

**THE CORPORATION OF THE TOWNSHIP OF ESSA
COMMITTEE OF THE WHOLE MEETING
WEDNESDAY, DECEMBER 20, 2023
6:00 p.m.**

AGENDA

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

1. OPENING OF MEETING BY THE MAYOR

The Township of Essa acknowledges that we are situated on land within the area of Treaty 18, also known as the Lake Simcoe-Nottawasaga Treaty, signed on October 17, 1818 between the Government of Upper Canada and the Anishinaabe Indigenous peoples. The Anishinaabe include the Ojibwe, Odawa and Pottawatomi Nations collectively known as the Three Fires Confederacy. 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, Metis and Inuit People.

2. DISCLOSURE OF PECUNIARY INTEREST

3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS

- p. 1 **a. Delegation**
 CONTACT Community Services – Sam Bertuzzi, Housing Specialist

STAFF REPORTS

4. PLANNING AND DEVELOPMENT

- p.7 **a. Staff Report PD034-23 submitted by the Development Planner, re:
 Committee of Adjustment – Activity Report 2023.**

Recommendation: **BE IT RESOLVED THAT** Staff Report PD034-23 be received for information purposes.

- p. 11 **b. Staff Report PD035-23 submitted by the Development Planner, re:
 Committee of Adjustment – Appointment of Member.**

Recommendation: **BE IT RESOLVED THAT** Staff Report PD035-23 be received; and **THAT** Council reappoint Councillor Sander to the Committee of Adjustment for 2024.

- p. 14 **c. Staff Report PD036-23 submitted by the Manager of Planning and the
 Development Planner, re: Planning Department – Year End Report 2023.**

Recommendation: **BE IT RESOLVED THAT** Staff Report PD036-23 be received for information purposes.

- p. 19 d. **Staff Report PD037-23 submitted by the Manager of Planning and the Development Planner, re: Housekeeping By-law 2023.**

Recommendation: **BE IT RESOLVED THAT** Staff Report PD037-23 be received; and **THAT** Council approve an amendment to the Township's Zoning By-law (2003-50) in relation to the following items:

- i) To amend 'Section 3: Definitions' to apply the term "Townhouse" to the current "Rowhouse" definition to make the terms synonymous within our By-law;
- ii) To amend 'Section 3: Definitions' to add the term "Multi-Unit Dwelling". A Multi-Unit Dwelling shall mean a residential building, containing three or more dwelling units but shall not include an apartment dwelling or a converted dwelling;
- iii) To amend 'Section 6.3 – Zone Regulations' to add a footnote to the existing Zone Regulations (Table in Section 6.3) under Section 6 (Agricultural – A Zone);
- iv) To rezone lands municipally known as 5901 Country Road 56 to be rezoned from the 'Agricultural (A) Zone' to the 'Agricultural with Special Provisions (A-1) Zone' on the retained lot following a recent Consent (severance) in order to restrict further residential development;
- v) To amend 'Section 10.4 – Special Provisions' to change the Special Provision numbers in Section 10.4 of Section 10 (Residential, Low Density, Semi-Detached – R2) for special provision R2-11 and R2-12 which were assigned existing Special Provisions numbers as a result of a clerical error. The previously named R2-11 and R2-12 will be changed to R2-12 and R2-14 respectively;
- vi) To amend 'Section 12: Residential, Medium Density Group Homes (R4) Zone' to rename the R4 Zone from 'Residential, Medium Density, Multi-unit (R4) Zone';
- vii) To amend 'Section 14: Permitted Uses for Residential Zones' to include multiple changes; and
- viii) To remove 'Section 4.36.3 – Landscape Buffer Between Ingress and Egress Points'.

- p. 24 e. **Staff Report PD038-23 submitted by the Manager of Planning, re: Electric Vehicle Chargers – Final Construction.**

Recommendation: **BE IT RESOLVED THAT** Staff Report PD038-23 be received for information purposes.

- p. 35 f. **Staff Report PD039-23 submitted by the Policy Planner, re: 190 Mill Street Zoning By-law Amendment (Z13-23).**

Recommendation: **BE IT RESOLVED THAT** Staff Report PD039-23 be received; and **THAT** Council approve an amendment to the Township's Zoning By-law (2003-50) for lands municipally known as 190 Mill Street to be rezoned from "Core Commercial (C2) Zone" to "Core Commercial with Special Provisions (C2-4)".

5. PARKS AND RECREATION / COMMUNITY SERVICES

6. FIRE AND EMERGENCY SERVICES

7. PUBLIC WORKS

8. FINANCE

- p. 45 a. Staff Report TR025-23 submitted by the Manager of Public Works/Deputy CAO and the Manager of Finance/Treasurer, re: Asset Retirement Obligation Policy.

Recommendation: **BE IT RESOLVED THAT** Staff Report TR025-23 be received; and **THAT** Council adopts the Asset Retirement Obligation Policy.

9. CLERKS / BY-LAW ENFORCEMENT / IT

- p. 54 a. Staff Report C025-23 submitted by the Manager of Legislative Services, re: Integrity Commissioner Services.

Recommendation: **BE IT RESOLVED THAT** Staff Report C025-23 be received; and **THAT** Council direct staff to _____.

- p. 79 b. Staff Report C026-23 submitted by the Manager of Legislative Services, re: Proposed Amendments – Parking By-law 2005-96.

Recommendation: **BE IT RESOLVED THAT** Staff Report C026-23 be received; and **THAT** Council authorize Staff to engage with the Ministry of Attorney General to increase the Early Payment and/or Set Fines associated with “Winter Parking Restrictions”; and **THAT** Council consider approving amendments to Essa’s Parking By-law to include provisions specific to:

- The prohibition of vehicles parked on the road system opposite to the flow of traffic;
- Vehicles Parking in EV Charging Station Parking Spaces where they are not charging their vehicle;
- No parking (at any time) on the North Side of River Road from Mill Street to Park Road, with signage to be installed;
- The requirement for vehicles parked in municipal parking lots to move on a regular basis (ie: once every 24 hours); and

THAT the appropriate By-law to amend Essa’s Parking By-law 2005-96 be presented to Council for passage at its regular meeting scheduled on January 17, 2024; and **THAT** Council direct staff to investigate implementation of an Administrative Monetary Penalty System for its Parking By-law, with a report to come forward in 2024.

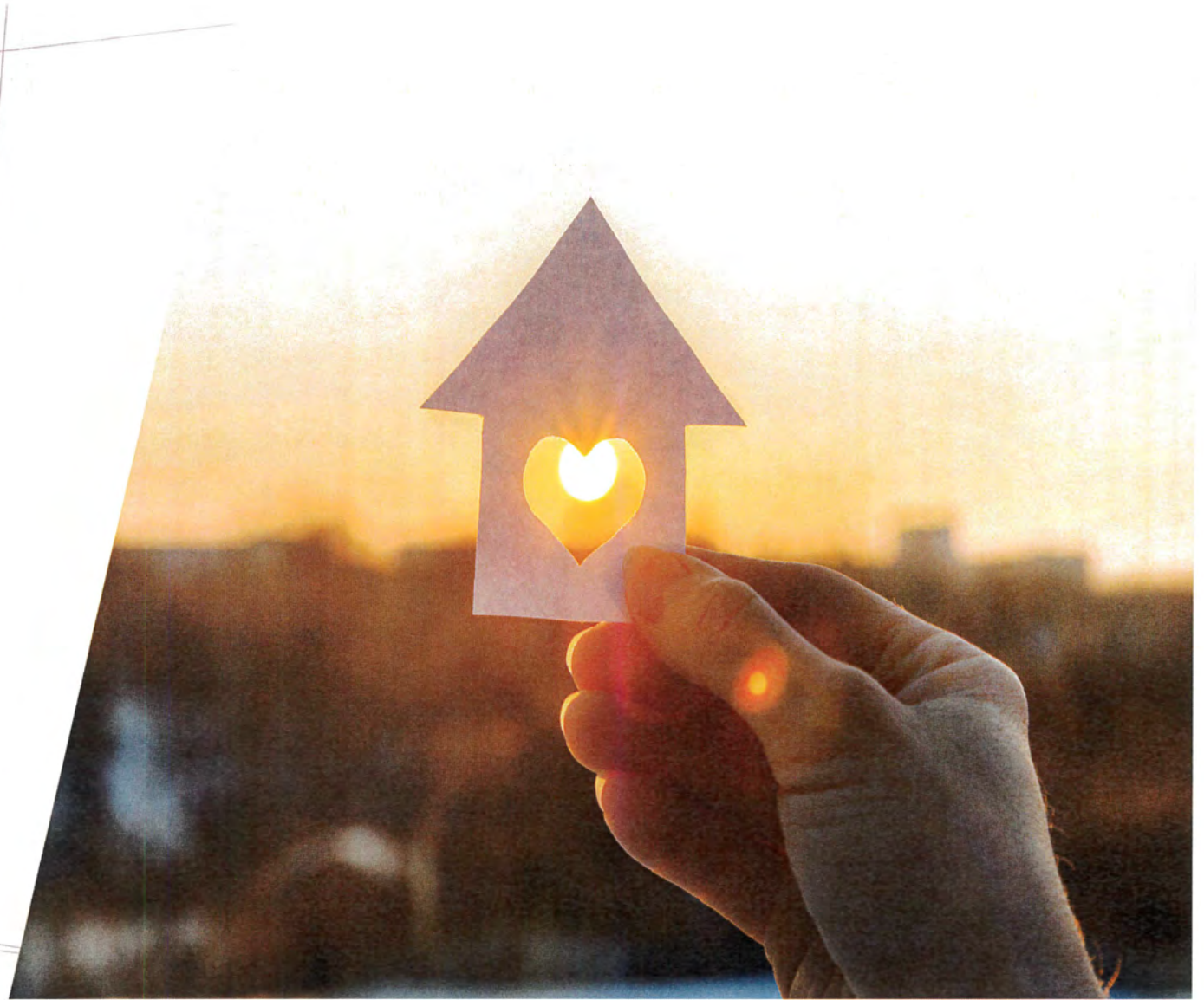
10. CHIEF ADMINISTRATIVE OFFICER (C.A.O.)

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 17th day of January, 2024 at 6:00 p.m.*

REGIONAL HOUSING FIRST PROGRAM



3a



2



HOUSING FIRST

CONTACT and the Regional Housing First Program works with individuals through Case management to help prepare them for housing, and support them in maintaining stable housing

Continued support for both the Landlord and the participant.

HOUSING SPECIALIST

Connect with Landlords, Property managers and other housing providers that would be interested in partnering with us for the Housing First program

Support those that do sign on-
Landlords often feel like the forgotten part of the equation in Case management programs- we work hard to make sure that doesn't happen with consistent support throughout the tenancy





Support Offered Through Housing First

LANDLORD SUPPORT: OUR HOUSING SPECIALISTS ARE HERE TO PROVIDE LANDLORDS WITH ANY AND ALL SUPPORT RELATED TO TENANCY MATTERS (INCLUDING, REGULAR CHECK-INS, LANDLORD-TENANT BOARD SUPPORT, BE THE FIRST POINT OF CONTACT FOR ANY QUESTIONS OR CONCERNS, AND BE THE LIAISON BETWEEN THE LANDLORD AND THE TENANT- WE ARE HERE FOR YOU WHEN YOU NEED US)

CASE MANAGEMENT: OUR HOUSING FIRST CASE MANAGERS CONDUCT REGULAR CHECK-INS WITH THE TENANTS, AND WILL CONTINUE TO SUPPORT THEIR INDIVIDUAL NEEDS. CASE MANAGERS AND HOUSING SPECIALISTS CONNECT REGULARLY TO IDENTIFY ANY POTENTIAL TENANCY RELATED MATTERS IN NEED OF ATTENTION.

SUCCESS STORIES!

South Simcoe has one of the highest housed rate through the Housing First program!

I wanted to share a success story from here in Essa!

Single father lost his home, and had to make the difficult choice of living rough while his son stayed with a family member until he could find suitable housing for them both.

With the help of his case manager, they were able to obtain a subsidy that allowed him to secure housing for both him and his son

We're approaching a year since they found their apartment. They are now settled into the community, and have truly found their home in Essa!



3a

30

THANK YOU

Sam Bertuzzi

Samantha@contactcommunityservices.ca

705-890-6761

www.contactcommunityservices.ca





ESSA STAFF REPORT

4a

STAFF REPORT NO.: PD034-23
DATE: December 20th, 2023
TO: Committee of the Whole
FROM: Owen Curnew,
Development Planner
SUBJECT: Committee of Adjustment – Activity Report 2023

RECOMMENDATION

That Staff Report PD034-23 be received for information purposes.

BACKGROUND

In 2023, Essa Township received thirty-two (32) applications to be put forward to the Committee of Adjustment (the Committee). Eleven (11) of them were Consent (severance) applications, and of them twenty-one (21) were Minor Variance applications. In total, the Committee reviewed and made decisions on twenty-four (24) of those applications. There are currently eight (8) outstanding cases from 2023 that will be put towards meetings in 2024.

