewater DCs will not apply to development currently occurring in Baxter.

The Eco Park will be constructed in Angus and is currently in the planning stages to determine project scope, timing, cost and funding. Also of note, Eco Park project is a replacement of an existing park and is not eligible for DC funding. Therefore, this project has not been included in the 2023 DC Background Study.

## B. RESPONSE TO QUESTIONS RELATED TO APPENDIX B.4 PARKS AND RECREATION

### Question 5: Appendix B.4 – Parks and Recreation

Replacement values and combined assets for Parks and recreation have increased by approximately 2x, with no apparent increase in parks, parkland, or facilities. Please provide an explanation for the significant increase.

**Response:** As part of the Township's 2023 DC Background Study update, the historical \$/unit replacement costs were reviewed and updated. The updated assumptions are based on recent purchases, tenders and current project costs provided by staff and/or informed by a benchmark analysis of other municipalities. In accordance with the legislative requirements of the *Development Charges Act*, the cost to acquire municipal capital works (which would be exclusive of any allowance for depreciation) is appropriate for the purposes of the 2023 DC Background Study.

### Question 6: Table 2, Page 2

- **Items 4.3.2-4.3.5 Off-Road Trails – With the Transportation and Trails Master Plan not yet complete, it is unclear where the trails are proposed, how they are triggered by development, and how the costs of ~\$4M (increase from \$1M) and BTE have been determined. Additional information to support the inclusion of these projects and their costs would be appreciated.**

**Response:** The Off-Roads Trail capital costs included in the 2023 DC Background Study are based on current estimates prepared by WSP (the Township's consultant) as part of the ongoing Transportation and Trails Master Plan (TTMP). The geographic areas and associated capital expenditures have been identified for four areas within the Township: Rural Essa, Angus, Baxter and Thornton. As the Township grows, so will the need to provide infrastructure to support transportation planning objectives including active transportation. The trails infrastructure included in the Parks and Recreation capital program is required to meet the increase in need for servicing arising from development. In recognizing that there will be some benefit to existing residents, a BTE allocation of 10% has been applied to trail infrastructure located within Rural Essa, Angus and Baxter where the majority of the growth in the Township is anticipated to occur. A 50% BTE allocation has been applied to trails in Thornton where less growth is anticipated over the planning period.

- **Items 4.3.6, 4.3.8, and 4.3.9 Baxter Park – The 2018 DCBS identified a DC amount of \$850K for the entire Baxter Park development, whereas the proposed DCBS breaks**



it into 3 projects , with timing of 2023 for initial park development (\$251K), 2026 dog park development (\$50K), and 2029 park expansion (\$1.5M).

- **Based on timing and the understanding that the Township has not commenced the design of the park, it is unclear how the Township will be spending \$251K in the remaining 6-months of 2023.**

**Response:** The Parks and Recreation capital program included in the 2023 DC Background Study was based on currently known and available information at the time the study was prepared. The Township has the ability to review the capital program and adjust timing of projects as new information becomes available after the by-law is passed. The intent of the Township is to still fund the “Initial Park Development” project from development charges.

Furthermore, it is recognized that the projects included in the DC Study – including the scope, timing and costs – are subject to review based on the Township’s annual capital budgeting process. As stated on page 41 of the 2023 DC Background study under “Recommendations”:

It is recommended that Council adopt the development-related capital forecast included in this Background Study, subject to annual review through the Township’s normal capital budget process.

- **Based on previous discussions with the Township, it was understood that they did not want to spend more funds than would be collected in Parks and Recreation DCs within the Brookfield subdivision in Baxter, which was in the order of \$690K. The proposed DCBS has increased the budget from \$850K to ~\$1.8M. Additional information is requested to support the proposed budget.**

**Response:** The calculated Parks and Recreation DC rate is consistent with the requirements of the *Development Charges Act*. The rate is based on 2023 capital costs, less adjustments for DC reserves, benefit to existing shares, post-period allocations etc. and the anticipated growth that relates to the increase in need for service. Parks and Recreation services are calculated on a Township-wide basis over the 10-year planning horizon of 2023-2032 – this includes development occurring both within and outside of Baxter. Importantly, the Parks and Recreation capital program does not exceed the maximum permissible 15-year historical level of service. The capital program for parks and recreation represents has been updated in this study to reflect the anticipated capital related growth requirements over the next ten years. As indicated, the Township has the ability to review the capital program and adjust timing of projects as new information becomes available.

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## C. RESPONSE TO QUESTIONS RELATED TO APPENDIX B.7 ROADS AND RELATED SERVICES

### Question 7: Appendix B.7 – Roads and Related

- There are a number of projects that have significantly increased costs, as well as lower BTEs than identified in the 2018 DCBS. An explanation for the cost increases and BTE reductions would be appreciated. The following projects are examples:
  - Project 1 – Project costs increased from \$240K to 3.96M and BTE reduced from 25% to 10%
  - Project 3 – Project costs increased from \$3M to \$21.56M with BTE reduced from 25% to 10%
  - Project 4 – Project costs increased from \$1.2M to \$12.85M with BTE reduced from 25% to 10%
  - Project 19 – Project costs increased from \$3M to \$6m

**Response:** The Roads and Related capital program is based on current estimates prepared by WSP as part of the ongoing TTMP. As part of this work, WSP has developed methodologies for calculating the applicable BTE shares for the various roads projects. The BTE allocations were informed by a review of municipal best practices which are generally based on resurfacing of existing road segments during the planning horizon of the capital program. The costs identified in the 2023 DC Background Study now better relate to the scope of work for the capital projects proposed.

- There are a number of road urbanizations that are assigned a BTE of 10% but do not appear to be located in areas that are experiencing, or are planned to experience, significant development. Please clarify if these projects were identified as being required to be urbanized and/or reconstructed through Traffic Impact Studies in support of development. The following projects are examples:
  - Project 36 & 37 in Thornton
  - Project 35 – Water Street
  - Various projects around Angus Morrison E.S.

**Response:** The Township's road projects identified in the 2023 DC Background Study form part of an overall network which supports the transportation objectives of the new TTMP. Over the 10-year planning horizon (2023-2032), the Township is anticipated to grow by about 1,720 households and new employees to be accommodated in new space. This

growth creates an increased need for roads and related infrastructure, including improvements throughout the roads network. In the absence of growth, this infrastructure would not be required and is therefore considered to be, in part, growth-related. Importantly, the draft TTMP identifies projects that extend beyond the 10-year planning horizon to 2051. These projects have not been included in the DC calculation. For the projects that have been included in the 10-year period, approximately \$60.1 million has been attributed as a post-period benefit and will be considered for recovery in subsequent DC Study updates.

- **Project 26 – New project for bridge across the Nottawasaga River on 26th Sideroad from 6th Line to County Road 11 with a cost of \$6M and 0% BTE is included. Based on mapping and GIS, it is unclear where this proposed bridge is located, or what development lands it is intended to service. Please provide additional information.**

**Response:** After a review of the project with Township staff, the bridge is actually proposed to be located at 25<sup>th</sup> Side road from 6<sup>th</sup> Line to County Road 10. The current cost estimate of \$6.0 million was an initial cost estimate and appears to be understated. However, we are not proposing to make adjustments to the project costs at this time, adjustments may be made in subsequent DC Study updates. In addition, the project was identified to be post-period and not included in the calculation of the DC rates and will be considered in future DC Background Studies.

As stated in our response above, the project is necessary to meet the increase in need for servicing arising from development occurring throughout the Township. In the absence of growth, the project would not be constructed and is therefore fully growth-related.

- **No project number, On-Road Active Transportation Trails – With the Transportation and Trails Master Plan not yet complete, it is unclear where the trails are proposed, how they are triggered by development, and how the costs of ~\$5.96M and BTE have been determined. Additional information to support the inclusion of these projects and their costs would be appreciated.**

**Response:** The on-roads trails infrastructure is identified within four areas of the Township along with the capital costs and length of the proposed trails: Rural Essa (16.24km at \$3.4 million), Angus (9.55km at \$2.0 million), Baxter (0.98km at \$204,000) and Thornton (1.87 at \$388,000). As the Township grows, so will the need to provide infrastructure to support transportation planning objectives, including active transportation. The trails infrastructure included in the Roads and Related capital program is required to meet the increase in need for servicing arising from development. In recognizing that there will be some benefit to existing residents, a BTE allocation of 10% has been applied to trail infrastructure located within Rural Essa, Angus and Baxter where the majority of the growth in the Township is



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anticipated to occur. A 50% BTE allocation has been applied to trails in Thornton where less growth is anticipated to occur.

#### D. CONCLUDING COMMENTS

We trust that above provides response to the question raised. We would further note that in accordance with the requirements of the *Development Charges Act*, the fully calculated DC rates would be phased-in over a 5-year period. Therefore, the development charges rates that would come into force upon passage can only be 80% of the calculated rate identified in the DC Background Study for the first year and phased-in.

- Year 1 = 80%
- Year 2 = 85%
- Year 3 = 90%
- Year 4 = 95%
- Year 5 = 100%

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW NO. 2023 - XX**

**A By-law to establish municipal-wide and area-specific development charges for the Corporation of the Township of Essa**

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

WHEREAS the Council of the Corporation of the Township of Essa ("Township of Essa") has given notice in accordance with Section 12 of the *Development Charges Act, 1997*, of its intention to pass a By-law under Section 2 of the said Act; and

WHEREAS the Council of the Township of Essa received a report entitled Development Charge Background Study, Township of Essa dated April 21, 2023 prepared by Hemson Consulting, wherein it is indicated that the development of any land within the Township of Essa will increase the need for services as defined herein; and

WHEREAS the Council of the Township of Essa has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a Public Meeting held on May 17, 2023 and provided a subsequent period for written communications to be made; and

WHEREAS the Council has given said communications due consideration, has made any necessary revisions to the Township of Essa Development Charges Background Study as a result of those communications, and has determined that no further public meetings are required in respect of the Background Study and the Development Charges By-Law; and

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

WHEREAS the Council of the Township of Essa on June 21, 2023 approved the Development Charge Background Study dated April 21, 2023, in which certain recommendations were made relating to the establishment of a development charge policy for the Township of Essa pursuant to the *Development Charges Act, 1997*.