CONSIDERATIONS

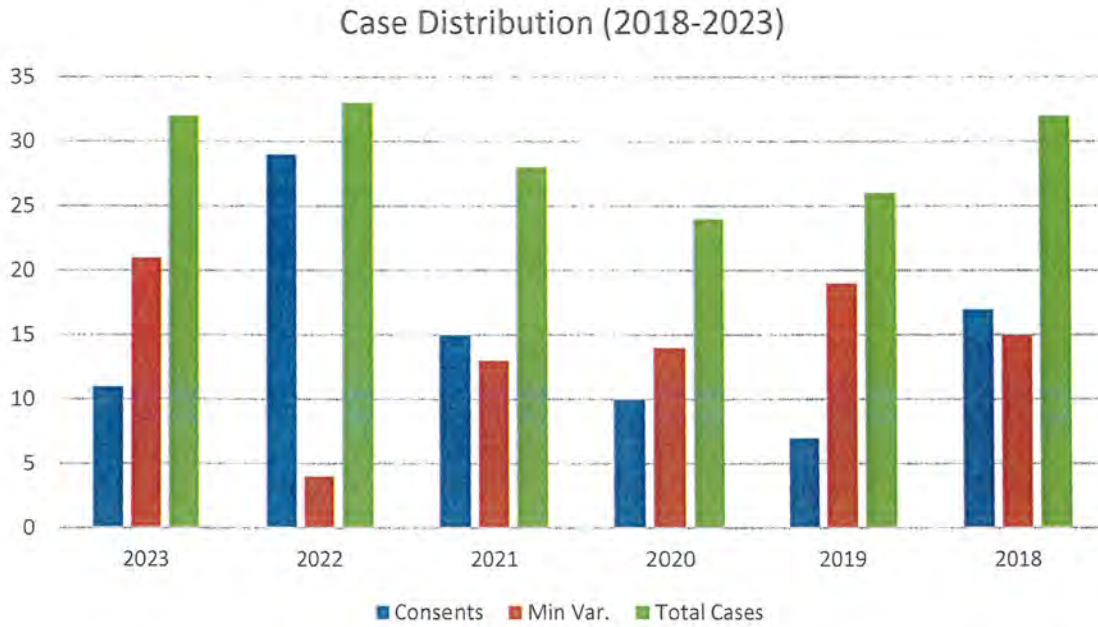
In 2023, the Committee of Adjustment saw a disproportionate number of Minor Variances compared to Consent applications: twenty-one (21) and eleven (11) respectively. When compared to the previous five (5) years, there has been a noticeable decrease in the number of Consents in 2023. Refer to Tables 1 and 2.

Table 1.

YEAR	CONSENT	MINOR VARIANCE	TOTAL CASES
2023	11	21	32
2022	29	4	33
2021	15	13	28
2020	10	14	24
2019	7	19	26
2018	17	15	32

7

Table 2.



There are a couple of key observations to be made by looking at the visual data:

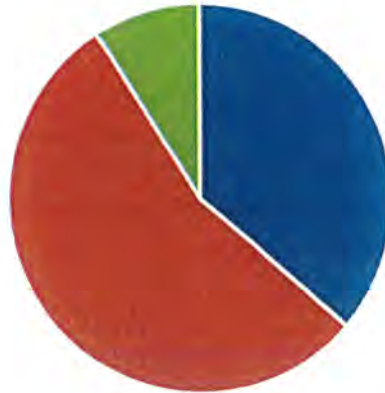
- (1) The total number of Consent applications dropped considerably in 2023 (11 cases) compared to 2022 (29 cases) and was closer to the yearly average (over the past 5 years) of 16 cases per year.
- (2) The total number of Minor Variance applications in 2023 (21 cases) were considerably higher than in 2022 (4 cases) and was closer to the yearly average (over the past five years) of 15 cases per year.

Consents (Severances)

In 2023, eleven (11) Consents applications were submitted to the Township. Of the eleven (11) applications, nine (9) have been granted provisional consent, and two (2) are still in progress or have been deferred.

See Table Below.

Types of Consents



■ New Lot Creation ■ Lot Line Adjustment ■ Validation Certificate

Lot Line Adjustments were the most common types of Consent applications in 2023. Of the eleven (11) total Consents, six (6) were applications for Lot Line Adjustments; four (4) were for the Creation of New Lots; and one (1) was for a Validation Certificate.

Minor Variances

The nature of Minor Variances makes them more unique than consents. As such, they are not as easy to categorize into types or groups. For that reason, there are not enough cases to make any meaningful statements or visual analyses.

FINANCIAL IMPACT

In 2023, applications submitted for the Committee of Adjustment generated approximately thirty-eight thousand, five hundred dollars (\$38,500) in fees from combined Consents and Minor Variances (referenced in the Committee of Adjustment section of the Municipal budget – pg.54-55). Refer to Table 4.

Table 4.

TYPE	FEES	TOTAL FEES CHARGED	REFUNDS
Consents	\$2500	\$22,500	\$0
Minor Variances	\$1000	\$19,000	\$3,000

TOTAL GROSSED	\$41,500
----------------------	----------

9

[Handwritten Signature]

Manager of Finance

4a

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Receive this report for information purposes.

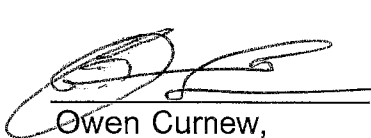
CONCLUSION

Option #2 is recommended.

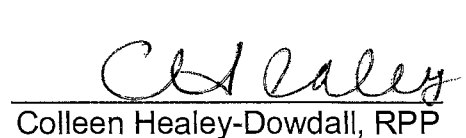
Prepared by:

Respectfully submitted by:

Reviewed by:


Owen Curnew,
Development Planner


Samuel Haniff, BURPl., MCIP, RPP
Manager of Planning


Colleen Healey-Dowdall, RPP
CAO



ESSA STAFF REPORT

STAFF REPORT NO.: PD035-23

DATE: December 20th, 2023

TO: Committee of the Whole

FROM: Owen Curnew,
Development Planner

SUBJECT: Committee of Adjustment – Appointment of Member

RECOMMENDATION

That Staff Report PD035-23 be received, and re-appoint Councillor Sander to the Committee of Adjustment for 2024.

BACKGROUND

On December 7th, 2022, Council appointed five (5) individuals as Members of the Committee of Adjustment (the Committee). The Committee consists of four (4) members of the public and one (1) member of Council. While the Committee was appointed to a four-year term, members of Council appointed to the Committee are limited to a term of one (1) year. A Council Member that is a member of the Committee of Adjustment must reapply annually.

The intent of this report is to request that Council either renew the current member of Council, or to open the position for members of the public to apply.

CONSIDERATIONS

Section 44 (3) of the Planning Act states that *“the members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually.”* (Planning Act, 2023).

Given that the Township’s Committee of Adjustment Terms of Reference (Attachment 1), does not explicitly state the term-limit of a membership with the Committee of Adjustment, staff believe it appropriate to conform to Section 44 (3) of the Planning Act.

FINANCIAL IMPACT

No Financial Impact.



Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Receive this report for information and re-appoint Councillor Sander to the Committee of Adjustment for 2024.
2. Direct staff to advertise publicly for a Committee of Adjustment vacancy.


CONCLUSION

Option #1 is recommended since there is a learning curve associated with the duties and responsibilities of Committee of Adjustment Membership, and the current members, including Councillor Sander, have now become familiar with their roles.

Prepared by:

Respectfully submitted by:

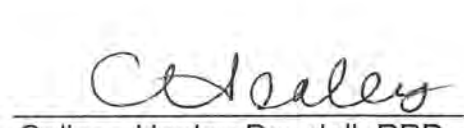
Reviewed by:



Owen Curnew,
Development Planner



Samuel Haniff, RPP, MCIP
Manager of Planning



Colleen Healey-Dowdall, RPP
Chief Administrative Officer

ATTACHMENTS:

1. Terms of Reference for Committee of Adjustment

Attachment 1 – Terms of Reference for Committee of Adjustment

**COMMITTEE OF ADJUSTMENT FOR THE TOWNSHIP OF ESSA
TERMS OF REFERENCE**

Purpose

This Committee, the Committee of Adjustment ("C of A") for the Township of Essa, is appointed by Council for a four year term to consider the merits of applications for consent and minor variance under the Planning Act in conjunction with Provincial, County and Township policy and to render decisions on such applications. As well, this Committee serves as the Township's Property Standards Committee and makes decisions on requests for exceptions to the Township's Fencing By-law.

Enabling Legislation

The Committee is formed under Sections 44 and 54 of the Planning Act by way of a By-law of Council delegating authority to the C of A to make decisions on matters of consent and minor variance. The scope of the C of A includes powers as listed under Sections 45 and 53 of the Planning Act. Also, the C of A is charged to serve as the Property Standards Committee as referenced in the Township's Property Standards By-law and is delegated to make decisions on behalf of Council concerning the Township's Fencing By-law.

The Manager of Planning and Development, Planning Technician or Planning Administrative Assistant may be appointed as the Secretary-Treasurer for the C of A.

Membership and Responsibility

The Committee shall be comprised of four (4) members of the public who reside in Essa Township and who are not employed as real estate agents and one member of Council. Knowledge of land use planning matters and municipal operations is considered an asset. The Committee is responsible to consider applications as made for consents, minor variances, property standards relief or Fencing By-law exceptions and must uphold the policies of the Municipality as outlined in the Township's Official Plan.

Remuneration and Meetings

Members are paid \$85.00 per meeting plus \$40.00 for site visits. Members must be available to meet monthly or on the call of the Chair and have access to a vehicle to conduct site inspections. If, in the event a member misses three consecutive meetings without a valid and acceptable reason as determined by Council, then the individual's appointment to the Committee will be rescinded and Council shall appoint another member for the remaining Council term.

At the first meeting of each term, the Committee shall elect a Chair.



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PD036-23

DATE: December 20th, 2023

TO: Committee of the Whole

FROM: Samuel Haniff, Manager of Planning
Owen Curnew, Development Planner

SUBJECT: Planning Department – Year End Report 2023

RECOMMENDATION

That Staff Report PD036-23 be received for information purposes.

BACKGROUND

In 2023, the Township of Essa has received thirty-six (36) Planning applications. Of those received, sixteen (16) of them were Pre-Consultation applications, thirteen (13) were Zoning By-law Amendment applications, three (3) were Official Plan Amendment applications, three (3) of them were Site Plan Control applications, and one (1) Plan of Condominium/Subdivision.

The Township of Essa was also in receipt of thirty-two (32) applications to go before the Committee of Adjustment. Of the thirty-two (32) cases, eleven (11) were Consent applications and twenty-one (21) were Minor Variance applications.

In addition to Planning letters, Planning Technician services and administrative tasks, the Planning Department also performs Zoning Reviews of Building Permits. At the time of this report, the Planning Department has reviewed and charged a zoning review for one hundred and seventy-nine (179) Building Permits. Nine-thousand, one hundred and fifty dollars (\$9,150) have been collected, and four thousand, three hundred and fifty dollars (\$4,350) is waiting to be collected upon issuance of the permits.

COMMENTS AND CONSIDERATIONS

Planning Applications

In 2023, the Planning Department received thirty-six (36) Planning applications comprised of sixteen (16) Pre-consultation applications, thirteen (13) Zoning By-law Amendment applications, three (3) Official Plan Amendment applications, and three (3) Site Plan Control applications. We saw the highest number of cases received in a year with thirty-

six (36) cases in 2023, compared to the previous five (5) years (2018-2022): the yearly average for total cases over the past five (5) years is twenty-three (23),

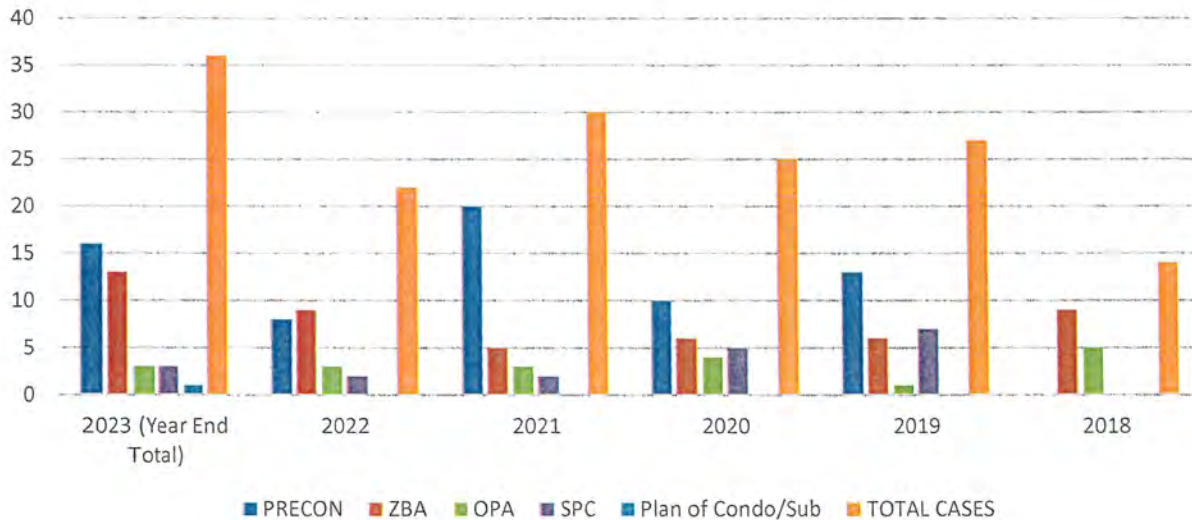
Refer to Tables 1 and 2.

Table 1.

YEAR	PRE-CONSULTATION	ZONING BY-LAW AMENDMENT	OFFICIAL PLAN AMENDMENT	SITE PLAN CONTROL	PLAN OF SUB/CONDO	TOTAL CASES
2023 (Year End Total)	16	13	3	3	1	36
2022	8	9	3	2	N/A	22
2021	20	5	3	2	N/A	30
2020	10	6	4	5	N/A	25
2019	13	6	1	7	N/A	27
2018	N/A	9	5	0	N/A	14

Table 2.