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NOW THEREFORE the Council of the Township of Essa enacts as follows:

**DEFINITIONS**

1. In this By-law,
  - (1) "Act" means the *Development Charges Act, 1997, c. 27*;
  - (2) "Accessory use" means a use of land, buildings or structures which is incidental and subordinate to the principal use of the lands and buildings;
  - (3) "Agricultural use" means the bona fide use of lands and buildings for apiaries, fish farming, dairy farming, fur farming, the raising or exhibiting of livestock, or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and any other crops or ornamental plants and includes the operation of a farming business and the erection of a farm help house on agricultural land but excludes a commercial greenhouse. Agricultural use does not include the development of a single detached dwelling on agricultural land;
  - (4) "Apartment dwelling" means any residential unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor and shall include dwelling units contained above or as part of commercial buildings;
  - (5) "Bedroom" means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
  - (6) "Board of Education" means a board defined in s.s. 1(1) of the *Education Act*;
  - (7) "Building Code Act" means the *Building Code Act, 1992, S.O. 1992, c.23*, as amended;
  - (8) "Building or Structure" means an enclosed area, including, but is not limited to, above grade storage tanks, air supported structures and industrial tents;
  - (9) "Capital cost" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by, the municipality or local board,
    - (a) to acquire land or an interest in land, including a leasehold interest;
    - (b) to improve land;





- (c) to acquire, lease, construct or improve buildings and structures;
- (d) to acquire, lease, construct or improve facilities including (but not limited to),
  - (i) rolling stock with an estimated useful life of seven years or more,
  - (ii) furniture and equipment, other than computer equipment, and
  - (iii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c.P44, and
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d);
- (f) to complete the development charge background study under Section 10 of the Act;
- (g) interest on money borrowed to pay for costs in (a) to (d);

required for provision of services designated in this By-law within or outside the municipality.

- (10) "Council" means the Council of The Corporation of the Township of Essa;
- (11) "Development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;
- (12) "Development charge" means a charge imposed pursuant to this By-law;
- (13) "Dwelling unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- (14) "Farm building" means that part of a bona fide farm operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;
- (15) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;



- (16) "Local board" means a public utility commission, public library board, local board of health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any part or parts thereof;
- (17) "Local services" means those services or facilities which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates, and are required as a condition of approval under s.51 of the *Planning Act*, or as a condition of approval under s.53 of the *Planning Act*;
- (18) "Multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, and apartment dwellings;
- (19) "Municipality" means the Corporation of the Township of Essa;
- (20) "Non-residential uses" means a building or structure used for other than a residential use;
- (21) "Official plan" means the Official Plan of the Township of Essa and any amendments thereto;
- (22) "Owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;
- (23) "Planning Act" means the *Planning Act*, R.S.O. 1990, c.P13, as amended;
- (24) "Primary Dwelling Unit" means a dwelling contained in the main building on a lot;
- (25) "Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has been previously demolished on such land, or changing the use of a building or structure from a residential use to a non-residential use or from a non-residential use to a residential use, or changing a building or structure from one form of residential use to another form of residential use or from one form of non-residential use to another form of non-residential use;
- (26) "Regulation" means any regulation made pursuant to the Act;
- (27) "Residential uses" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or

more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure;

- (28) "Semi-detached dwelling" means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (29) "Services" means services set out in Schedule "A" to this By-law;
- (30) "Single detached dwelling" means a completely detached building containing only one dwelling unit.
- (31) "Total floor area" means,
  - (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure with respect to the residential portion thereof, the aggregate of the total areas of all floors in the building or structure above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from another dwelling unit or other portion of a building;
  - (b) in the case of a non-residential building or structure, or in the case of a mixed-use building or structure in respect of the non-residential portion thereof, the aggregate of the total areas of all floors in the building or structure above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use separating a non-residential use from a residential use.

## **SCHEDULE OF DEVELOPMENT CHARGES**

- 2. (1) Subject to the provisions of this By-law, development charges against land shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "B" (Township Services), which relate to the services set out in Schedule "A".
- (2) Notwithstanding subsection 2(1), where there is development or redevelopment of land in Angus, as described in Schedule "C" of this By-law, the land shall also be subject to further development charges for sanitary sewer and water services that are specific to the lands in Angus, as set out in Schedule "B".
- (3) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:





- (a) in the case of residential development or redevelopment, or the residential portion of a mixed-use development or redevelopment, based upon the number and type of dwelling units; and
  - (b) in the case of non-residential development or redevelopment, or the non-residential portion of a mixed-use development or redevelopment, based upon the total floor area of such development.
- (4) Council hereby determines that the development or redevelopment of land, buildings or structures for residential and non-residential uses will require the provision, enlargement or expansion of the services referenced in Schedule "A".

### **PHASE-IN OF DEVELOPMENT CHARGES**

3. (1) Development charges shall be phased in accordance with the requirements of the Act.

### **APPLICABLE LANDS**

4. (1) Where permitted pursuant to the provisions of the *Development Charges Act, 1997*, and not otherwise prohibited by such Act, or otherwise exempted by the provisions of this By-law, this By-law applies to all land, buildings and structures within the Township of Essa.

### **EXEMPTIONS AND DISCOUNTS**

5. (1) This By-law shall not apply to land that is owned by and used for the purposes of:
- (a) a Board of Education;
  - (b) any municipality or local board thereof; and
  - (c) a non-residential farm building;
- (2) This By-law shall not apply to that category of exempt development described in Section 2(3)(3.1)(3.2)(3.3) of the Act and section 2 of O.Reg. 82/98, namely:
- (a) the enlargement of an existing dwelling unit;
  - (b) One or two additional dwelling units in an existing or to be constructed single detached dwelling or prescribed ancillary structure to the existing residential building;
  - (c) The creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental

- building containing four or more dwelling units or prescribed ancillary structure to the existing residential building;
- (d) The creation of one additional dwelling unit in any other existing or to be constructed residential building, such as a semi-detached or row dwelling or prescribed ancillary structure to the existing residential building;
  - (e) Notwithstanding subsection (b) above, development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.
  - (f) Notwithstanding subsection (d) above, development charges shall be imposed if the additional unit has a gross floor area greater than:
    - a. In the case of a semi-detached or row dwelling, the gross floor area of the existing smallest dwelling unit; and
    - b. In the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.
- (3) This By-law does not apply to that category of exempt development described in Section 4(2) of the Act and Section 1 of O.Reg. 82/98, namely:
- (a) the enlargement of the gross floor area of an existing industrial building, if the gross floor area is enlarged by 50 percent or less;
  - (b) for the purpose of (a) the terms “gross floor area” and “existing industrial building” shall have the same meaning as those terms have in O.Reg. 82/98 made under the Act.
- (4) Notwithstanding subsection (3)(a), if the total floor area of an existing industrial building is enlarged by more than 50 percent, development charges shall be calculated and collected in accordance with Schedule “B” on the amount by which the enlargement exceeds 50 percent of the total floor area before the enlargement.
- (5) In accordance with Section 26.2(1.1) of the Act, the amount of a development charge determined for rental housing development shall be reduced in accordance with the following rules:
- (a) a development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent;

- (b) a development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent;
  - (c) a development charge for a residential unit intended for use as a rented residential premises not referred to in subsection 5(a) and 5(b) of this by-law shall be reduced by 15 per cent.
- (6) This By-law does not apply to non-profit housing development as per Section 4.2 of the Act.

### **APPROVALS FOR DEVELOPMENT**

6. (1) Subject to subsection (2), development charges shall be calculated and collected in accordance with the provisions of this By-law and be imposed on land to be developed or redeveloped for residential and non-residential use, where the development or redevelopment requires:
- (i) the passing of a Zoning By-law or an amendment thereto under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13;
  - (ii) the approval of a minor variance under Section 45 of the *Planning Act*, R.S.O. 1990, c.P.13;
  - (iii) a conveyance of land to which a By-law passed under subsection 50(7) of the *Planning Act*, R.S.O. 1990, c.P.13 applies;
  - (iv) the approval of a plan of subdivision under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;
  - (v) a consent under Section 53 of the *Planning Act*, R.S.O. 1990, c.P.13;
  - (vi) the approval of a description under Section 50 of the *Condominium Act*, R.S.O. 1980, c.84; or
  - (vii) the issuing of a permit under the *Building Code Act*, R.S.O. 1990, c.B.13, in relation to a building or structure.
- (2) Subsection (1) shall not apply in respect to
- (a) local services installed or paid for by the owner within a plan of subdivision or within the area to which the plan relates, as a condition of approval under Section 51 of the *Planning Act*, R.S.O. 1990, c.P. 13;



- (b) local services installed or paid for by the owner as a condition of approval under Section 53 of the *Planning Act*, R.S.O. 1990, c.P. 13.

### **LOCAL SERVICE INSTALLATION**

7. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install or pay for such local services, as Council may require.

### **MULTIPLE CHARGES**

8. (1) Where two or more of the actions described in subsection 6(1) are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this By-law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 6(1) occur at different times, or a second or subsequent building permit is issued, resulting in increased, additional or different development, and if the subsequent action has the effect of increasing the need for municipal services as set out in Schedule "A", an additional development charge on the additional residential units and non-residential total floor area, shall be calculated and collected in accordance with the provisions of this By-law.

### **SERVICES IN LIEU**

9. (1) Council may authorize an owner, through an agreement under Section 38 of the Act, to substitute such part of the development charge applicable to the owner's development as may be specified in the agreement, by the provision at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge in accordance with the agreement provisions and the provisions of Section 39 of the Act, equal to the reasonable cost to the owner of providing the services in lieu. In no case shall the agreement provide for a credit which exceeds the total development charge payable by an owner to the municipality in respect of the development to which the agreement relates.
- (2) In any agreement under subsection 9(1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-law.

- (3) The credit provided for in subsection (2) shall not be charged to any development charge reserve fund.

**DEVELOPMENT CHARGE CREDITS**

- 10. If development or redevelopment involves the demolition of and replacement of a building or structure, or the conversion of one principal use to another:
  - (1) A credit shall be allowed against the development charges otherwise payable, provided that a building permit has been issued for the development or redevelopment within five years from the date the demolition permit or other planning approval related to the demolition of a building or structure on the site has been issued, whichever date is earlier;
  - (2) The credit shall be calculated:
    - (a) for any portion of a building or structure used for residential uses, based on the number of dwelling units demolished and/or converted, multiplied by the applicable residential development charge in place at the time the development charge is payable; and/or
    - (b) for any portion of a building or structure used for non-residential uses, based on the total floor area of the building demolished and/or converted, multiplied by the current non-residential charge in place at the time the development charge is payable.
  - (3) The credit, can in no case, exceed the amount of the development charge that would otherwise be payable.

**TIMING OF CALCULATION AND PAYMENT**

- 11. (1) Subject to subsection 11(3) of this By-law, development charges shall be payable in full in money or by provision of services as may be agreed upon, or by credit granted under the Act, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies;
- (2) Subject to subsection 11(3) of this By-law, if development or redevelopment does not require a building permit but does require one or more of the actions described in subsection 6(1) above, development charges shall be paid prior to the granting of approval for any action required under subsection 6(1) of this By-law;
- (3) Where development or redevelopment requires approval of a plan of subdivision under section 51 of the *Planning Act* or a consent under section 53 of the *Planning Act*, the development charges for services set out in

paragraphs 1, 2, 3, 4 or 5 of Subsection 2(4) of the Act shall be paid immediately upon the parties entering into the subdivision agreement or consent agreement, as the case may be;

- (4) Council may enter into an agreement with an owner to make any development charges payable earlier or later than the date provided for in subsection 11(1);
- (5) The amount of development charge will be determined in accordance with Section 26, 26.1 and 26.2 of the Act, prior to issuance of the building permit or revision to building permit;
- (6) If construction has not begun after 24 months from the date of issuance of a building permit (conditional or full), a top-up to the rate in effect at that time will apply;
- (7) Notwithstanding section 11(1), development charges for rental housing and institutional developments in accordance with Section 26.1 of the Act, are due inclusive of interest established from the date the development charge would have been payable in accordance with Section 26 of the *Development Charges Act, 1997*, in 6 equal annual payments beginning on the date that is the earlier of:

- (a) the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building; and

- (b) the date the building is first occupied.

and continuing on the following five anniversaries of that date.

- (8) Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply, development charges under section 11 shall be calculated on the rates in effect on the day of the later planning application, including interest.

## RESERVE FUNDS

12. (1) Monies received from payment of development charges shall be maintained in separate reserve funds for each service to which the development charge relates.



- (2) Monies received for the payment of development charges shall be used only in accordance with the provisions of Section 35 of the Act.
- (3) Council directs the Municipal Treasurer to divide the reserve fund created hereunder into separate subaccounts in accordance with the service sub-categories set out in Schedule "A" to which the development charge payments shall be credited in accordance with the amounts shown, plus interest earned thereon.
- (4) Where any development charge, or part thereof, remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected as taxes.
- (5) Where any unpaid development charges are collected as taxes under subsection (4), the monies so collected shall be credited to the development charge reserve fund referred to in subsection (1).
- (6) The Treasurer of the Municipality shall, in each year commencing in 2023 for the 2022 year, furnish to Council a statement in respect of the reserve fund established hereunder for the prior year, containing the information set out in Section 12 of O.Reg. 82/98.

#### **BY-LAW AMENDMENT OR APPEAL**

13. (1) Where this By-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Land Tribunal or by resolution of the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
  - (2) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:
    - (a) Interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
    - (b) The Bank of Canada interest rate in effect on the date of enactment of this By-law shall be used.
  - (3) Refunds that are required to be paid under subsection (1) shall include the interest owed under this section.

#### **BY-LAW INDEXING**

14. The development charges set out in Schedule "B" to this By-law shall be adjusted, without amendment to this By-law, commencing on January 1, 2024 and annually

thereafter in each January while this By-Law is in force in accordance with the most recent twelve month change in the Statistics Canada Quarterly Construction Price Statistics.

### **BY-LAW REGISTRATION**

15. A certified copy of this By-law may be registered on title to any land to which this By-law applies.

### **BY-LAW ADMINISTRATION**

16. This By-law shall be administered by the Municipal Treasurer.

### **SEVERABILITY**

17. In the event any provision, or part thereof, of this By-law is found, by a court of competent jurisdiction, to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of the By-law shall remain in full force and effect.

### **HEADINGS FOR REFERENCE ONLY**

18. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

### **SCHEDULES TO THE BY-LAW**

19. The following Schedules to this By-law form an integral part of this By-law:

Schedule A	Schedule of Municipal Services
Schedule B	Schedule of Development Charges: Township-wide and Area-Specific Services
Schedule C	Schedule of Lands on which Angus sewer and water charges are imposed

### **DATE BY-LAW EFFECTIVE**

20. This By-law shall come into force and effect on date of passage.

### **SHORT TITLE**

21. This By-law may be cited as the "Township of Essa Uniform Development Charge By-law, 2023."

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22. By-law No. 2018-54 and any amendments made thereto are hereby repealed as of the date this by-law comes into force and effect.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 21st day of June 2023.

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Sandie MacDonald, Mayor

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Lisa Lehr, Clerk



**SCHEDULE "A"**  
**TO BY-LAW NO. 2023 - XX**  
**DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW**

1. Library Services
2. Fire Services
3. Police Services
4. Parks and Recreation
5. Services Related to a Highway: Public Works and Fleet
6. Services Related to a Highway: Roads and Related
7. Angus Sewer Services
8. Angus Water Services

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**SCHEDULE "B"**  
**TO BY-LAW NO. 2023 – XX**  
**SCHEDULE OF DEVELOPMENT CHARGES: TOWNSHIP-WIDE AND**  
**AREA-SPECIFIC CHARGES**

Service	Residential Charge By Unit Type ( \$/unit)				Non-Residential Charge per Square Metre
	Singles & Semis	Rows & Other Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	
Library Services	\$167	\$147	\$98	\$72	\$0.00
Fire Services	\$1,701	\$1,504	\$1,002	\$739	\$10.73
Police Services	\$55	\$48	\$32	\$24	\$0.34
Parks And Recreation	\$5,674	\$5,016	\$3,344	\$2,464	\$0.00
Services Related To A Highway: Public Works And Fleet	\$2,143	\$1,895	\$1,263	\$931	\$13.53
<b>Subtotal General Services</b>	<b>\$9,740</b>	<b>\$8,610</b>	<b>\$5,739</b>	<b>\$4,230</b>	<b>\$24.61</b>
Services Related To A Highway: Roads And Related	\$19,279	\$17,046	\$11,364	\$8,373	\$121.87
<b>Total Township-wide Charge</b>	<b>\$29,019</b>	<b>\$25,656</b>	<b>\$17,103</b>	<b>\$12,603</b>	<b>\$146.48</b>
<b>Angus (1)</b>					
Township-wide Charge	\$29,019	\$25,656	\$17,103	\$12,603	\$146.48
Angus Sewer	\$3,776	\$3,339	\$2,226	\$1,640	\$20.39
Angus Water	\$4,542	\$4,016	\$2,677	\$1,973	\$24.53
<b>TOTAL CHARGE IN ANGUS</b>	<b>\$37,337</b>	<b>\$33,011</b>	<b>\$22,006</b>	<b>\$16,216</b>	<b>\$191.40</b>

(1) Applicable in the area shown on Schedule "C".

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SCHEDULE "C"  
TO BY-LAW NO. 2023 - XX  
LANDS TO WHICH THE ANGUS SPECIFIC AREA CHARGES APPLY

ANGUS DEVELOPMENT BOUNDARY

— Ultimate Development Boundary

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## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** C012-23  
**DATE:** June 21, 2023  
**TO:** Committee of the Whole  
**FROM:** Lisa Lehr, Manager of Legislative Services  
**SUBJECT:** Request for Exemption to Schedule 1 (Kennels) of Business Licensing By-law – 5524 30<sup>th</sup> Sideroad

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### RECOMMENDATION

That Staff Report C011-23 be received, and

That Council approve an exemption to Schedule “1” of Essa’s Business Licensing By-law, to allow for the operation of a dog run / boarding kennel at 5524 30<sup>th</sup> Sideroad, with a front yard setback of 50 metres, and a setback of 75 metres to the closest residential dwelling.

### BACKGROUND

In accordance with Essa’s Business Licensing By-law 2011-20, Schedule 1 “Kennels” (Attachment No. 1) provides standards that applicants are required to meet prior to the municipality approving a kennel license on any subject property in the Township of Essa. Schedule 1 contains some provisions of which are specific to the applicant providing for:

- Fencing
- A buffer for noise, attenuation and noise control
- Maximum number of dogs per kennel
- Insurance liability

Should any of the provisions provided for in the By-law not be met by the applicant, then applicants are permitted to apply to Council for consideration of an exemption to the specific provision(s) that they cannot meet.

In respect to the property located at 5524 30<sup>th</sup> Sideroad, Council approved an exemption in 2017 to subsections 4.4 (a) and (b) of the Kennel Licensing By-law to allow for a kennel / dog run to be operated on the subject property. Specifically, the 2017 Council approved exemption allowed for a dog run / boarding kennel to operate even though the dog run / kennel facility did not meet the following criteria as set out in Schedule 1 of By-law 2011-20:

- a. No part of any kennel (including runs) shall be closer than 30 metres (98.4 feet) from an abutting property line nor closer than 100 metres (328.1 feet) from any highway, road or street.**

- The dog run / kennel facility located at 5524 30<sup>th</sup> Sideroad measures approximately 50 metres from the road as opposed to the required 100 metres.

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**b. No part of any kennel shall be within 150 metres (492.1 feet) of a residential dwelling on adjacent property.**

- The dog run / kennel facility is approximately 75 metres to the nearest residential dwelling.

The kennel was in operation on the subject property from 2017 to 2022, at which time the property was sold. This municipality received zero complaints for the duration of the 5 years that the kennel was in operation.

As Essa's Kennel Licensing By-law does not permit for a kennel license to be transferred where there is a change in ownership, it is necessary for any new application on this subject property to be submitted to the municipality for approval.