Case Distribution (2018-2023)



Committee of Adjustment Applications

The Committee of Adjustment has seen consistent overall patterns of application submissions in 2023 when compared to previous years.

In 2023, eleven (11) Consent applications were submitted to the Committee of Adjustment. Six (6) were submitted for Lot Line Adjustments, four (4) were submitted for New Lot Creation, and one (1) was submitted for a Validation Certificate. Lot Line Adjustments and New Lot Creations were the most common type of Consent application.

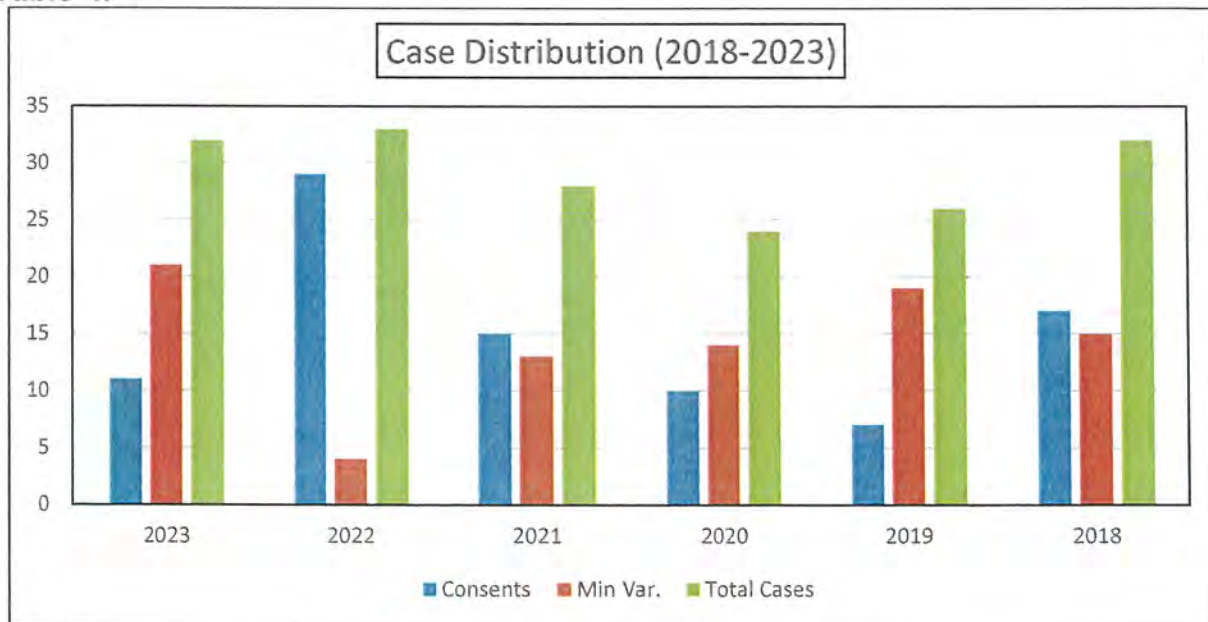
Of the eleven (11) Consent applications, five (5) were in the Agricultural (A) Zone, two (2) were in the Rural (RL) Zone, and one (1) was in the Potential Aggregate Industrial (M2) Zone – all of which were located outside a designated ‘Settlement Area’. There were three (3) applications located inside a ‘Settlement Area’; two (2) applications were in Residential Zones, and one (1) application was in a Commercial Zone.

The nature of Minor Variances makes them more unique than Consents in that they have a much wider range of application types. As such, there is insufficient data to make any meaningful statements or visual analyses. Refer to Tables 3 and 4.

Table 3.

YEAR	CONSENT	MINOR VARIANCE	TOTAL CASES
2023 (Year End Total)	11	21	32
2022	29	4	33
2021	15	13	28
2020	10	14	24
2019	7	19	26
2018	17	15	32

Table 4.



Zoning Review – Building Permits

For 2023, the Building Department received four-hundred (400) building permit applications to date. Of those applications, zoning reviews by the Planning Department were required for one-hundred and seventy-nine (179). To-date, in 2023, the Planning Department has charged for one-hundred and seventy-nine (179) Zoning Reviews.

General Planning Administrative Duties (Miscellaneous)

The Planning Department provided and charged for several services in the first and second quarters of 2023, inclusive of Zoning Compliance Letters, Zoning Classification Letters, Planning Administrative Tasks, and Planning Technician Services. These services in 2023 grossed four thousand and fifty dollars. There is not enough data to make meaningful statements about yearly variations. Refer to Table 5.

Table 5

TYPE	AMOUNT	FEE	TOTAL
Zoning Classification Letter	3	\$50	\$150
Zoning Compliance Letter	22	\$125/100	\$2,950
Subdivision Agreement Compliance Letter	4	\$100	\$400
Telecommunication Concurrence Letter	1	\$1000	\$1000
TOTAL			\$4,500

FINANCIAL IMPACT

In 2023, the Planning Department grossed one-hundred and thirty-two thousand, and seventy dollars (\$132,070) in fees from Planning Applications, Committee of Adjustment Applications, Zoning Reviews, and Miscellaneous Administrative tasks combined. It should be noted that ten thousand, eight hundred dollars (\$10,800) was budgeted under Development Charges Earned for 2023. The Actuals for this line item will only be applied at the end of the year to all relevant Departments by the Finance Department. As such, this item has been excluded from the table below. Refer to Table 6.

Table 6

GL	Revenue Items	2023 Budget	2023 Actuals
4770	Pre-Consultation Application	7500	9750
4780	S/D Agreement Compliances	3000	3200
4781	OP & Zoning By-law Sales	-	720
4782	Site Plan Review	10000	6000
4783	Planning Administrative Fees	25000	34750
4785	Zoning Amendment Application Fees	50000	42000
4786	S/D Agreement-Cash Settlement	2000	2000
4890	Labour Chargeback	-	150
4784	Severance Application Fees (Consents and Minor Variances)	40000	33500
	Total	137500	132070


 Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Receive this report for information purposes.

CONCLUSION

Option #2 is recommended.

Respectfully submitted by:



Owen Curnew,
Development Planner

Reviewed by:



Samuel Haniff, MCIP, RPP
Manager of Planning

Reviewed by:



Colleen Healey-Dowdall, RPP
CAO



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PD037-23

DATE: December 20th, 2023

TO: Committee of the Whole

FROM: Samuel Haniff, Manager of Planning
Owen Curnew, Development Planner

SUBJECT: Housekeeping By-law 2023

RECOMMENDATION

That Staff Report PD037-23 be received; and

That Council approve an amendment to the Township's Zoning By-law (2003-50) in relation to the following items:

- i) To amend 'Section 3: Definitions' to apply the term "Townhouse" to the current "Rowhouse" definition to make the terms synonymous within our By-law;
- ii) To amend 'Section 3: Definitions' to add the term "Multi-Unit Dwelling". A Multi-Unit Dwelling shall mean a residential building, containing three or more dwelling units but shall not include an apartment dwelling or a converted dwelling;
- iii) To amend 'Section 6.3 – Zone Regulations' to add a footnote to the existing Zone Regulations (Table in Section 6.3) under Section 6 (Agricultural – A Zone);
- iv) To rezone lands municipally known as 5901 Country Road 56 to be rezoned from the 'Agricultural (A) Zone' to the 'Agricultural with Special Provisions (A-1) Zone' on the retained lot following a recent Consent (severance) in order to restrict further residential development;
- v) To amend 'Section 10.4 – Special Provisions' to change the Special Provision numbers in Section 10.4 of Section 10 (Residential, Low Density, Semi-Detached – R2) for special provision R2-11 and R2-12 which were assigned existing Special Provisions numbers as a result of a clerical error. The previously named R2-11 and R2-12 will be changed to R2-12 and R2-14 respectively;

4d

- vi) To amend 'Section 12: Residential, Medium Density Group Homes (R4) Zone' to rename the R4 zone from 'Residential, Medium Density, Multi-unit (R4) Zone';
- vii) To amend 'Section 14: Permitted Uses for Residential Zones' to include multiple changes; and
- viii) To remove 'Section 4.36.3 – Landscape Buffer Between Ingress and Egress Points'.

BACKGROUND

Planning Staff has proposed an amendment to Zoning By-law (2003-50) to address several items:

Item #	By-law Section	Description
1	Section 3	"Townhouse" to be added to "Rowhouse" to Definitions
2	Section 3	Multi-Unit Dwelling to be added to Definitions
3	Section 6.3	Residential building height on Agricultural lots to use the R1 Zoning regulations
4	Section 6.4.1	Rezoning of 5901 County Road 56 from A to A-1
5	Section 10.4	96 King Street to change from R2-11 and R2-12 to R2-12 and R2-14 respectively
6	Section 12	R4 Zone to be renamed to "Residential, Medium Density, Multi-Unit"
7	Section 14	Multiple Changes to permitted uses
8	Section 4.36	Removal of Section 4.36.3

A Public Meeting was held on December 6th, 2023, for public consultation. No comments were provided by agencies, departments, or residents.

COMMENTS AND CONSIDERATIONS

Staff believes that the aforementioned items/changes are necessary to improve the interpretation of Zoning By-law (2003-50) and make policy easier to administer as well. Please see the following rationales for each of the eight (8) items:

1. Item 1:

The purpose of item 1 is to amend Section 3: Definitions to apply the term “Townhouse” to the current “Rowhouse” definition to make the terms synonymous within our By-law, these terms are used interchangeably in most municipalities.

2. Item 2:

The purpose of Item 2 is to introduce the term Multi-Unit Dwelling to mean a residential building containing 3 or more dwelling units, the reasoning for this is to provide a more official ‘umbrella-term’ for unofficial terms such as ‘fourplex’, ‘fiveplex’, etc.

3. Item 3:

The purpose of Item 3 is to add a footnote to the existing Zone Regulations (Table in Section 6.3) under Section 6 (Agricultural – A Zone). The amendment is intended to help clearly indicate the height requirements of a Residential Building within the Agricultural (A) zone. The height requirements will now match those of the R1 (Residential, Low Density, Detached Zone) of 10.5m max.

4. Item 4:

The purpose of Item 4 is to amend the zoning for the property known as 5901 County Road 56 from Agricultural (A) to Agricultural with Special Provisions (A-1) to restrict future residential development. This rezoning is being proposed to fulfill a condition of a recent Consent (severance) application. It would affect Section 6.4.1. as well as Schedule “A” of Essa Township’s ZBL (2003-50).

5. Item 5:

The purpose of Item 5 is to change the Special Provision number in Section 10.4 of Section 10 (Residential, Low Density, Semi-Detached – R2) for special provision R2-11 and R2-12 which were assigned existing Special Provisions numbers because of a clerical error. The previously named R2-11 and R2-12 will be changed to R2-12 and R2-14 respectively.

6. Item 6:

The purpose of Item 6 is to rename the R4 zone to accommodate for the proposed change to Section 14. The change to ‘Residential, Medium Density, Multi-unit (R4) Zone’ would reflect this change and change the uses of an R4 zone. The intent is to provide a clear distinction between medium-density and high-density zones.

7. Item 7:

21

The purpose of Item 7 is to change the permitted uses within Residential zones (Section 14). The changes include the following:

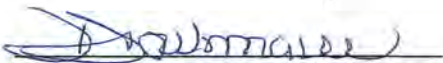
- i. Multi-Unit Dwelling now replaces fourplex and sixplex and includes 'more than 3 dwelling units' as previously mentioned. Multi-unit will be a permitted use in the R3, R4 and R5 zones.
- ii. ARUs are now permitted in the R4 & R5 Zones since the Planning Act permits them in rowhouses.
- iii. Footnotes
 - a) a multi-unit dwelling in R3 shall have a maximum of 3 units
 - b) a multi-unit dwelling or townhouse in R4 shall have a minimum of 4 units
 - c) a multi-unit dwelling or townhouse in R5 shall have a minimum of 5 units (which may trigger an OPA)
 - d) an additional residential unit may be permitted in the R5 zone where a Townhouse/Rowhouse exists.

8. Item 8:

The purpose of Item 7 is to remove Section 4.36.3 completely from ZBL (2003-50), as it is redundancy which is previously mentioned in Section 4.28.7.

FINANCIAL IMPACT

No financial impact.


Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Approve the following:
 - i. To amend 'Section 3: Definitions' to apply the term "Townhouse" to the current "Rowhouse" definition to make the terms synonymous within our By-law;
 - ii. To amend 'Section 3: Definitions' to add the term "Multi-Unit Dwelling". A Multi-Unit Dwelling shall mean a residential building, containing three or more dwelling units but shall not include an apartment dwelling or a converted dwelling;

- iii. To amend 'Section 6.3 – Zone Regulations' to add a footnote to the existing Zone Regulations (Table in Section 6.3) under Section 6 (Agricultural – A Zone);
- iv. To rezone lands municipally known as 5901 Country Road 56 to be rezoned from the 'Agricultural (A) Zone' to the 'Agricultural with Special Provisions (A-1) Zone' on the retained lot following a recent Consent (severance) in order to restrict further residential development;
- v. To amend 'Section 10.4 – Special Provisions' to change the Special Provision numbers in Section 10.4 of Section 10 (Residential, Low Density, Semi-Detached – R2) for special provision R2-11 and R2-12 which were assigned existing Special Provisions numbers as a result of a clerical error. The previously named R2-11 and R2-12 will be changed to R2-12 and R2-14 respectively;
- vi. To amend 'Section 12: Residential, Medium Density Group Homes (R4) Zone' to rename the R4 zone from 'Residential, Medium Density, Multi-unit (R4) Zone';
- vii. To amend 'Section 14: Permitted Uses for Residential Zones' to include multiple changes; and
- viii. To remove 'Section 4.36.3 – Landscape Buffer Between Ingress and Egress Points'.