At this time, an application has been presented to the Clerks Department seeking permission to allow for a dog run / boarding kennel business license to be issued on the subject property. The applicant ("Wilde K9") has written a letter to Council (Attachment No. 2) of which is requesting Council's consideration of extending the same exemptions to allow for the operation of a dog run / boarding kennel on the property located at 5524 30<sup>th</sup> Sideroad.

In anticipation of Council's consideration of the request, the owner of the subject property has provided consent for use of this property as a boarding kennel / doggie daycare to the applicant ("Wilde K9"), and the applicant has provided the Clerks Office with signed consent from all surrounding residential neighbours, all of whom have indicated that they have no objection to the kennel being operated on the subject property located at 5524 30<sup>th</sup> Sideroad.

## **COMMENTS AND CONSIDERATIONS**

The property located at 5524 30<sup>th</sup> Sideroad measures 4.01 hectares (10 acres) in size. The fenced-in dog run / kennel facility is located approximately 50 metres from the 30<sup>th</sup> Sideroad (wherein 100 metres is required). Immediately north lies the Barrie-Collingwood Railway, with DeCast Limited (8807 County Road 56) owning property further north of the railway. To the immediate south of the property lies Bear Creek Golf Club (owned by Moyer Investments).

In accordance with subsections 4.4 (a) and (b) of the By-law, no part of any kennel shall:

- measure closer than 100 metres from any highway, road or street,
  - the dog run/kennel located at 5524 30<sup>th</sup> Sideroad measures approximately 50 metres from the roadway as opposed to the required 100 metres; the dog run area is fenced; all canines shall be kept in the contained area and /or closed-in kennel facility.
- no part of any kennel shall be within 150 metres of a residential dwelling on an adjacent property
  - the residential dwelling closest to the subject property is located to the immediate east; the fenced-in dog run / kennel facility measures approximately 75 metres to the closest residential dwelling (which is owned by the applicant). All other residential dwellings surrounding the

subject property meet or exceed the requirements under Schedule 1 of By-law 2011-20.

The fenced-in dog run area measures approximately 236 square metres (approximately 24 sf).

The kennel facility (see Attachment 3 for layout) contains the following amenities:

- An office
- Access to the fenced-in dog run area
- A grooming area (enclosed)
- Washroom facilities
- 8 indoor enclosed kennels

Municipal Law Enforcement Officers have advised that they have no concerns or objections with respect to the request for an exemption to allow for a boarding kennel / dog run to be operational on this property (Attachment 4).

The Planning Department confirmed that the subject property meets the zoning requirements under the Township's Zoning By-law specific to the operation of a boarding kennel (Attachment 5).

As there appears to be no objection from the Planning Department, Municipal Law Enforcement Officers, and surrounding residential neighbours (including the property owner), the Clerk's Department is supportive of Council approving the request for an exemption to provisions 4 (a) and (b) Essa's Kennel Licensing By-law to allow for the operation of a boarding kennel / dog run at 5524 30<sup>th</sup> Sideroad.

As kennel licenses are required to be renewed annually, should any concerns be raised by staff and/or surrounding neighbours, a further report would be brought to Council for re-consideration of the exemption at that time.

## FINANCIAL IMPACT

If Council were to approve the exemption to allow for the dog run / boarding kennel, the municipality would realize annual revenue for the issuance of the Kennel License and subsequent renewal(s) in the amount of \$125.00.



Manager of Finance Approval

## SUMMARY/OPTIONS

Council may:

1. Do nothing, thereby denying the request for an exemption to Schedule "1" (Kennels) of Essa's Business Licensing By-law.
2. **Approve the request from the owners of 5524 30<sup>th</sup> Sideroad for an exemption to Schedule "1" of By-law 2011-20, thereby allowing for the operation of a boarding kennel, with a front yard setback of 50 metres, and a setback to the closest residential dwelling of 75 metres.**
3. Some other action as deemed appropriate by Council.




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**CONCLUSION**

Staff recommends that Council approve Option No. 2.

Respectfully submitted:

Reviewed by:



Lisa Lehr, CMO  
Manager of Legislative Services

Colleen Healey-Dowdall, RPP  
Chief Administrative Officer

Attachments:

1. Schedule "1" (Kennels) of Essa's Business Licensing By-law 2011-20
2. Letter from Applicant "Wilde K9"
3. Layout of Kennel Facility
4. Support of Kennel License Issuance - Municipal Law Enforcement Officer
5. Confirmation of Permitted Use from Planning Department– 5524 30<sup>th</sup> Sideroad
6. County of Simcoe Overview Maps of subject property
7. Map showing close-up of fenced-in dog-run area and kennel facility

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## SCHEDULE "1"

### KENNELS

1. **Authority**

*Municipal Act, 2001, S.O. 2001, c. 25, Section 11 (3) 9 and Section 150.*

2. **Purpose**

The licensing of kennels is for the purpose of nuisance control, consumer protection and health and safety.

3. **Definitions**

**"Breeding Kennel"** means a kennel or property housing three (3) or more dogs which are kept for the purpose of reproduction and sale until they reach the age of 12 weeks. Refer to By-law 2007-53, as amended.

**"Canine Control Officer"** includes the person, firm, corporation or association who has entered into a contract with or is employed by the Township to control dogs, and any servants or agents named on such contract. For the purposes of this By-law, Essa's Canine Control Officers may be appointed Municipal By-law Enforcement Officers in accordance with Section 15 of the *Police Services Act*, R.S.O. 1990, c. P. 15.

**"Dog"** means any male or female dog, spayed bitch or neutered male, over the age of 12 weeks.

**"Dog Owners Liability Act"** (DOLA) refers to the Provincial legislation and Regulations governing dog ownership, and dangerous dogs, in Ontario.

**"Keep"** means to be in the care, custody, control or possession of a canine.

**"Kennel"** means an enclosed building, made of four walls and a roof, used for the keeping, breeding or boarding of dogs or any other function normally associated or related thereto.

**"Kennel License"** means a license issued pursuant to this By-law.

**"Owner"** of a dog includes any person who possesses or harbours a dog and "owns" or "owned" have a corresponding meaning.

**"Pit Bull"** includes a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier, or a dog that has an appearance and physical characteristics.

4. **General**

- 4.1 Any household, business or property housing more than three (3) dogs constitutes a kennel and is subject to the requirements of this By-law.

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- 4.2 No person shall own, operate, manage, control, supervise, or have located on any property, any kennel unless a kennel license has been issued by the Township for the property.
- 4.3 Each applicant shall complete the appropriate Supplementary Application in the form in addition to the Application for Business License.
- 4.4 To provide a buffer for noise attenuation and nuisance control no kennel license shall be issued unless the kennel complies with the following minimum standards:
- a. No part of any kennel (including runs) shall be closer than 30 metres (98.4 feet) from an abutting property line nor closer than 100 metres (328.1 feet) from any highway, road or street;
  - b. No part of any kennel shall be within 150 metres (492.1 feet) of a residential dwelling on adjacent property; and
  - c. The kennel must be located on a lot with a minimum area of 1.5 hectares (3.7 acres).
- 4.5 In the case of a proposed kennel that has not been built, an applicant for a kennel license shall submit drawings along with a license application, and all other information as the Township may require to determine whether the proposed kennel and runs conform with the requirements of this By-law.
- 4.6 If the Township is satisfied that the kennel and runs conform with the requirements of this By-law a kennel license may be issued.
- 4.7 Kennels shall be operated and maintained in accordance with the following regulations:
- a. Each kennel shall provide sufficient space for the animals which are kept therein to stand and be in comfort, and being no less than 1.5 square metres (16.1 square feet) per animal;
  - b. Each kennel shall be kept in a sanitary, well ventilated, clean condition and free from offensive odours, disease and vermin;
  - c. Each kennel shall contain facilities to provide each animal with adequate access to drinking water;
  - d. No kennel or part thereof shall be used for human habitation; and
  - e. All animals shall be confined to the kennel building between the hours of 9:00 p.m. and 6:00 a.m.
- 4.8 The holder of a kennel license shall ensure that a responsible person designated by such holder is in attendance at the kennel at least once every 24 hours.
- 4.9 The holder of a kennel license shall keep each dog confined within the kennel or runs unless such dog is under the control of a responsible person designated by such holder.

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- 4.10 Notwithstanding any other provision of this By-law for the purpose of nuisance control and safety, the following provisions apply to kennels and kennel licenses under this By-law:
- a. No person shall keep or allow more than 15 dogs at any licensed kennel at any time;
  - b. No more than one kennel license may be issued for any one property;
  - c. No person shall obtain a kennel license in respect of any property if a kennel license has been issued for any abutting property.
- 4.11 The license of any person who contravenes any provision of this By-law shall be revoked.
- 4.12 Notwithstanding any other provision of this By-law, the number of kennel licenses issued by the Township shall not exceed 25 in number at any one time.
- 4.13 This By-law is to be enforced by the appointed Canine Control Officer, By-Law Enforcement Officers. Officers from the Ontario Society for the Prevention of Cruelty to Animals, and the Ontario Provincial Police may also be involved in investigations.

5. **Insurance**

- 5.1 The Township shall not issue a license under this schedule unless the applicant obtains liability insurance in the amount of two million dollars (\$2,000,000.00) and provides the Township proof of such insurance, showing the Township as additionally insured.
- 5.2 The applicant shall keep the liability insurance current for the term of the license and shall instruct the insurer to provide 10 days' written notice to the Township of any cancellation, expiry or variation of such insurance.
- 5.3 The business license shall be invalid upon the cancellation or expiry of the liability insurance.

6. **Breeding Kennels**

Refer to By-law 2007-53, as amended.

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Attachment #2

March 31st, 2023

Dear Council,

I am opening up a dog boarding/daycare facility located at 5524 Sideroad 30, Utopia (formerly known as Backcountry K9 Kennel). Backcountry K9 Kennel has been operated there for 5 years and has held a successful business license for those years.

I am writing to ask you for exemption for the following laws –  
By law #2011-20, Schedule 1

**Section 4.4(a) and (b). Section 4.4(a)** - The By-law requires 100m from the highway.  
The kennel located at 5524 Sideroad 30 is 43m from a highway.

**Section 4.4(b)** - The by-law says you need 150m from any dwelling.  
The kennel located at 5524 Sideroad 30 is 70m from the neighbor and 94m from the neighbor across the road.

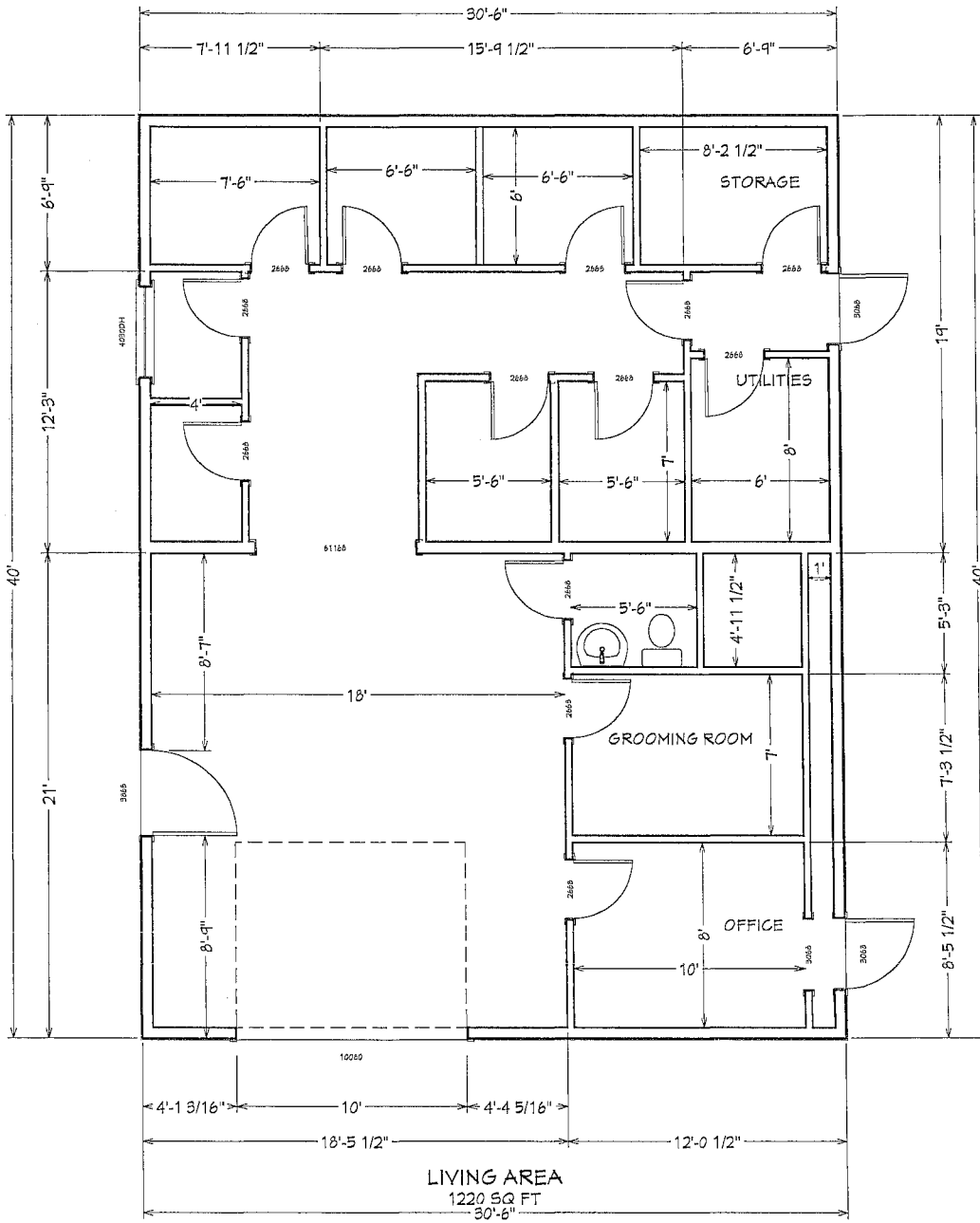
The By-law requires a lot size of 1.5 hectares and 5524 30<sup>th</sup> Sideroad is 4.01 hectares.

Thank you for your time -

Sincerely,  
Natalia Bozic | Wilde K9

69'





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Attachment #4

**Andrea Hutchins**

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**From:** Alana McLennon  
**Sent:** May 24, 2023 9:37 AM  
**To:** Andrea Hutchins; Taylor McDonell  
**Subject:** Re: 5524 30th Sideroad

I am in support of granting the license as well!

*Alana McLennon*  
**Municipal Law Enforcement Officer**  
**Township of Essa**  
**(705)424-9770 ext 122**

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---

**From:** Andrea Hutchins <ahutchins@essatownship.on.ca>  
**Sent:** Wednesday, May 17, 2023 4:24:16 PM  
**To:** Taylor McDonell <tmcdonell@essatownship.on.ca>; Alana McLennon <amclennon@essatownship.on.ca>  
**Subject:** 5524 30th Sideroad

Good afternoon,

Lisa will be bringing a staff report to council with respect to the exemptions requested by Wilde K9 (5524 30<sup>th</sup> Sideroad). Would you please provide your input on whether or not you support Wilde K9 being granted a kennel license in Essa.

Kindest regards,

**Andrea Hutchins**  
Administrative Assistant/Receptionist  
Clerk's Department  
Township of Essa  
Phone: 705-424-9917 ext. 101  
Fax: 705-424-2367  
[www.essatownship.on.ca](http://www.essatownship.on.ca)



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**Lisa Lehr**

---

**From:** Samuel Haniff  
**Sent:** Friday, June 9, 2023 4:30 PM  
**To:** Lisa Lehr  
**Subject:** RE: 5524 30th Sideroad

Hi Lisa,

5524 30<sup>th</sup> Sideroad is zoned Agricultural (A) in Zoning By-law 2003-50. As per Section 6.2 b) of the ZBL, Kennels are a permitted use. 'Kennel' is defined as '...an enclosed building used for the keeping, breeding or boarding, of dogs.'

As such, a dog boarding kennel is a permitted use at 5524 30<sup>th</sup> Sideroad.

Hope this helps.

Sam

**From:** Lisa Lehr <llehr@essatownship.on.ca>  
**Sent:** Friday, June 9, 2023 1:01 PM  
**To:** Samuel Haniff <shaniff@essatownship.on.ca>  
**Subject:** 5524 30th Sideroad

Good Afternoon Sam:

I am in receipt of a business license application to operate a dog boarding / kennel license at 5524 30<sup>th</sup> Sideroad.

The property previously operated as a dog boarding / kennel facility but was sold in 2022 to a new owner.

The new owner of 5524 30<sup>th</sup> Sideroad has rented out the dog boarding facility located on their property to the next door neighbour to operate a dog boarding/kennel business.

Can you kindly confirm that a dog boarding kennel is a permitted use at 5524 30<sup>th</sup> Sideroad.

Thanks in advance for your assistance.

Kindest regards,

**Lisa Lehr, CMO**  
Manager of Legislative Services / Municipal Clerk  
Township of Essa  
Phone: 705-424-9917 ext. 117  
Fax: 705-424-2367  
[www.essatownship.on.ca](http://www.essatownship.on.ca)



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# County of Simcoe - Web Map - 5524 20<sup>th</sup> Sideroad

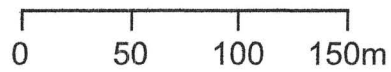
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72

Attachment #10

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1 : 3,479



Jun. 12, 2023



# County of Simcoe - Web Map



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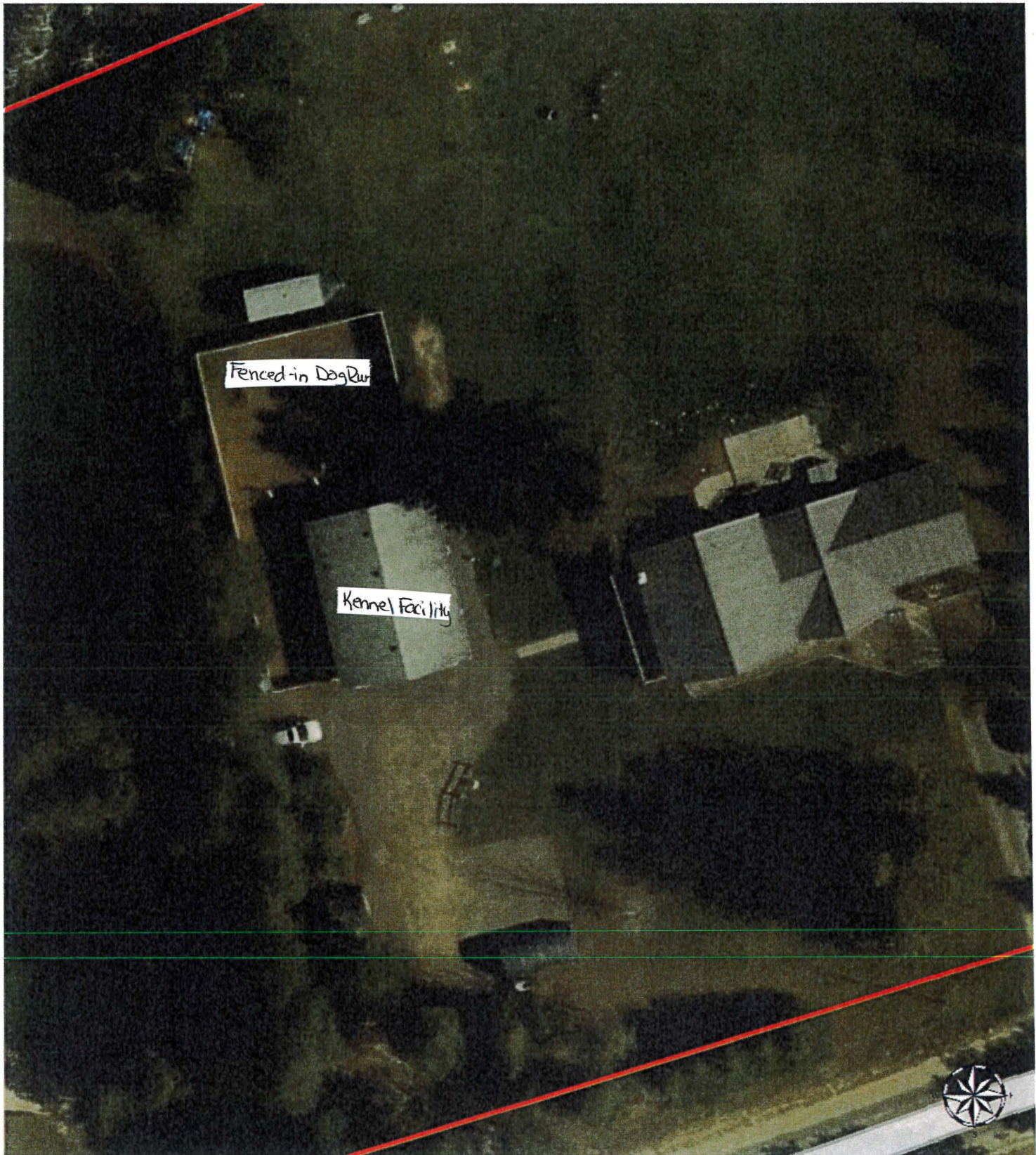