3. Direct Staff in another manner Council deems appropriate.

CONCLUSION

Option #2 is recommended.

Respectfully submitted by:




 Owen Cumew,
 Development Planner

Reviewed by:



 Samuel Haniff, MCIP, RPP
 Manager of Planning

Reviewed by:



 Colleen Healey-Dowdall, RPP
 CAO



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO: PD038-23

RELATED STAFF REPORT: PD006-23, PD012-23

DATE: December 20th, 2023

TO: Committee of the Whole

FROM: Samuel Haniff,
Manager of Planning

SUBJECT: Electric Vehicle Chargers – Final Construction

RECOMMENDATION

That Staff Report PD038-23 be received for information purposes.

BACKGROUND

Scope

The Aviva and Earth Day Canada (EDC) sponsored Electric Vehicle (EV) Charger Program *Charged for Change* allowed Essa Township to install two (2) Core+ Max Dual Charger Podium units within Essa Township at the Angus Recreation Centre (Angus Arena) (8529 County Road 10) and the Thornton Community Centre (Thornton Arena) (246 Barrie Street).

Objective

The purpose of *Charged for Change* is to increase localized charging opportunities in grantees' communities by increasing the number of electric vehicles charging stations in multi-unit residential buildings, on-street parking, public spaces, and workspaces.

Project Timeline

The Funding Agreement was initially signed on June 13, 2023 between the Township and EDC. The project required a subsequent amendment to the Funding Agreement inclusive of a reduction in the number of charging stations from three (3) to two (2) that was dated August 22, 2023. See below for key dates listed in the Funding Agreement.

“ Eligible Cost Date ”: The funds shall only be used for activities carried out after this date.	April 22 nd , 2023
“ Activity Start Date ”: When activities for the project are scheduled to commence.	June 6 th , 2023
“ Activity End Date ”: The project shall be completed by this date.	On the earlier of: (i) December 23 rd , 2023; or (ii) when Project activities are completed and no later than March 31 st , 2024.

CONSTRUCTION OVERVIEW:

Pridham Electrical Ltd.

The Township’s commissioned Pridham Electrical Ltd., who commenced works for the EV charging station infrastructure on August 9th, 2023, and completed works on August 21st, 2023. The contractor completed the instillation of the charging units on September 5th, 2023. The Electrical Safety Authority (ESA) provided a certificate for the Angus Arena Charging Station on September 5th, 2023, and the ESA provided a certificate for the Thornton Arena Charging Station on September 8th, 2023. Pridham Electrical Ltd. confirmed that the commissioning requirements for activation of the EV charging units were completed on October 26th, 2023 (**Attachment 1**).

Services Flo Inc./Ideal Supply Inc.

The Township purchased two (2) Core+ Max Dual Charger Podium units from Services Flo Inc. The charging units were delivered and received by the Township on August 28th, 2023, by Ideal Supply Inc.

Pavemar Paving

Pavement markings for the Angus Arena and Thornton Arena were completed on September 18th, 2023 by Pavemar Paving.

Cedar Signs Inc.

Cedar Signs Inc. completed Installation of the EV Charger Road Signage for the Angus Arena and Thornton Arena on September 18th, 2023.

Avani Consulting Ltd.

Avani Consulting Ltd. completed the graphic wrapping of the logos on the EV Chargers on October 20th, 2023. Due to a temperature change, the logo installation was done on a temporary basis. AVIVA/EDC confirmed that they were still in the process of finalizing logos. Any further work (beyond the ‘Activity End Date’ of December 23, 2023) charged in relation to finalizing the logo will be charged back to EDC under the Funding Agreement.

H.F. Smith Lumber Inc.

Bollards were installed in October 2023. The exact date is undetermined, but it was before the EV Charger launch event on October 21st, 2023.

Party Tyme Treats and Amusements Inc.

On October 21, 2023, the Township/AVIVA/EDC held a launch event for the Angus EV chargers in which there was a ribbon cutting ceremony, a bouncy slide and a Plug'n Drive EV information booth with demonstration cars on-hand. Party Tyme Treats and Amusements Inc. provided the inflatable slide for the EV Charger launch event on October 21st, 2023.

Services Flo Inc.

On October 31, 2023, Services Flo Inc. submitted commissioning correspondence to the Township to confirm that the EV chargers at the Thornton Arena and Angus Arena are in service (**Attachment 2**).

Table 1: Construction Timeline

Item	Contractor/Consultant	Date Completed
EV Charging Station base infrastructure	Pridham Electrical Ltd.	August 21 st , 2023
EV Chargers	Services Flo Inc.	August 28 th , 2023
EV Chargers (shipping)	Ideal Supply Inc.	August 28 th , 2023
Electrical Installation	Pridham Electrical Ltd.	September 8 th , 2023
Pavement Markings	Pavemar Paving	September 18 th , 2023
Road Signs for EV Chargers	Cedar Signs Inc.	September 19 th , 2023
Logo Installation	Avani Consulting Ltd.	October 20 th , 2023
Bollards Installation	H.F. Smith Lumber Inc.	October, 2023
Inflatable Slide for Launch Event	Party Tyme Treats and Amusements Inc.	October 21 st , 2023
EV Chargers Commissioned	Services Flo Inc.	October 31 st , 2023

CHALLENGES

After initial quotes were compiled for EV charging stations for the originally proposed three (3) sites, the Township found that it would be significantly overbudget trying to secure the proposed works for each site. Subsequent amendment discussions to the Funding Agreement (including a reduction in number of charging stations to two) delayed the project slightly.

The coordination of graphic wrapping the EV charging units was the biggest challenge for the project. The final logo designs are still in discussions at AVIVA/EDC. The contractor for the graphic wrapping had difficulty scaling the digital files, and coordination of the dates the graphic wrapping would take place became a struggle for a variety of reasons (mainly weather related). Ultimately, the graphic wrapping was carried out on a temporary basis. It is expected that the Consultant would be asked to complete a permanent logo once the design has been finalized. This work will be applied to the project budget at that time.

The EV charger launch event was also a minor challenge due to competing events, availability of staff and facilities, generating interest, and inclement weather.

Overall, the challenges were minor and didn't affect timelines significantly. The project was able to conclude almost two months ahead of schedule.

A soft launch for the Thornton EV chargers is scheduled for December 16, 2023.

FINANCIAL IMPACT

The budget allocated for the project was \$78,393.33 (Table 2). The total project cost (not including permanent graphic wrapping) was \$61,457.42. The remaining available funding is \$16,935.81. See Table 2 – Budget Summary.

Table 2 – Budget Summary

Corporation of the Township of Essa				
Electric Vehicle Chargers				
Item	Contractor/Consultant	Cost (tax NOT incl. in quotes)	Allocated Budget	Remaining Funds
EV Chargers	Services Flo Inc./Ideal Supply	\$ 24,875.32		
EV Chargers (shipping)	Ideal Supply	\$ 370.58		
Electrical Installation	Pridham Electrical Ltd.	\$ 23,945.00		
Logo Installation	Avani Consulting Ltd.	\$ 322.05		
Bollards Installation	H.F. Smith Lumber Inc.	\$ 168.74		
Inflatable Slide for Launch Event	Party Tyme Treats	\$ 1,017.96		
Pavement Markings	Pavemar Paving	\$ 3,500.00		
Road Signs for EV Chargers	Cedar Signs	\$ 187.54		
Tax (13%)		\$ 7,070.33		
		\$ 61,457.52	\$ 78,393.33	\$ 16,935.81

SUMMARY/OPTIONS

Council may:

1. Receive Staff Report PD038-23 for information purposes.
2. Direct Staff in another manner Council deems appropriate.

CONCLUSION

Option #1 is recommended.

Respectfully submitted by:

Reviewed by:



Samuel Haniff, MCIP, RPP
Manager of Planning

Colleen Healey-Dowdall, RPP Chief
Administrative Officer

4e

Attachment 1 -- ESA Certificate of Inspection -- Angus and Thornton



www.esasafe.com

400 Sheldon Dr, Unit 1, Cambridge, ON, N1T 2H9
 Toll Free Tel: 1-877-372-7233 Toll Free Fax: 1-800-667-4278
 esa.cambridge@electricalsafety.on.ca

Certificate of Acceptance

PRIDHAM ELECTRICAL INC

8889 5TH LINE
 ANGUS ON
 L0M 1B4

Telephone: (705)424-8889
 Fax:
 Email:

Notice Date:	September 01, 2023
Notification Number:	18041716
Print Date:	September 01, 2023
Customer ID:	554
Licence Number:	7000627

RE

ANGUS REC CENTRE - EV CHARGER
 8529 COUNTY RD 10
 ESSA ON L0M 1B1

We hereby certify that the electrical installation at the aforementioned address, and as described herein, is accepted in accordance with the requirements of the Ontario Electrical Safety Code.

Work Item	Description	Quantity
1	EV CHARGING SYSTEM EV Outlets / EV Chargers 1.000	1
2	LV MISCELLANEOUS EQUIPMENT - 75.00 KVA Transformers 1.000, 75.00 KVA	1
3	TRENCH INSPECTION Secondary Same Time 1.000	1
4	LV DISTRIBUTION EQUIPMENT - 225 AMPS Disconnects 3.000, 100 AMPS Splitters 1.000, 225 AMPS	4

The Electrical Safety Authority (ESA) operates as a delegated authority on behalf of the provincial government in accordance with Part VIII, section 113 of the Electricity Act, 1998, S.O. 1998, c.15, Sched. A.(the Act), and the Safety and Consumer Statutes Administration Act, 1996, S.O. 1996, c.19. ESA's mandate is to administer the Act and corresponding Regulations on behalf of the Province of Ontario.

ESA is a not-for-profit corporation under the direction and control of a Board of Directors and is accountable to the Ministry of Government and Consumer Services in accordance with an Administrative Agreement.

Certificate of Acceptance

PRIDHAM ELECTRICAL INC

8889 5TH LINE
 ANGUS ON
 L0M 1B4

Telephone: (705)424-8889
 Fax:
 Email:

Notice Date:	September 08, 2023
Notification Number:	18043282
Print Date:	September 08, 2023
Customer ID:	554
Licence Number:	7000627

RE

THORNTON REC. CENTRE - EV CHARGER
 246 BARRIE ST
 ESSA ON L0L 2N0

We hereby certify that the electrical installation at the aforementioned address, and as described herein, is accepted in accordance with the requirements of the Ontario Electrical Safety Code.

Work Item	Description	Quantity
1	LV DISTRIBUTION EQUIPMENT - 225 AMPS Disconnects 3.000, 100 AMPS Splitters 1.000, 225 AMPS	4
2	LV MISCELLANEOUS EQUIPMENT - 75.00 KVA Transformers 1.000, 75.00 KVA	1
3	TRENCH INSPECTION Secondary Same Time 1.000	1
4	EV CHARGING SYSTEM EV Outlets / EV Chargers 1.000	1

The Electrical Safety Authority (ESA) operates as a delegated authority on behalf of the provincial government in accordance with Part VIII, section 113 of the Electricity Act, 1998, S.O. 1998, c.15, Sched. A.(the Act), and the Safety and Consumer Statutes Administration Act, 1996, S.O. 1996, c.19. ESA's mandate is to administer the Act and corresponding Regulations on behalf of the Province of Ontario.

ESA is a not-for-profit corporation under the direction and control of a Board of Directors and is accountable to the Ministry of Government and Consumer Services in accordance with an Administrative Agreement.


4e

Attachment 2 – Confirmation of Commissioning – Angus and Thornton

4e

Samuel Haniff

From: Client Intégration (FLO) <client.integration@flo.com>
Sent: October 31, 2023 4:04 PM
To: Samuel Haniff
Subject: Commissioning confirmation - Angus Arena FLO EV charging site
Attachments: FLO_UserGuide_OwnersWebPortal_EN.pdf; Formstack Angus Arena.pdf

 You don't often get email from client.integration@flo.com. [Learn why this is important](#)

Hello Samuel Haniff,

I hereby confirm your charging stations are in service. They are now ready to be used.

The parameters that were used to configure the charging station are shown in the attached document.

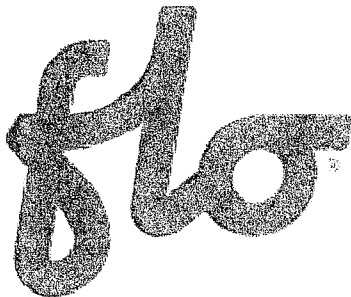
Owner Web Portal

By purchasing FLO chargers, you have access to the Owner Web Portal that allows you to download usage reports and monitor the status of your charging stations.
An email with your credentials to the portal will be sent to the following email address shortly: shaniff@essatownship.on.ca

You will find some information on the Owner Web Portal in the attached document, and you can watch a presentation of the portal on YouTube by following this link:
<https://youtu.be/-h-LM91kHnY>

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

Regards,



Simon Labrecque

*Spécialiste Intégration Client –
Onboarding Specialist*

2800, rue Louis Lumière, Suite 100, Québec, G1P 0A4
C 855-543-8356 E Client.integration@flo.com W flo.com



This email is sent to you by FLO. We may hold personal information about you. Please read our privacy policy at [Privacy Policy | FLO](#) to learn about your privacy rights and how we handle personal information. This email and any files transmitted with it are confidential and intended solely for the individual or entity to whom they are addressed. If you are not the named addressee or an employee or agent responsible for delivering this message to the named addressee, you are hereby notified that you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this email in error, please notify us by reply e-mail and delete all copies of the message immediately.