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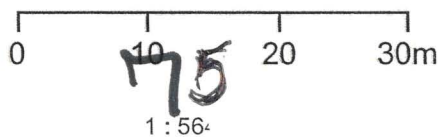


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Attachment # 7  
County of Simcoe - Web Map



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May 25, 2023





TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C014-23

DATE: June 21, 2023

TO: Committee of the Whole

FROM: Lisa Lehr, Manager of Legislative Services

SUBJECT: Integrity Commissioner’s Annual Report

RECOMMENDATION

That Staff Report C014-23 be received; and

That Council accept the Annual Report as submitted by Principles Integrity for the period spanning from May 31, 2022 to June 1, 2023; and

That Council direct staff to place the Annual Report on the Township’s website for public viewing.

BACKGROUND

Effective 2019, subsection 223.3(1) of the *Municipal Act*, 2001, as amended, came into effect requiring municipalities to appoint an Integrity Commissioner who reports to Council and who is responsible for performing, in an independent manner, the functions assigned by legislation and the municipality with respect to:

- Application of the Code of Conduct for members of Council and its local boards
- Application of any procedures, rules and policies of the municipality governing the ethical behaviour of members of Council and its local boards
- Application of sections 5, 5.1, 5.2 and 5.3 of the *Municipal Conflict of Interest Act* to members of Council and its local boards
- Requests from members of Council and local boards for advice respecting their obligations under the Code of Conduct applicable to the member
- Requests from members of Council and its local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or the local board, as the case may be, governing the ethical behaviour of members
- Requests from members of Council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*; and
- The provision of educational information to members of council, local boards, the municipality and the public about the municipality’s Code of Conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

At its meeting of February 21, 2018, Essa Council passed By-law 2018-19 to appoint Principles Integrity as the municipality’s Integrity Commissioner, with the term set to expire on March 31, 2021. Prior to its expiry, Essa Council authorized an extension to the term until December 31, 2023, via passage of Resolution CW014-21.

**COMMENTS AND CONSIDERATIONS**

Under the contract for the provision of services, Principles Integrity is to provide an annual report to Council. As per the terms of Principles Integrity, the purpose of the Annual Report is to:

*“provide the public with an opportunity to understand the ethical well-being of the Township elected and appointed officials through the lens of our activities”*

~ Principles Integrity ~

As such, Principles Integrity has provided a written report for Council that outlines activities undertaken by the Integrity Commissioner for the period spanning from May 31, 2022, to June 1, 2023.

Subsection 223.6(3) of the *Municipal Act*, 2001, as amended, directs that the report received from the Integrity Commissioner must be made available to the public.

**FINANCIAL IMPACT**

The fee for preparation of the Annual Report \$257.50.

  
Manager of Finance Approval

**SUMMARY/OPTIONS**

Council may:


1. Do nothing, thereby receiving the Staff Report only.
2. **Accept the Annual Report as submitted by Principles Integrity for the period spanning from May 31, 2022 to June 1, 2023.**
3. **Direct Staff to place the Annual Report on the Township’s website for public viewing.**
4. Direct Staff with some other action as deemed appropriate by Council.

**CONCLUSION**

Staff recommends that Council approve Option No. 2 and 3.

Respectfully submitted:

Reviewed by:

  
\_\_\_\_\_  
Lisa Lehr  
Manager of Legislative Services

  
\_\_\_\_\_  
Colleen Healey-Dowdall  
Chief Administrative Officer

Attachments:

1. Integrity Commissioner’s Annual Report dated June 2023, as received from Principles Integrity.
2. Council Code of Conduct



June 2023

Integrity Commissioner's Annual Report  
Township of Essa

Principles Integrity is pleased to submit this annual report, covering the period from May 31, 2022, following the date of our last annual report, and June 1, 2023.

The purpose of an Integrity Commissioner's annual report is to provide the public with the opportunity to understand the ethical well-being of the Township elected and appointed officials through the lens of our activities.

About Us:

Principles Integrity is a partnership focused on accountability and governance matters for municipalities as well as other locally-elected and appointed governing bodies. Since its formation, Principles Integrity has been appointed as Integrity Commissioner (and as Lobbyist Registrar and Closed Meeting Investigator for some clients) in over 50 Ontario municipalities and other public bodies. Part of our mission is to advance the Municipal Integrity Commissioner of Ontario (MICO), where we have led development of MICO's response to the Provincial consultations and Ombudsman Office relations.

The Role of Integrity Commissioner, Generally:

An Integrity Commissioner's statutory role is to carry out, in an independent manner, the following functions:

- Advice on ethical policy development
- Education on matters relating to ethical behaviour
- Providing on request, advice and opinions to Council, members of Council and members of Local Boards
- Providing a mechanism to receive inquiries (often referred to as 'complaints') which allege a breach of ethical responsibilities
- Resolving complaints informally, where appropriate, and
- Investigating, reporting and making recommendations to Council on those complaints that cannot be resolved informally, while being guided by Council's codes, policies and protocols.

This might contrast with the popular yet incorrect view that the role of the Integrity Commissioner is primarily to hold elected officials to account; to investigate alleged transgressions and to recommend 'punishment'. The better view is that Integrity Commissioners serve as an independent resource, coach, and guide, focused on enhancing

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## Principles *Integrity*

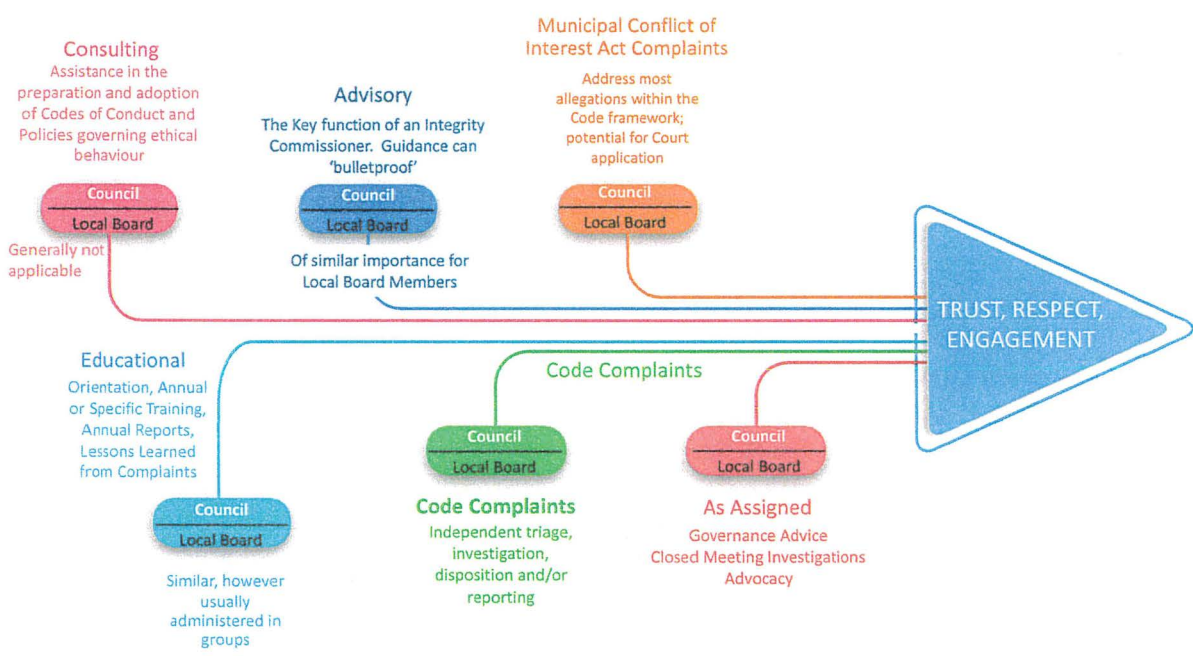
the municipality's ethical culture.

The operating philosophy of Principles *Integrity* recites this perspective. We believe there is one overarching objective for a municipality in appointing an Integrity Commissioner, and that is to raise the public's perception that its elected and appointed officials conduct themselves with integrity:

*The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an Integrity Commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.*

The practical effect of achieving this objective is an increase in trust, respect and engagement in local affairs.

In carrying out our broad functions, the role falls into two principal areas. 'Municipal Act' functions, focused on codes of conduct and other policies relating to ethical behaviour, and 'MCIA' or *Municipal Conflict of Interest Act* functions. From an activity perspective, an Integrity Commissioner's role can be depicted this way:



The emphasis of Principles *Integrity* is to help municipalities enhance their ethical foundations and reputations through the drafting of effective codes of conduct and other policies

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## Principles *Integrity*

governing ethical behaviour, to provide meaningful education related to such policies, and to provide pragmatic binding advice to Members seeking clarification on ethical issues. As noted in the graphic, we believe that the support we give to Members of Council increases the public's perception of them, which in turn leads to greater trust, respect and engagement.

Because the development of policy and the provision of education and advice is not in every case a full solution, the broad role of the Integrity Commissioner includes the function of seeking and facilitating resolutions when allegations of ethical transgressions are made, and, where it is appropriate and in the public interest to do so, conducting and reporting on formal investigations. This in our view is best seen as a residual and not primary role.