4e

Samuel Haniff

From: Client Intégration (FLO) <client.integration@flo.com>
Sent: October 31, 2023 4:04 PM
To: Samuel Haniff
Subject: Commissioning confirmation - Thornton Arena FLO EV charging site
Attachments: FLO_UserGuide_OwnersWebPortal_EN.pdf; Formstack Thornton Arena.pdf

You don't often get email from client.integration@flo.com. [Learn why this is important](#)

Hello Samuel Haniff,

I hereby confirm your charging stations are in service. They are now ready to be used.

The parameters that were used to configure the charging station are shown in the attached document.

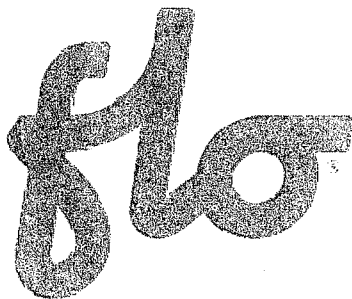
Owner Web Portal

By purchasing FLO chargers, you have access to the Owner Web Portal that allows you to download usage reports and monitor the status of your charging stations.
An email with your credentials to the portal will be sent to the following email address shortly: shaniff@essatowship.on.ca

You will find some information on the Owner Web Portal in the attached document, and you can watch a presentation of the portal on YouTube by following this link:
<https://youtu.be/-h-LM91kHnY>

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

Regards,



Simon Labrecque

*Spécialiste Intégration Client –
Onboarding Specialist*

2800, rue Louis Lumière, Suite 100, Québec, G1P 0A4
C 855-543-8356 · E Client.integration@flo.com · W flo.com



This email is sent to you by FLO. We may hold personal information about you. Please read our privacy policy at [Privacy Policy | FLO](#) to learn about your privacy rights and how we handle personal information. This email and any files transmitted with it are confidential and intended solely for the individual or entity to whom they are addressed. If you are not the named addressee or an employee or agent responsible for delivering this message to the named addressee, you are hereby notified that you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this email in error, please notify us by reply e-mail and delete all copies of the message immediately.

34



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PD039-23

DATE: December 20th, 2023

TO: Committee of the Whole

FROM: Oliver Ward
Policy Planner

SUBJECT: 190 Mill Street - Zoning By-law Amendment (Z13-23)

RECOMMENDATION

That Staff Report PD039-23 be received; and

That Council approve an amendment to the Township’s Zoning By-law (2003-50) for lands municipally known as 190 Mill Street to be rezoned from “Core Commercial (C2) Zone” to “Core Commercial with Special Provisions (C2-4)”.

BACKGROUND

On behalf of Bruce North, Joshua Morgan of Morgan Planning & Development has applied for a Zoning By-law Amendment on the subject property legally described as LT 31 PL 1330 ESSA TWP; PT LT 33 PL 1330 ESSA TWP PT 2 51R19535 SUBJECT TO AN EASEMENT OVER PT LT 33 PL 1330 PT 1 51R37486 IN FAVOUR OF PT LT 33 PL 1330 PT 1 51R19535 AS IN SC855238 TOWNSHIP OF ESSA, municipally known as 190 Mill Street (Attachment A – Context Map) in order to change the zoning of the subject property from the “Core Commercial (C2) Zone” in Zoning By-law 2003-50, to Core Commercial (C2) Zone” with site-specific provisions (C2-site specific).

The Zoning By-law Amendment application comprises a change in use of the existing 10-unit motel to a 10-unit apartment building, which would retain the same “Commercial” designation and C2 Zone to be consistent with the original development plans for Angus (Attachment B – Site Plan).

The application would enable the Applicant to amend the Zoning By-law to create the following new site-specific regulations:

- Allow ten (10) ground floor apartment units within the existing building as a permitted use.

- Allow a reduced Minimum Gross Floor Area from 40.0 m² to 23.0 m² (existing only).
- Allow a reduced Minimum Interior Side Yard Setback (south) from 1.2 metres to 1.1 metres (existing only).
- Allow a reduced entrance width from 9.0 metres (as per section 4.28.7) to 7.0 metres (existing only).
- Allow a reduced Landscape Buffer Strip from 1.5 metres (as per section 4.36.2.1) to 1.1 metres to the southern boundary (existing only).

All other provisions of Zoning By-law 2003-50, as amended, shall apply.

COMMENTS AND CONSIDERATIONS

The Planning Act

Planning Authorities within the Province of Ontario, in carrying out their responsibilities, shall have regard to matters of provincial interest. Staff believe that this application for a proposed conversion and associated Zoning By-law Amendment are consistent with matters of Provincial interests, as described in Section 2 of PART I of the Planning Act R.S.O. 1990, CHAPTER P.13.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters related to land use planning and sets the policy foundation of regulating the development and use of all land in the province. The most directly applicable policy areas related to the proposed development are Section 1.1.3 (Settlement Areas); Section 1.4 (Housing); Section 1.5 (Public Spaces, Parks and Open Space); and Section 1.6.6 (Sewage, Water and Stormwater). These include policies which direct efficient use of density, mixed uses, and infrastructure, in addition to policies which encourage appropriate intensification and affordable housing. Staff believe this application to be appropriate and in conformity with the policies of the PPS.

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan implements the vision of the Province for building stronger, prosperous communities by better managing growth. Section 2.2.1 of the Growth Plan describes policies on planning and managing growth in the Greater Golden Horseshoe. These policies direct growth to built up areas and settlement areas, preserves employment lands for future economic growth, ensure water and sanitary services are adequate and available for future growth, and conserve natural systems and prime agricultural areas, among other policies. This proposal, in the opinion of Staff, adheres to the primary goal of the Growth Plan and its policies by providing housing in conformity with the Township By-laws and within an existing structure.

County of Simcoe Official Plan

The subject lands are designated “Settlements” within the County of Simcoe Official Plan Schedule 5.1 *Land Use Designations*. The Settlement designation is intended to focus population and employment growth and development within concentrated, serviceable areas. The County Official Plan’s policies for settlements direct appropriate density and intensification within settlements, and describe an intensification target of 20% annually for all settlement areas within the Township of Essa. As such, this proposal would help reach this target without causing significant further strain on municipal servicing.

Township of Essa Official Plan

The subject lands are in the ‘Settlement Area’ of Angus in both the Township of Essa’s and the County of Simcoe’s Official Plans (OP). Land Use Schedule “B” in the Township of Essa’s Official Plan designates the subject lands as “Commercial”. It is the intent of this application that the land designation remain Commercial to help maintain the future use of the land as intended within Township policies. The proposal seeks to add ground-floor residential use, so both commercial and multi-residential policies of the Official Plan must be considered in relation to this application.

Section 14.2 of the Township Official Plan outlines the permitted uses within the ‘Commercial’ designation. Residential uses are not specifically prohibited within this designation. An Official Plan Amendment was deemed not necessary for this proposal, given that the building and its residential use has existed for a number of years, and the intent of the enclosed application is to allow for the building to remain this way while still maintaining the Commercial designation.

Section 8.3.2 of the Township Official Plan outlines how new multiple residential development shall be proportionate to the site with respect to proposed uses and necessary supporting infrastructure such as parking. The policies also outline the need for adequate road access and servicing. The details of this proposal conform to the policies of this section of the Official Plan.

Township of Essa Zoning By-law (2003-50)

Schedule “B” of the Township of Essa’s Zoning By-law, 2003-50, identifies the subject lands “Core Commercial (C2) Zone”.

The Zoning By-law Amendment (ZBA) application proposes to rezone the subject property to a site-specific ‘Core Commercial Exception (C2-XX)’ Zone to allow for the conversion of a 10-unit motel to a 10-unit apartment building. Further detail of the proposed ZBA application is provided below in Section 6.1 of this report.

The proposed Zoning By-law Amendment (ZBA) is to allow for the construction of a proposed 10-unit apartment building under site-specific regulations. The proposal has provided twenty (20) parking spaces, which satisfies the Township parking standards for the most restrictive residential zoning of two (2) external spaces per unit. The Commercial zoning (C4) maintains consistency with the neighbouring properties along Mill Street while still providing housing units in the Township.

The proposed By-law Amendment proposes that the ground-floor apartments will be permitted in this development only. As such, any future developments will revert back to standard C2 zoning. See excerpt below:

“Ten (10) ground floor apartment dwelling units with a minimum floor area of 23m², applicable to the existing development only.”

An easement exists between the subject property and 192 Mill Street, to the north, which provides the egress via 190 Mill Street's entrance to Mill Street. Both properties are presently owned by the applicant of this proposal.

The proposal is not expected to adversely affect the residential properties bordering the rear of the subject property. A privacy fence permit was applied for by and granted to the applicant in November 2023. In December 2023, a privacy fence was constructed along the eastern boundary and a portion of the southern boundary abutting the properties 7 Tree Top Street, 11 Tree Top Street and 15 Tree top Street. A site inspection was carried out on December 12, 2023 by a Township Building Inspector and the fence was found to be satisfactory (Attachment C - Photos of Privacy Fence from Site Inspection of December 12, 2023).

The following supporting documents and studies were received by the Township in June 2023 in support of the Zoning By-law Amendment. The application was updated in July 2023, deemed complete and circulated to staff and agencies through a formal first submission as follows:

1. Conceptual Site Plan;
2. Planning Justification Report;
3. Functional Servicing Letter;
4. Floor plans; and
5. Draft Zoning By-law & Schedule.

On August 18, 2023, all comments received by Township Departments and external stakeholders were compiled and submitted to the applicant. No comments of concern were received. On that date, a Notice of Public Meeting was submitted to the public and stakeholders. Three (3) neighbours commented requesting that the owners of 190 Mill Street erect a wooden privacy fence along the boundary of their properties. The neighbours' requests for a wooden privacy fence have since been addressed (as previously mentioned).

On October 18, 2023, the Public Meeting was held and neighbours expressed concerns regarding privacy fencing, depositing of garbage, and concerns of residents using their property for access to the building on 190 Mill Street. No further comments were brought forward. A revised Site Plan, Planning Justification Report, and draft by-law were provided in addition to a copy of the reference plan easement on the lot.

Based on all comments and considerations, Staff believes that the proposed Zoning By-law Amendment makes for good planning and recommends the approval of Z13-23 – 190 Mill Street.

FINANCIAL IMPACT

On June 19th, 2023, Staff collected \$5,000 for a Zoning By-law Amendment application fee in addition to \$2,000 for an Engineering/Legal Deposit.



Manager of Finance

SUMMARY/OPTIONS

Council May:

1. Take no further action (deny the application with reason).
2. Receive Staff Report PD039-23 be and approve an amendment to the Township's Zoning By-law (2003-50) for lands municipally known as 190 Mill Street to be rezoned from "Core Commercial (C2) Zone" to "Core Commercial with Special Provisions (C2-4)".
3. Direct Staff in another manner Council deems appropriate, such as to approve the ZBA but with different zoning standards than suggested.

CONCLUSION:


Based on all comments and considerations, Staff believes that the proposed Zoning By-law Amendment makes for good planning and recommends the approval of Z13-23 – 190 Mill Street.

Prepared by:



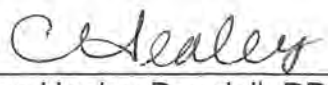
Oliver Ward
Policy Planner

Respectfully submitted by:



Samuel Haniff, MCIP, RPP
Manager of Planning

Reviewed by:



Colleen Healey-Dowdall, RPP
Chief Administrative Officer

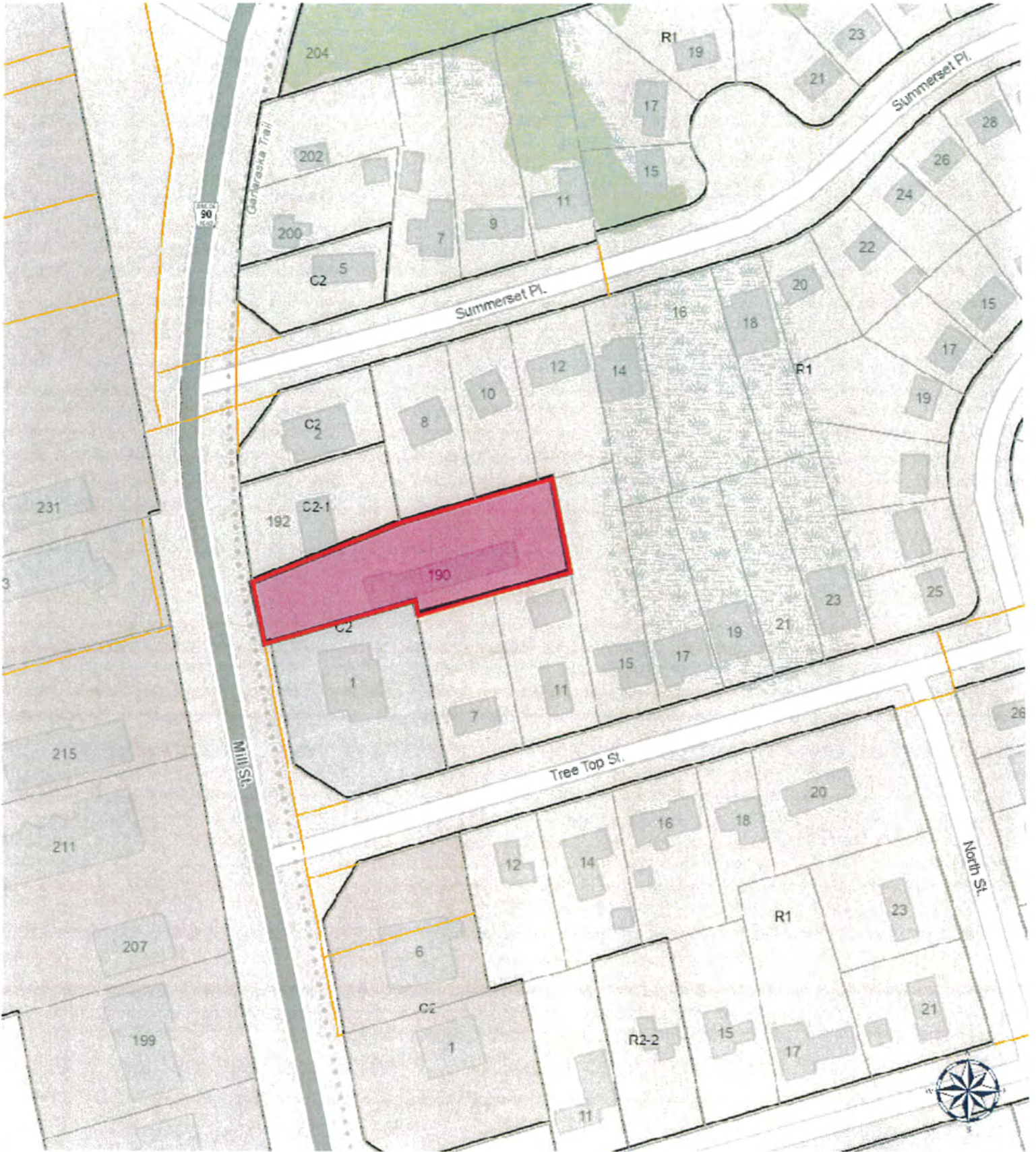
40

Attachment B: Site Plan – 190 Mill Street

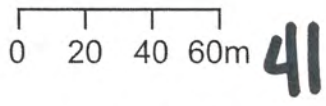
Attachment C: Photos of Privacy Fence from Site Inspection – 190 Mill Street

40

190 Mill Street ZBA



This map, either in whole or in part, may not be reproduced without the written authority from © The Corporation of the County of Simcoe. This map is intended for personal use, has been produced using data from a variety of sources and may not be current or accurate. Produced (in part) under license from: © His Majesty the King in Right of Canada, Department of Natural Resources; © King's Printer, Ontario Ministry of Natural Resources; © Teranet

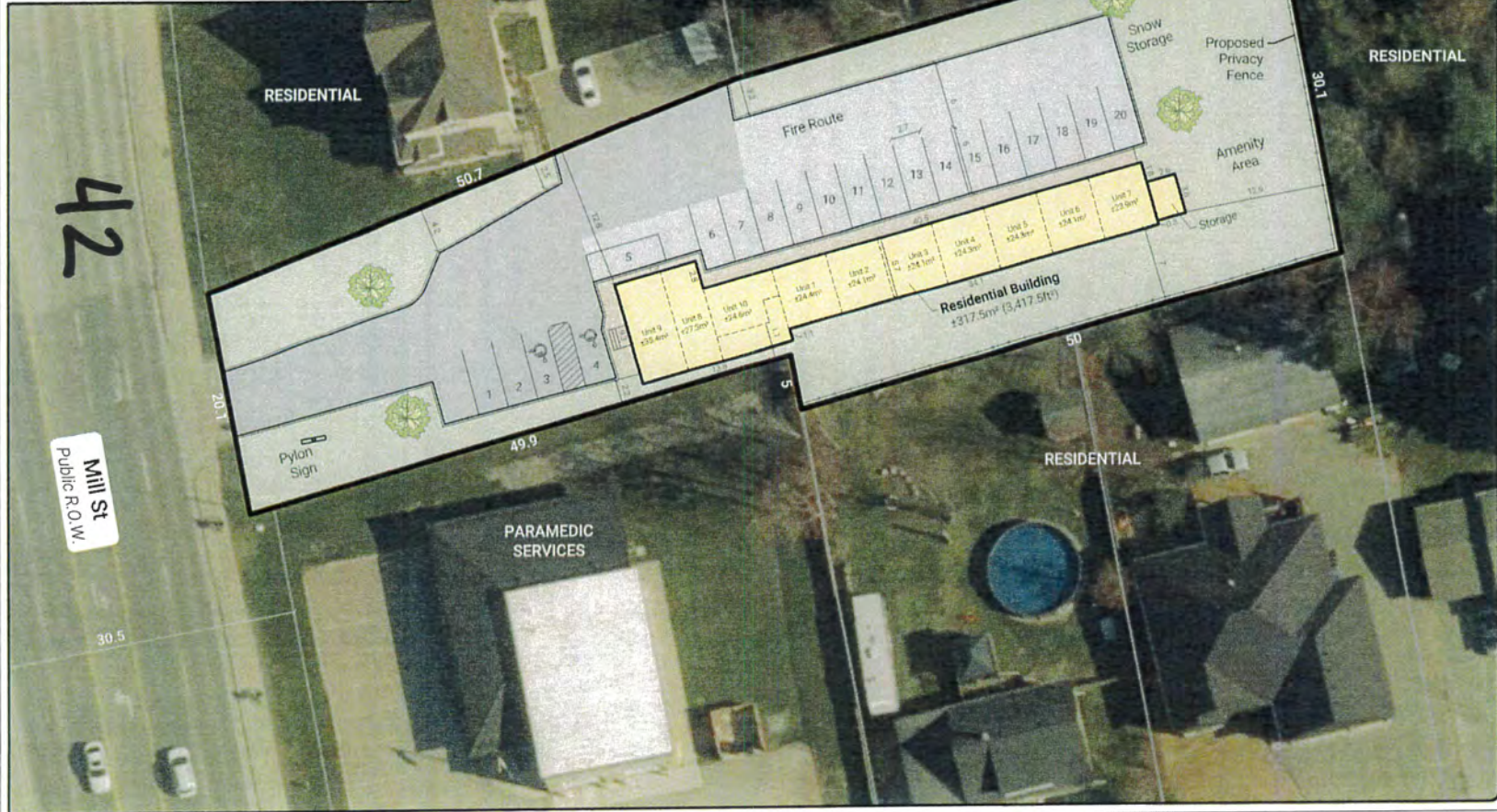


1 : 2,257



ATTACHMENT B - SITE PLAN

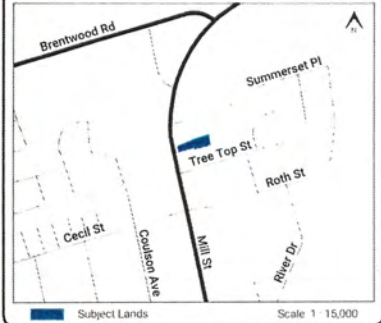
Zone Matrix	Core Commercial (C2) (ZBL 2003-50)	Proposed C2-## ZONE
Lot Area (min)	700.0m ²	±2,621m ² (existing)
Lot Frontage (min)	12.0m	+19.8m (existing)
Lot Coverage (max)	30%	12.1% (existing)
Front Yard (min)	1.5m	+35.5m (existing)
Side Yard (min) North	3.0m	+12.8m (existing)
Side Yard (min) South	3.0m	±1.1m (existing)
Rear Yard (min)	7.5m	12.9m (existing)
Building Height (max)	10.5m	<5m
Parking Spaces (min) 2.7m x 6.0m	20 (2 per unit)	20
Barrier Free Parking (min)	2	2
Drive Aisle Width (min)	6.0m	6.0m
Landscape Buffer Area South (min)	3.0m to residential	1.1m (existing)



SITE PLAN

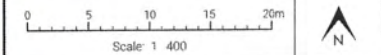
190 MILL STREET

Part of Lot 32, Concession 3
Angus, Township of Essa, County of Simcoe



LEGEND

- Subject Lands
- Residential Building
Floor Area: ±317.5m² (3,417.5ft²)
Storeys: 1
No. of Units: 10
- Access Easement in Favour of 192 Mill St Area ±502.8m² (5,412.1ft²)



Note: This drawing is for discussion purposes only. Boundary to be verified by an O.L.S.

Source: Preliminary Site Plan, MCL Architects, Feb. 17, 23. County of Simcoe interactive map

Drawn By: A.M. Date: November 12, 2023 File No: 763

MORGAN
PLANNING & DEVELOPMENT

98 Tecumseth Street, Phone: (705) 327-1873
Orillia, ON, L3V 1Y2 jmorgan@morganplanning.ca

Zone Matrix	Core Commercial (C2) (ZBL 2003-50)	Proposed C2-## ZONE
Lot Area (min)	700.0m ²	±2,621m ² (existing)
Lot Frontage (min)	12.0m	±19.8m (existing)
Lot Coverage (max)	30%	12.1% (existing)
Front Yard (min)	1.5m	±35.5m (existing)
Side Yard (min) North	3.0m	±12.8m (existing)
Side Yard (min) South	3.0m	±1.1m (existing)
Rear Yard (min)	7.5m	12.9m (existing)
Building Height (max)	10.5m	<5m
Parking Spaces (min) 2.7m x 6.0m	20 (2 per unit)	20
Barrier Free Parking (min)	2	2
Drive Aisle Width (min)	6.0m	6.0m
Landscape Buffer Area - South (min)	3.0m to residential	1.1m (existing)

ATTACHMENT C – PHOTOS FROM SITE INSPECTION



8a



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: TR025-23
DATE: December 20th, 2023
TO: Committee of the Whole
FROM: Michael Mikael, Manager of Public Works /Deputy CAO
Debbie Dollmaier, Manager of Finance/Treasurer

SUBJECT: Asset Retirement Obligation Policy

RECOMMENDATION

That Staff Report TR025-23 be received; and

That Council adopts the Asset Retirement Obligation Policy

BACKGROUND

An Asset Retirement Obligation (ARO) is the expected costs associated with the retirement of a tangible capital asset. This is the permanent removal of the asset from service and includes its sale, abandonment, or disposal and covers assets, including leased assets.

A new section: PS 3280, Asset Retirement Obligations, was issued by the Public Sector Accounting Standards (PSAB) in 2018. It becomes effective for fiscal years beginning on or after April 1, 2022. For Essa, this means December 31, 2023 will be the first, year-end impacted by the new accounting standard.

Asset retirement is defined as removing a capital asset from service and includes sale transactions, asset abandonment, and asset disposal. These costs may include, but are not limited to decommissioning, dismantling, and remediation of Tangible Capital Assets (TCA), and meeting any legislative requirements surrounding environmental cleanup and/or restoring assets to their original condition.

Municipalities need to approve an ARO Policy and incorporate the associated financial obligations into their financial statements beginning in the 2023 fiscal year. The ARO should be capitalized and amortized, allocating the future costs of retirement in a rational and systematic manner over the remaining life of the asset (Life Cycle).

The recognition of the liability for future costs associated with the retirement of certain assets will ensure that funds will be available for the full cost of the asset disposal at the end of its useful life.

COMMENTS AND CONSIDERATIONS

The Public Sector Accounting Board, PS 3280, outlines the criteria for recognition and explains that a liability for asset retirement would be recognized when all the following are met at the financial reporting date:

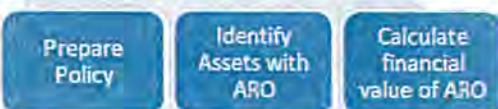
- There is a **legal** obligation to incur retirement costs in relation to a TCA;
- The **past transaction or event** giving rise to the liability has occurred;
- It is expected that **future economic** benefits will be given up; and
- A **reasonable estimate** of the amount can be made.

These AROs exist when there is a legal obligation to incur retirement costs concerning assets. Some examples of when a legal obligation may exist include:

- Assets that require compliance with standards and regulations that, if sold, disposed of, or no longer in use, would require remediation, such as asbestos in buildings and in-ground piping, fuel storage tank removal, wells, firewater holding tanks, and septic beds;
- Leases that require removal of leasehold improvements or other remediation at the end of the lease, such as the reforestation of land subject to a timber lease;
- Land covenants that require removal at the end of their useful life cycle; and
- Assets that need to be returned to their natural state at the end of their useful life, such as mining activities and landfills.

The Treasurer will work with all department heads to review assets in order to identify assets with retirement obligations. These assets will be reviewed with ARO Policy requirements to determine whether a financial liability, in accordance with PS 3280 exists and, if it does, staff will work to estimate the liability value and record the necessary entries into the accounting records.

In addition, the Treasurer will ensure that the AROs are recorded into Citywide (asset management software) for tracking purposes..



8a

FINANCIAL IMPACT

A future report will be prepared to list the assets which have retirement obligations and the estimated retirement costs.

It is not anticipated that there will be a significant impact on the Township's financial position as a result of recognizing AROs. However, consideration should be given in the future to creating an Asset Retirement Obligation Reserve to accumulate the necessary funds to cover retirement costs when they are required.

Council may:

1. Take no further action.
2. Adopt the ARO Policy as presented in Appendix 1.
3. Direct Staff in another course of action.

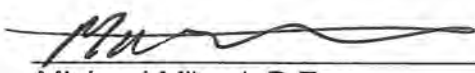
CONCLUSION

Staff recommends that **Option # 2** be approved.