### Confidentiality:

Much of the work of an Integrity Commissioner is done under a cloak of confidentiality. While in most cases secrecy is required by statute, the promise of confidentiality also encourages full disclosure by the people who engage with us. We maintain the discretion to release confidential information when it is necessary to do so for the purposes of a public report, but those disclosures would be limited and rare.

### Our Activity for the Township:

During the period covered by this report, we have been engaged in a moderate level of activity as Integrity Commissioner for the Township which subdivides roughly into three categories:

#### 1. Policy Development and Education

Following the municipal elections we attended Council on December 9, 2022 to provide education and training on the ethical obligations of Members of Council under the Code of Conduct and the *Municipal Conflict of Interest Act*.

#### 2. Advice

The advice function of the Integrity Commissioner is available to all Members of Council and where applicable their staff and Members of local boards on matters relating to the code of conduct, the *Municipal Conflict of Interest Act* and any other matter touching upon the ethical conduct of Members. Advice provided by the Integrity Commissioner is confidential and independent, and where all the relevant facts are disclosed, is binding upon the Integrity Commissioner.

Our advice is typically provided in a short Advice Memorandum which confirms all relevant facts and provides with clarity our analysis and a recommended course of action.

During the period covered by this report, we responded to four (4) such requests for advice.

#### 3. Complaint Investigation and Resolution

Our approach to reviewing complaints starts with a determination as to whether an inquiry to us is within our jurisdiction, is beyond a trifling matter, is not either frivolous or

## Principles *Integrity*

vexatious, and importantly, whether in its totality it is in the public interest to pursue. We always look to the possibility of informal resolution in favour of formal investigation and reporting. Once a formal investigation is commenced, the opportunity to seek informal resolution is not abandoned.

Where we are able to resolve a matter without concluding a formal investigation, our practice is to provide a written explanation in the form of a Disposition Letter to the complainant to close the matter. Often the respondent Member is involved in preliminary fact-finding and will also be provided with a summary of the disposition.

Where formal investigations commence, they are conducted under the tenets of procedural fairness and Members are confidentially provided with the name of the Complainant and such information as is necessary to enable them to respond to the allegations raised.

During the period covered by this report we responded to one (1) complaint which was able to be disposed of without an investigation and report to Council.

### Ethical Themes Around the Province:

With due regard to our obligation to maintain confidentiality, this annual report enables us to identify learning opportunities from advice requests and investigations conducted in a variety of municipalities.

#### Avoiding Council Leaks

Maintaining confidentiality around closed session documents and information is cardinal rule for members of Council, and is one that is regularly referenced during orientation and training of newly-elected councillors, and reiterated repeatedly during the term. Regardless of the reason, disclosure of confidential information is a serious breach of the Code.

Respect for confidentiality of closed deliberations allows for vigorous debate. When there is a risk that one Member of Council may not maintain that confidentiality, others will feel constrained and closed debates will be less productive.

As well, staff who are expected to provide legal or other advice in closed session may be hesitant to share information, for fear that it may be inappropriately leaked to the municipality's disadvantage.

Because of its importance to good governance, knowingly breaching one's obligation to maintain confidentiality, if proved, warrants a sanction.

#### Avoiding disparagement, disrespect, harassment

One of the cornerstones to democracy must be the recognition that different opinions and perspectives are to be respected, and disagreement should not devolve into disrespect,



## Principles Integrity

disparagement and name-calling. Members of Council are entitled, and indeed expected to disagree on all manner of issues. However, Members of Council should treat each other, staff and the public with appropriate respect and professionalism at all times.

Disrespectful interactions and/treatment of others can fall along a continuum which may manifest as occasional incivility and micro-aggressions, but when unchecked can culminate in bullying and harassment.

Some newly-elected Members fresh off the campaign trail arrive in office believing their job is to run the municipality, and may overstep their proper role, inadvertently getting into staff's management, administration, or operational functions. Individual Members of Council have no role telling staff what to do or how to do it. Only Council as a whole may give direction to staff, and even then, only to the CAO and the small circle of department heads.

Interrogating or cross-examining staff because a Member wants a *different* answer than staff are able to provide, or to repeatedly hammer one's point, will be experienced as harassment or intimidation even when the Member claims to be merely 'asking the hard questions'. All Members of Council and not only the chair have a role to play in reining in such inappropriate behaviour when it occurs in Council and Committee meetings, and helping restore a safe, respectful and productive environment for all.

### Egregious Acts of Harassment

Of particular note, the topic of what might be done with elected officials who commit egregious acts of harassment and who refuse to acknowledge and correct their bad behaviour has recently been the subject of lobbying efforts, particularly from the group 'The Women of Ontario Say No', which sought to encourage municipal councils to support the enactment of Bill 5, a private member's bill titled *Stopping Harassment and Abuse by Local Leaders Act, 2022*.

The Bill did not pass second reading.

Prior to the group's lobbying campaign, the same concern seems to have been the rationale for the initiation of a provincial consultation with the stated purpose "to ensure that councillors and heads of council maintain a safe and respectful workplace and carry out their duties as elected officials in an ethical and responsible manner by the strengthening of municipal codes of conduct and the role of integrity commissioners".

The genesis for both initiatives would appear to be unsuccessful attempts by the City of Ottawa's Integrity Commissioner to address the behaviour of former City of Ottawa Councillor Rick Chiarelli<sup>1</sup>, and other examples of inappropriate behaviour on the part of elected officials.

<sup>1</sup> Integrity Commissioner Reports concerning the behaviour of former Ottawa Councillor Chiarelli can be found [here](#), [here](#), and [here](#).

## Principles *Integrity*

Regrettably, the approach that was set out in the Bill fell short of providing the tools that would be helpful to parties aggrieved by the bad behaviour of municipal councillors. The Bill purported to do two things: First, to require that municipal elected officials be obliged to abide by their respective municipality's workplace violence and harassment policies, and second, to permit municipalities to direct their Integrity Commissioner to apply to court to vacate a member's seat for failing to comply with those policies.

The first objective can be easily achieved by regulation, without the need for legislation.

In our view, the second objective also misses the mark.

Removal from office after judicial process may well be warranted in some rare egregious circumstances. However, Bill 5, failed to address the changes which should have come about with the thoughtful conclusion of the province's 2021 consultation.

To remove an elected official from municipal office would require court process – with the concomitant delays, expense and uncertainties associated with applications to court.

It was hoped that through the province's consultations it could have been clarified that following conclusion of an Integrity Commissioner's investigation, which can usually be achieved in a matter of 3-4 months as opposed to 1-2 years to get through court, await a judgement, and perhaps an appeal – a process that would offer at best an uncertain outcome – municipal councils could apply an Integrity Commissioner's recommendations to address the very acts complained of, restricting access to staff, for example. With minor legislative adjustments, it can be clarified that a municipal council may restrict one of its members from the privileges enjoyed by all other members, almost immediately, to provide protection to victims and potential victims of a member's egregious behaviour. An application to court for removal can still be on the table, but the legislative amendments should ensure an early decision point so that not all investigations need be structured to provide a court-ready evidentiary record in the event Council directs the Integrity Commissioner to pursue removal as the remedy, or in addition to the specific protective remedies immediately imposable upon adopting the Integrity Commissioner's recommendations.

One example of a possible remedy can be found in the *Education Act* which provides School Boards with the authority to bar or suspend members from board or committee meetings for a period of time. Without legislative amendment, it is unclear whether a municipal council could adopt a similar remedial measure.

In circumstances of the most egregious harassment, it would be quite appropriate for councils to have the authority to suspend or bar attendance from committee or council meetings (not merely suspending pay, but suspending a member's privilege of participation).

### Recognizing and avoiding conflicts of interest

Another area for which Members frequently require clarification is on recognizing and



## Principles Integrity

appropriately identifying conflicts of interest when they arise. These often include when members are part of another organization or club whose interests are impacted by a matter before Council, or when members are active professionally within the community and a matter before Council may potentially impact one of their current or past clients.

Despite its name, the *Municipal Conflict of Interest Act* does not provide a complete conflict of interest code. It addresses the pecuniary interests of Members along with a narrowly defined group of family members and business relations which are by virtue of the Act are attributed as the pecuniary interests of the Council member.

Council members are obligated to avoid all forms of conflicts of interest by appropriately disclosing and otherwise recusing themselves from the discussion.

The Act also requires Members with a disqualifying interest to avoid influencing municipal officials with delegated or operational responsibility for a matter, even when the matter is not before Council for consideration. We have in several cases established conditions for Council Member interaction with the municipality in situations where it would be impossible for the Member to enjoy the rights of being a citizen of the municipality at the same time as they serve on Council.

Despite its name, the *Municipal Conflict of Interest Act* does not provide a complete conflict of interest code. It addresses the pecuniary interests of Members along with a narrowly defined group of family members and business relations which are by virtue of the Act attributed as the pecuniary interests of the Council member. There are other interests, variously described as apparent, perceived or common law interests, that can also disqualify a member. In these instances the test is not just whether there has been strict compliance with the statute. Rather, the determination is based on the application of the *reasonable person* test – ‘what would a reasonable person reasonably aware of all the relevant facts and circumstances conclude about whether the member could properly separate their personal interests from their public duty?’

In this respect we have for example counselled Members to recuse themselves from Council debates which have involved the Member’s sibling (sibling is not listed as a triggering family class under the *Municipal Conflict of Interest Act*), but have also, through the setting of conditions, enabled Members to interact with municipal staff when there exists a technical pecuniary interest that can be managed through the careful avoidance of undue influence.

As always, obtaining clear and reliable advice from the Integrity Commissioner can help avoid costly and time-consuming investigations.

### Conclusion:

We look forward to continuing to work with Members of Council to ensure a strong ethical framework. As always, we welcome Members’ questions and look forward to continuing to serve as your Integrity Commissioner.

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## Principles *Integrity*

It has been a privilege to assist you in your work by providing advice about the Code of Conduct and resolving complaints. We recognize that public service is not easy and the ethical issues that arise can be challenging. The public rightly demands the highest standard from those who serve them, and we congratulate Council for its aspirational objective to strive to meet that standard.