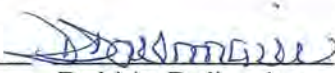
Respectfully submitted by:

Reviewed by:

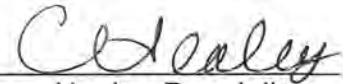
Reviewed by:



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



Debbie Dollmaier
Manager of
Finance



Colleen Healey-Dowdall
CAO

Attachments:

1. Draft ARO Policy

8a

Attachment #1

THE CORPORATION OF THE TOWNSHIP OF ESSA CORPORATE POLICY AND PROCEDURE MANUAL

Department: Treasury

Approved by Council: December 20, 2023

Policy No: TR2023-01

Effective Date: December 20, 2023

Subject: Asset Retirement Obligation Policy

Date of Amendment:

Approval:

Contents

1. Introduction	1
2. Policy Statement.....	1
3. Purpose	1
4. Scope	2
5. Legislative Authority	2
6. Definitions.....	2
7. Administration and Accountability	3
8. Reporting Requirements.....	4
9. Guiding Principles.....	4
10. Recognition.....	4
11. Subsequent Measurement.....	5
12. Presentation and Disclosure	5
13. Policy Review.....	5
Appendix A.....	6

Introduction

1.1 Recent changes to reporting standards by the Public Sector Accounting Board (PSAB) requires municipalities to identify, measure, and report certain costs associated with asset retirement.

Municipalities must prepare an Asset Retirement Obligation Policy that establishes guidelines to ensure compliance with the new standard PSAB 3280 – Asset Retirement Obligations.

2. Policy Statement

2.1 A policy governing the recording of qualifying Asset Retirement Obligations (AROs) under Public Sector Accounting Board (PSAB) Section 3280.

3. Purpose

3.1 To document processes by which asset retirement obligations will be recognized, measured, updated, and integrated into existing processes, and related roles and responsibilities.

48

THE CORPORATION OF THE TOWNSHIP OF ESSA CORPORATE POLICY AND PROCEDURE MANUAL

8a

Department: Treasury

Approved by Council: December 20, 2023

Policy No: TR2023-01

Effective Date: December 20, 2023

Subject: Asset Retirement Obligation Policy

Date of Amendment:

Approval:

4. Scope

4.1 This Policy applies to all departments, boards, and agencies included in the financial reporting of The Corporation of the Township of Essa (Essa), that possess assets with asset retirement obligations including:

- a) Assets with legal title held by Essa;
- b) Assets controlled by Essa;
- c) Assets reported in any entities that are consolidated with Essa for financial statement purposes; and
- d) Assets that have not been capitalized or recorded as tangible capital assets for financial statement purposes.

4.2 Scope of applicability is detailed in a decision tree which is attached to this Policy as Appendix A.

5. Legislative Authority

5.1 *Municipal Act, 2001, S.O. 2001, c. 25 (Municipal Act)*

6. Definitions

6.1 **Accretion expense** is the increase in the carrying amount of the liability for asset retirement obligations due to the passage of time.

Asset retirement activities include all activities related to an asset retirement obligation. These may include, but are not limited to:

- a) decommissioning or dismantling a tangible capital asset that was acquired, constructed or developed;
- b) remediation of contamination of a tangible capital asset created by its normal use;
- c) post-retirement activities such as monitoring; and
- d) constructing other tangible capital assets to perform post-retirement activities.

Asset retirement cost is the estimated amount required to retire a tangible capital asset.

Asset retirement obligation is a legal obligation associated with the retirement of a tangible capital asset.

Productive use means the tangible capital asset is held for use in the production or supply of goods and services, for rental to others, for administrative purposes, or for the development, construction, maintenance, or repair of other tangible capital assets.

Promissory estoppel is defined in *Black's Law Dictionary* as "the principle that a promise made without consideration may nonetheless be enforced to prevent injustice if the

8a

THE CORPORATION OF THE TOWNSHIP OF ESSA CORPORATE POLICY AND PROCEDURE MANUAL

Department: Treasury

Approved by Council: December 20, 2023

Policy No: TR2023-01

Effective Date: December 20, 2023

Subject: Asset Retirement Obligation Policy

Date of Amendment:

Approval:

promisor should have reasonably expected the promisee to rely on the promise and the promisee did actually rely on the promise to his or her detriment."

Retirement of a tangible capital asset is the permanent removal of a tangible capital asset from service. This term encompasses sale, abandonment, or disposal in some other manner but not its temporary idling.

7. Administration and Accountability

7.1 Departments Heads are required to:

- a) Communicate to Treasurer any retirement obligations, and any changes in asset condition or retirement timelines;
- b) Assist in the preparation of cost estimates for retirement obligations and are responsible for providing cost-effective projections of asset retirement obligations, by consulting with engineers, technicians, and others familiar with the assets and conditional assessments, collecting the relevant information required to minimize service cost, and providing the information to the Treasurer for processing; and
- c) Inform the Treasurer of any legal or contractual obligations at the inception of any such obligation.

7.2 The Treasurer is responsible for the development of and adherence to policies for the accounting and reporting of asset retirement obligations in accordance with Public Sector Accounting Board PS 3280. This includes responsibility for:

- a) Monitoring the application of this Policy;
- b) Managing processes within the accounting systems;
- c) Investigating issues and working with asset stewards to resolve issues;
- d) Ensuring asset management software reflects accurate asset retirement obligation costs; and
- e) Reporting asset retirement obligations in the financial statements of Perth South and other statutory financial documents.

7.3 Building, Development, and Planning Department Heads, with adherence to the Perth County Official Plan,

8. Reporting Requirements

8.1 The Treasurer shall, for each fiscal year, prepare annual financial statements for Essa in accordance with Generally Accepted Accounting Principles (GAAP) for municipalities as recommended, from time to time, by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada. This includes the reporting of ARO in the annual financial statements in accordance with PSAB PS 3280.

8a

THE CORPORATION OF THE TOWNSHIP OF ESSA CORPORATE POLICY AND PROCEDURE MANUAL

Department: Treasury

Approved by Council: December 20, 2023

Policy No: TR2023-01

Effective Date: December 20, 2023

Subject: Asset Retirement Obligation Policy

Date of Amendment:

Approval:

There are no additional reporting requirements at the time of the development of this policy.

9. Guiding Principles

- 9.1 Existing provincial and federal laws and regulations require municipalities to take specific actions to retire certain tangible capital assets at the end of their useful lives. This includes activities such as the removal of asbestos and the retirement of landfills. Other obligations to retire tangible capital assets may arise from contracts, court judgments, or lease arrangements.
- 9.2 The legal obligations, including obligations created by promises made without formal consideration, associated with the retirement of tangible capital assets controlled by Essa, will be recognized as a liability in the books of Essa, in accordance with PSAB PS 3280 effective January 1, 2023.
- 9.3 Asset retirement obligations result from the acquisition, construction, development, or normal use of an asset. These obligations are predictable, likely to occur, and unavoidable. Asset retirement obligations are separate and distinct from contaminated site liabilities. The liability for contaminated sites is normally resulting from unexpected contamination exceeding the environmental standards. Asset retirement obligations are not necessarily associated with contamination.

10. Recognition

- 10.1 A liability should be recognized when, as at the financial reporting date:
 - a) there is a legal obligation to incur retirement costs in relation to a tangible capital asset;
 - b) the past transaction or event giving rise to the liability has occurred;
 - c) it is expected that future economic benefits will be given up; and
 - d) a reasonable estimate of the amount can be made.

Liabilities for an asset retirement obligation cannot be recognized unless all of the criteria above are satisfied.

- 10.2 The estimate of the liability would be based on requirements in existing agreements, contracts, legislation, or legally enforceable obligations, and technology expected to be used in asset retirement activities.
- 10.3 The estimate of liabilities should include costs directly attributable to asset retirement activities. Costs would include post-retirement operation, maintenance, and monitoring which are an integral part of the retirement of the tangible capital asset.
- 10.4 Directly attributable costs would include, but are not limited to, payroll and benefits,

8a

THE CORPORATION OF THE TOWNSHIP OF ESSA CORPORATE POLICY AND PROCEDURE MANUAL

Department: Treasury

Approved by Council: December 20, 2023

Policy No: TR2023-01

Effective Date: December 20, 2023

Subject: Asset Retirement Obligation Policy

Date of Amendment:

Approval:

equipment and facilities, materials, legal and other professional fees, and overhead costs directly attributable to the asset retirement activity.

- 10.5 Upon initial recognition of a liability for an asset retirement obligation, Essa will recognize an asset retirement cost by increasing the carrying amount of the related tangible capital asset (or a component thereof) by the same amount as the liability. Where the obligation relates to an asset that is no longer in service, and not providing economic benefit, or to an item not recorded by Essa as an asset, the obligation is expensed upon recognition.
- 10.6 The capitalization thresholds applicable to the different asset categories will also be applied to the asset retirement obligations to be recognized within each of those asset categories.

11. Subsequent Measurement

- 11.1 The asset retirement costs will be capitalized and amortized allocating the future costs of the retirement in a rational and systematic allocation (straight-line method) over the useful life of the tangible capital asset or a component of the asset.
- 11.2 On an annual basis, the existing asset retirement obligations will be assessed for any changes in expected cost, term to retirement, or any other changes that may impact the estimated obligation. In addition, any new obligations identified will also be assessed.

12. Presentation and Disclosure

- 12.1 The liability for asset retirement obligations will be disclosed.

13. Policy Review

- 13.1 This policy will be reviewed every five years, or upon the direction of Essa Council, or if staff identify an issue requiring a revision to occur.

8a

THE CORPORATION OF THE TOWNSHIP OF ESSA CORPORATE POLICY AND PROCEDURE MANUAL

Department: Treasury

Approved by Council: December 20, 2023

Policy No: TR2023-01

Effective Date: December 20, 2023

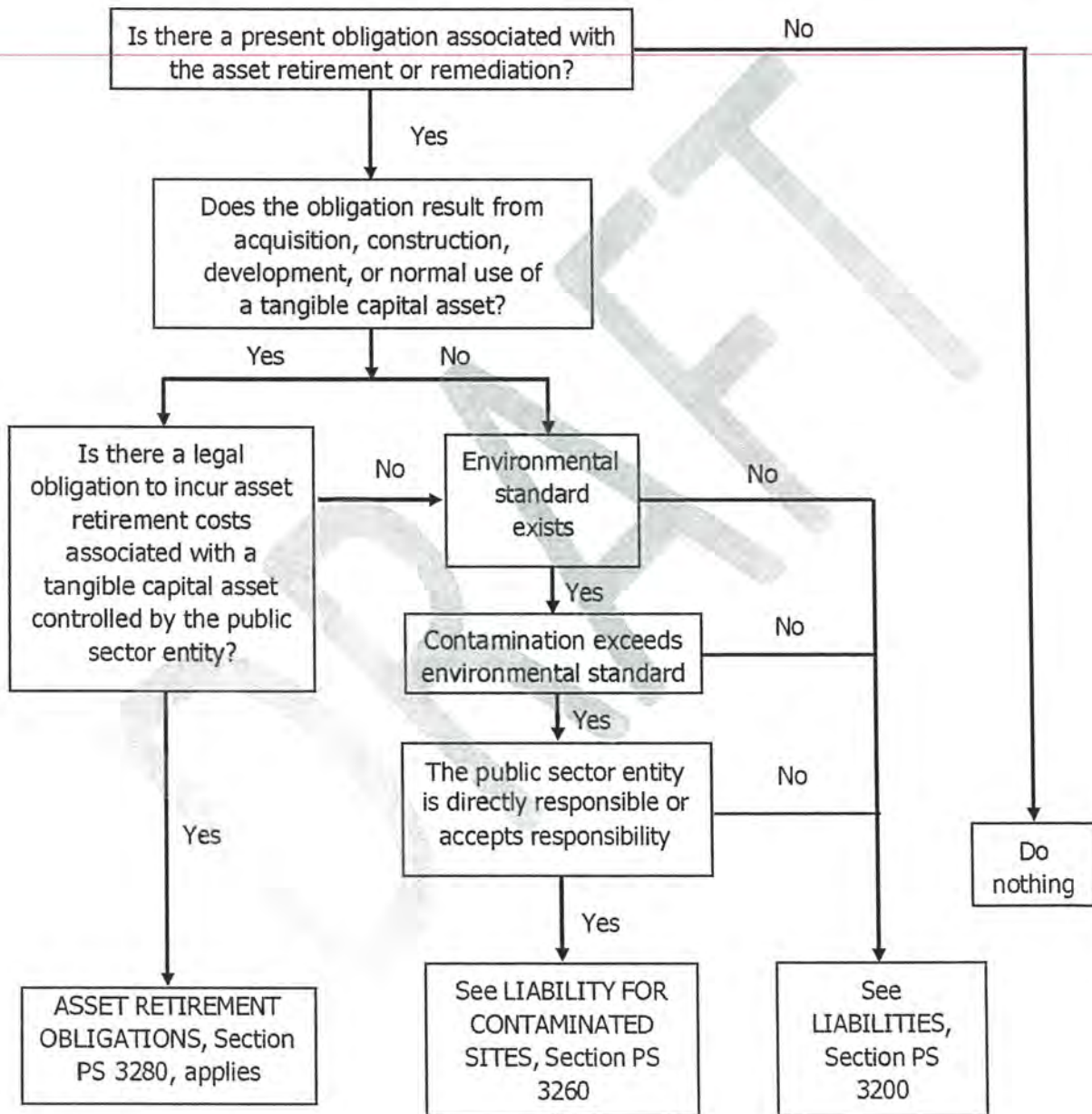
Subject: Asset Retirement Obligation Policy

Date of Amendment:

Approval:

Appendix A

Decision Tree – Scope of applicability



9a



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C025-23

DATE: December 20, 2023

TO: Committee of the Whole

FROM: Lisa Lehr, Manager of Legislative Services

SUBJECT: Integrity Commissioner Services

RECOMMENDATION

That Staff Report C025-23-23 be received; and
 That Council direct Staff to _____.