Finally, we wish to thank the Administration for their professionalism and assistance where required. Although an Integrity Commissioner is not part of the administrative hierarchy, the work of our office depends on the facilitation of access to information and policy in order to carry out the mandate. This was done willingly and efficiently by the staff.





THE CORPORATION OF THE TOWNSHIP OF ESSA  
COUNCIL CODE OF CONDUCT

<b>POLICY:</b> Council Code of Conduct	<b>COUNCIL APPROVAL</b>  DATE: 15 DECEMBER 2010 RES. NO: CW 234-2010
<b>POLICY NO:</b> C09-2010	<b>REVISION DATES:</b>  February 6 & February 20, 2019 RES. NOS: CW023-20019, CW024-2019, CW036-2019 September 18, 2019 RES. NO.: CW175-2019

**1. PREAMBLE:**

The Council of the Township of Essa is committed to achieving the highest standards of conduct which is essential to maintaining and ensuring public trust and confidence in the Township's planning, administration and operations. Members of Council of the Township of Essa will act in an accountable and responsible manner with integrity, transparency and fairness in its decision making processes.

**2. PURPOSE:**

The Township of Essa Council Code of Conduct has been developed to:

- Set out clear expectations of the conduct of members of Council;
- Provide information to the public as to the conduct they can expect from Council; and
- Provide guidance to members of Council in the execution of their duties as elected officials.
- Outline a process to be followed for the filing of a complaint in relation to an alleged breach in the Code of Conduct by a member of Council.

**3. APPLICATION:**

The Council Code of Conduct shall apply to all members of Council. It is the responsibility of all members of Council to be aware of and comply with the Code.

**4. POLICY STATEMENT/GUIDELINES:**

**4.1 Rationale and Legislative Authority**

This Code of Conduct operates along with and as a supplement to the existing statutes governing conduct. Five pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- The *Criminal Code of Canada*;
- The *Municipal Conflict of Interest Act*, as amended;
- The *Municipal Elections Act*, 1996, as amended;
- The *Municipal Freedom of Information and Protection of Privacy Act*; and,
- The *Municipal Act*, 2001, as amended.

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## 4.2 Specific Policy

### (a) Roles and Obligations

Council members recognize their mandate includes a duty to:

- Fairly represent the diversity of community views in developing an overall strategy for the future of the Township.
- Set objectives and determine strategies to achieve the goals of the Township Strategic Plan.
- Achieve sound financial management, planning and accountability.
- Be aware of and understand statutory obligations imposed on Council as a whole, as well as each individual member of Council.

### (b) Confidentiality

Authorized under Section 239 of the *Municipal Act, 2001*, where a matter discussed at an in-camera (closed) meeting remains confidential; no member shall disclose the content of that matter, or the substance of the deliberations of an in-camera meeting. Members shall not permit any persons, other than those who are entitled thereto, to have access to confidential information. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required to do so by law.

Particular care should be exercised in ensuring the confidentiality of the following types of information:

- The security of the property of the municipality or local board;
- Personnel matters about an identifiable individual, including municipal employees;
- A proposed or pending acquisition or disposition of land by the municipality or local board;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- Items under negotiation, or personnel matters;
- Information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request For Proposal submissions as specified;
- Information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*;
- Statistical data required by law not to be released (e.g. certain census or assessment data); and,
- Any and all statements that have been provided in confidence.

The list is provided as an example and is not exclusive. Requests for information will be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

**(c) Conflict of Interest / Improper Use of Influence**

Members of Council will recognize their obligation to follow and respect the provisions of the *Municipal Conflict of Interest Act*. The onus is on the member of Council to disclose any possible conflicts of interests and to follow the "CONFLICT OF INTEREST" Procedure, as attached to this Policy as Appendix 1. Members of Council shall provide the Clerk with a completed "Disclosure of Pecuniary Interest Form" as attached to the Procedure set forth, and the municipality shall record the declaration of the conflict in the required registry.

No member shall use the influence of his/her office for any purpose other than for the exercise of his/her official duties. No member shall seek or obtain by reason of his/her office any personal privilege or private advantage with respect to Township services not otherwise available to the general public and not consequent to his/her official duties.

**(d) Council-Staff Relations**

Members of Council shall acknowledge and respect the fact that staff work for the Township as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objective, without due influence from any individual member. Members shall respect the fact that staff carry out direction of Council as a whole and administer the policies of the Township.

In accordance with the "COUNCIL-STAFF RELATIONS" Policy, as passed by By-law No. 2019-10 and attached to this Code as Appendix 2, members of Council shall refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility, and they shall refrain from using their position to improperly influence members of staff in their duties or function or to gain an advantage for themselves or others. It is expected that all members of Council shall comply with all provisions contained in the Council-Staff Relations Policy.

Members of Council shall use the following Administrative Protocols in accordance with section "G" of the Council-Staff Relations Policy as outlined below:

1. *All requests from Council for reports shall be introduced under "Other Business".*
2. *Members of Council are not to direct subordinate staff in a supervisory capacity. Staff are supervised and directed by their Department Manager and/or the Chief Administrative Officer.*
3. *Council members are to filter questions/concerns by email or telephone to the Chief Administrative and/or the Department Manager.*

**(e) Conduct at Meetings**

During Council, Committee of the Whole or any other advisory committee meetings, or working group meetings, members shall conduct themselves with decorum and in accordance with the Township's Procedural By-Law. Respect for delegations and for fellow Council members and staff requires that all members show courtesy and not distract from the business of Council during presentations and when other members have the floor. In addition to this, meetings shall provide a platform for transparent and healthy debate among members.



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(f) **Acceptance of Gifts / Benefits / Hospitality**

Council members shall comply with the *Municipal Conflict of Interest Act* and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts, personal benefits or hospitality received as a matter of protocol or social obligations that normally accompany the responsibility of office.

Gifts, benefits and hospitality are often received by elected officials in the course of their duties, and attendance at public functions is expected and considered part of the role. Business-related entertainment and gift-giving can be a token of respect and admiration for the Member, but can also be seen as an instrument of influence and manipulation.

To ensure and foster a culture of impartiality, no Member shall directly or indirectly solicit any gift, or benefit or accept/receive a fee, advance, cash, gift or personal benefit which may be tied directly or indirectly to their position or the performance of their duties of office unless permitted by the exceptions listed below:

- i. Compensation or benefit authorized by law, Policy or by Council Resolution;
- ii. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- iii. A political contribution otherwise authorized and reported by law, in the case of a member running for office;
- iv. Services provided without compensation by persons volunteering their time to a Member;
- v. A suitable memento of a function honoring the Member;
- vi. Sponsorships and donations for community events or initiatives organized or run by a Member or a third party on behalf of a Member;
- vii. Admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member's role;
- viii. Food, lodging, transportation and entertainment provided by federal, provincial or other local or regional governments or by a foreign event organizer where the Member is either speaking or attending in an official capacity at an official event;
- ix. Food and beverages consumed at banquets, conferences, seminars, training, receptions, or similar events, if:
  - a. Attendance serves a legitimate business purpose;
  - b. The person extending the invitation or a representative of the organization is in attendance; and
  - c. The value is reasonable and the invitation is infrequent;
- x. Business Meals

In the case of any of the recognized exceptions listed above under points ii, v, ix and x, if the value of the gift or hospitality exceeds \$75.00, or the total value of gifts or hospitality from one source exceeds \$150.00 per calendar year, the Member shall file (by March 31 for the previous year) a Disclosure Statement with the municipality (see Appendix 4).

Except in the case of exceptions listed above under i, iii, and viii, no Member shall accept a gift, benefit or hospitality worth in excess of \$200.00, or gifts or hospitality from one source during a calendar year which together are worth in excess of \$300.00.

**(g) Expenses**

Members of Council shall comply with the provisions of the Township's applicable policies relative to per diem payments and expenses governing reimbursement for attendance at conferences, seminars, training courses and workshops.

**(h) Use of Township Property, Services & Other Resources**

Members shall not use any Township property, equipment, services, or supplies other than for purposes connected with the discharge of their official duties or associated community activities having the sanction of Council.

Members shall not obtain financial gain from the use of Township developed intellectual property, computer programs, technological innovation, or other kinds of property, while an elected official or thereafter. All such property remains the exclusive property of the Township.

**(i) Conduct of a Political Nature**

Members shall comply with the Township Policy C08-2010, Use of Corporate Resources during Elections. No member shall use Township facilities, services or property for his or her re-election campaign. Further, no member shall use the services of Township employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Township.

**(j) Discreditable Conduct**

Members shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status or family status and other grounds under the provisions of the Ontario Human Rights Code.

Members shall comply with Township Policy HR08-01, Workplace Harassment and Discrimination Policy. Discrimination or harassment of another member, staff or any member of the public is misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and or personal and harassment.

**(k) Public Input**

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

Council may, from time to time, establish committees to provide advice on specific issues. Such committees shall not be established without the sanction of Council.

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## **(I) Professional Development**

Members of Council have an obligation to promote, support, pursue and partake in opportunities for professional development.

### **4.3 Limitation**

Nothing in this Policy shall preclude a member of Council from performing their job as Mayor, Deputy Mayor, or Councillor, nor inhibit them from representing the interests of the constituents who elected them.

## **5. IMPLEMENTATION**

Council members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

## **6. INTEGRITY COMMISSIONER**

The Township of Essa appointed an Integrity Commissioner in accordance with the mandated requirement set forth in the *Municipal Act, 2001*. The roles and responsibilities of the Integrity Commissioner are outlined in the appropriate By-law / Agreement and are in accordance with those mandated in Part V.1 of the *Municipal Act, 2001*.

### **6.1 Acting on Advice of Integrity Commissioner**

Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter, as long as all relevant facts were disclosed to the Integrity Commissioner, and the member adhered to the advice given by the Integrity Commissioner.

### **6.2 Reprisals and Obstruction**

It is a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.

No member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code of Conduct, or against any person who provides information to the Integrity Commissioner in any investigation.

It is a violation of the Council Code of Conduct to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the Code of Conduct.

## **7. COMPLAINTS**

Council shall be aware that, where an allegation of a perceived breach in the Council Code of Conduct has occurred, the complainant can file a complaint outlining the alleged breach either informally or formally, as the case may be, in accordance with the Complaint Procedure attached hereto as Appendix 3.

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