BACKGROUND

Section 223.3 of the Municipal Act, 2001, as amended, requires a municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing, in an independent manner, the functions assigned by the municipality with respect to any or all of the following:

1. The application of the Code of Conduct for members of council and the Code of Conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*. 2017, c. 10, Sched. 1, s. 19 (1).

9a

Council was presented with Staff Report C015-23 on September 6, 2023 (Attachment No. 1), providing an update on the County of Simcoe's intention to address the expiration of the Integrity Commissioner Agreement.

The current contract extension with Principles Integrity is set to expire on December 31, 2023.

COMMENTS AND CONSIDERATIONS

The County of Simcoe issued RFPQ 2023-039 on August 24, 2023 and closed September 14, 2023. Submissions from four proponents were received and reviewed. The review group was comprised of five Clerks and Deputy Clerks from participating municipalities who scored the bids based on proposed price, investigative approach, methodology and demonstrated experience. This manner for evaluation provided for an objective, transparent and impartial bidding process.

On November 14, 2023, the Simcoe County Governance Committee considered Item Number CCW-2023-301 regarding the appointment of an Integrity Commissioner for the 2024-27 term. On November 23, 2023, County of Simcoe Clerk, Jonathan Magill confirmed with participating municipalities that **Principles Integrity** was selected as the successful vendor. County Council ratified the decision of the Governance Committee on Tuesday November 28, 2023.

It should be noted that County of Simcoe RFPQ 2023-039 included a provision that allowed for member municipalities to select their own successful vendor from the list of pre-qualified proponents, should the member municipality wish to not appoint the same vendor as the County. This provision provides flexibility to participating municipalities to have the opportunity to select any of the proponents on the preapproved list and receive the pricing and terms as set out in their respective RFPQ submission.

The following is a summary of the pre-qualified proponents as were determined by the County of Simcoe and its review group, which is comprised of Clerks and Deputy Clerks from the County of Simcoe and its member municipalities.

Proponent	Summary
ADR Chambers Inc.	ADR Chambers (ADRC) is a firm that has been providing Integrity Commissioner services since 2011. Michael Maynard is the proposed IC contact and has been a practicing mediator for over 15 years and has a team of investigators. ADR Chambers is currently the Integrity Commissioner for 38 municipalities and four school boards in Ontario.
Principles Integrity	Principles Integrity has been operated since 2017 by its two principal owners, Janice Atwood and Jeffrey Abrams, two experienced municipal lawyers and corporate leaders with over 30 years of experience in a variety of Ontario municipalities. Principles Integrity currently serves as Integrity Commissioner for over 50 municipalities and other public bodies.

SC Consulting SC Consulting is operated by Suzanne Craig, a sole proprietor and consultant. Ms. Craig has over 15 years experience in this area and has served as the appointed Integrity Commissioner to over 20 municipal organizations, including delivery of Council

FINANCIAL IMPACT

The following is a breakdown of fees that have been paid directly to Principles Integrity on behalf of the municipality for utilizing their services:

- 2018 - \$0.00
- 2019 - \$0.00
- 2020 - \$1,299.51
- 2021 - \$3,573.63
- 2022 - \$4,057.74
- 2023 - \$1,767.73 (to date)

Principles Integrity

Should Council wish to enter into an agreement with **Principles Integrity** for Integrity Commissioner services, it has been confirmed that the **retainer fee** would be paid by the County of Simcoe as has been past practice. Township of Essa would be responsible for **all costs** associated with engaging with the Integrity Commissioner where a complaint has been filed with the IC.

ADR Chambers

Should Council wish to enter into an agreement with **ADR Chambers** for Integrity Commissioner services, the Township would be responsible for **all costs** associated with engaging with the Integrity Commissioner. ADR Chambers does not require a retainer for their services where a complaint has been filed with the IC.

SC Consulting

Should Council wish to enter into an agreement with **SC Consulting** for Integrity Commissioner services, the Township would be responsible for **all costs** associated with engaging with the Integrity Commissioner. SC Consulting does not require a retainer for their services where a complaint has been filed with the IC.

Ontario Ombudsman's Office

Should Council not enter into an agreement with an Integrity Commissioner, this service would by default fall to the Ontario Ombudsman's Office and would be provided to the municipality at no cost.

Please refer to Confidential Attachment (Attachment No. 2) for the details and breakdown of fees for each proponent on the County of Simcoe's preapproved list.



Manager of Finance

56

SUMMARY/OPTIONS

Council may:

1. Take no further action thereby defaulting Integrity Commissioner Services for the Township of Essa to the **Ontario Ombudsman's Office**.
2. Direct staff to enter into an agreement with the County of Simcoe and **Principles Integrity** for Integrity Commissioner services for the Township of Essa.
3. Direct staff to enter into an agreement with **ADR Chambers** for Integrity Commissioner services for the Township of Essa as outlined in the joint RFPQ issued by the County of Simcoe.
4. Direct staff to enter into an agreement with **SC Consulting** for Integrity Commissioner services for the Township of Essa as outlined in the joint RFPQ issued by the County of Simcoe.
5. Direct staff in another manner.

CONCLUSION

That Council direct Staff to proceed with one of the aforementioned options, and that the necessary By-law to appoint be submitted to Council at their next regular meeting of Council (January 17, 2024).

Respectfully submitted by:

Reviewed by:



Lisa Lehr, Manager of Legislative Services



Colleen Healey-Dowdall, CAO

Attachments:

Attachment No. 1 - Staff Report C015-23

Attachment No. 2 - Confidential - Breakdown of Fees for each of the preapproved proponents

Attachment No. 3 – Ombudsman Ontario – Municipal Integrity Commissioners – Best Practice Guide

**TOWNSHIP OF ESSA STAFF REPORT**

STAFF REPORT NO.: C015-23
DATE: September 6, 2023
TO: Committee of the Whole
FROM: Lisa Lehr, Manager of Legislative Services
SUBJECT: Integrity Commissioner Update

RECOMMENDATION

That Staff Report C015-23 be received.

BACKGROUND

Section 223.3 of the Municipal Act, 2001, as amended, requires a municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing, in an independent manner, the functions assigned by the municipality with respect to any or all of the following:

1. The application of the Code of Conduct for members of council and the Code of Conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*. 2017, c. 10, Sched. 1, s. 19 (1).

9a

Council was presented with Staff Report C002-18 on January 17, 2018 (Attachment No. 1), outlining a contract with Principles Integrity as part of the partnership with the County of Simcoe and other participating lower tier municipalities. Council passed the following motion in respect to undertake the contract with Principles Integrity:

Resolution No: CW011-2018 Moved by: Macdonald Seconded by: Henderson

*Be it resolved that Staff Report C002-18 be received; and
That Council does direct the Clerk to present a By-law to Council at their meeting of February 7, 2018 appointing Principles Integrity as the Integrity Commissioner for the Township of Essa.*

----Carried----

The Township of Essa entered into an agreement with Principles Integrity effective April 1, 2018.

The three-year term of the initial Agreement with Principles Integrity expired on March 31, 2021. Council was presented with Staff Report C005-21 on February 17, 2021 (Attachment No. 2), outlining a contract extension with Principles Integrity and continued partnership with the County of Simcoe and other participating lower tier municipalities. Council passed the following motion to undertake the contract extension with Principles Integrity:

Resolution No: CW014-2021 Moved by: Sander Seconded by: White

*Be it resolved that Staff Report C005-21 be received; and
That Council approve an extension of the Agreement with Principles Integrity to December 31, 2023.*

----Carried----

COMMENTS AND CONSIDERATIONS

The current contract extension is set to expire on December 31, 2023.

Staff reached out to the County of Simcoe regarding their intention to address the expiration of the Integrity Commissioner Agreement. It was indicated that they expect to issue a Request for Proposals (RFP) for Integrity Commissioner services in the Fall of 2023. They further suggested that they intend on reaching out to the 16 lower tier municipalities to discuss their interest in once again participating in the joint procurement opportunity for Integrity Commissioner service.

The writer of this report suggests that the Township of Essa express interest in participating in the joint procurement opportunity for Integrity Commissioner services along with the County of Simcoe and its lower tier municipalities, as we have done in the past. Once the results of the RFP are presented, Council has the opportunity to review and consider the following:

1. Enter into an agreement with the successful submission of the RFQ; or
2. Allow services to be performed by the Ontario Ombudsman's Office at no charge; or
3. Direct Staff to seek competitive bids through an independent tendering process.

FINANCIAL IMPACT

There is the potential that the County of Simcoe will once again offer to pay some portion of the fee associated with the successful RFQ and subsequent Agreement for each of the participating municipalities. The initial contract and extension saw the County of Simcoe pay the retainer for each partnering municipality of \$1000 per year, per participating municipality. Outside of the annual retainer, costs associated with engaging the Integrity Commissioner would be assumed by the Township of Essa per the terms of the Agreement, with respect to complaint investigations and/or members of Council seeking advice.

The following is a breakdown of fees that have been paid directly to Principles Integrity on behalf of the municipality for utilizing their services:

2018 - \$0.00
2019 - \$0.00
2020 - \$1,299.51
2021 - \$3573.63
2022 - \$4057.74
2023 - \$1169.26 (to date)

Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Take no further action; thereby receiving this Report only.
2. **Direct Staff to express interest in participation in the joint procurement opportunity for Integrity Commissioner Services with the County of Simcoe, with no obligation to enter into an agreement.**
3. Direct Staff to prepare an independent Request for Proposal to seek Integrity Commissioner Services for Essa Township.
4. Direct Staff in a different manner.

CONCLUSION

Option #2 is recommended.

Respectfully submitted:

Reviewed by:

Lisa Lehr
Manager of Legislative Services

Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

- 1 – Staff Report C002-18 – Appoint Principles Integrity as Integrity Commissioner for the Township of Essa
- 2 – Staff Report C005-21 – Contract Extension, Principles Integrity
- 3 – Email from County of Simcoe Deputy Clerk, Jonathan Magill, re: Joint Integrity Commissioner Procurement - CONFIRM Participation

60



Municipal Integrity Commissioners

Best Practice Guide

Ombudsman Ontario

2023

9a

Municipal Integrity Commissioners: Best Practice Guide

Table of Contents

Introduction	2
<i>Municipal Conflict of Interest Act</i>	2
Ontario Ombudsman role.....	3
Best Practices for Integrity Commissioners	4
1. Know your authority	5
2. Follow the local code of conduct and complaint/inquiry protocol.....	5
3. Be familiar with the strict requirements for complaints involving the <i>Municipal Conflict of Interest Act (MCIA)</i>	6
4. Assess the complaint or application.....	7
<i>Seeking additional information</i>	7
<i>Early termination of an inquiry (e.g., frivolous or vexatious complaints)</i>	7
5. Identify the issues	8
6. Seek out and keep records of all relevant evidence.....	9
7. Provide an opportunity to respond to allegations	10
<i>Preliminary reporting process</i>	10
8. Communicate with the parties.....	11
9. Preserve confidentiality.....	11
10. Issue a public report with reasons.....	12
11. Know the rules for election years	13
Case Examples	13

64

9a

Introduction

An integrity commissioner is a municipal accountability officer who is responsible for applying the rules governing the ethical conduct of members of municipal councils and local boards (including codes of conduct), and for providing advice and education on those rules.

The *Municipal Act, 2001*¹ provides the framework within which municipal integrity commissioners are appointed and carry out their functions.

Every municipality must establish a code of conduct for members of councils and local boards [s. 223.2], and appoint an integrity commissioner or use the services of an integrity commissioner from another municipality [s. 223.3(1.1)]. Integrity commissioners must function in an independent manner and report directly to municipal council [s. 223.3].

The functions of integrity commissioners include:

- Applying the code of conduct and any procedures, rules and policies governing the ethical behavior of members of councils and local boards, including conducting investigations and inquiries² into complaints about alleged contraventions of a code of conduct;
- Conducting inquiries concerning alleged contraventions of the *Municipal Conflict of Interest Act*;
- Providing advice to members respecting their obligations under the code of conduct, procedures, rules or policies governing the ethical behavior of members, and the *Municipal Conflict of Interest Act*; and
- Providing educational information about the code of conduct and the *Municipal Conflict of Interest Act* [s. 223.3(1)].

Municipal Conflict of Interest Act

In 2019, integrity commissioners were given the authority to review allegations of conflict of interest under the *Municipal Conflict of Interest Act (MCIA)*.³ Previously, these matters could only be dealt with through court applications. While individuals who believe the *MCIA* has been contravened can still apply to a judge for a determination on the matter directly, the legislation now provides for integrity commissioners to conduct an inquiry into an alleged contravention and provides them with the discretion to bring the matter to a judge themselves.

¹ SO 2001, c 25. See Part V.1, Accountability and Transparency. The *City of Toronto Act, 2006*, SO 2006, c 11, Sched. A contains the provisions concerning the City of Toronto's integrity commissioner. This guide only refers to the section numbers in the *Municipal Act, 2001*.

² While the *Municipal Act, 2001* refers to "inquiries," the word "investigation" is often used interchangeably. We have adopted this practice in this guide.

³ RSO 1990, c M.50.

65

9a

The *Municipal Conflict of Interest Act* sets out rules to prevent members of councils and local boards from influencing, discussing, or voting on any matter that is before the body for consideration, if they have a pecuniary interest in the matter. The interest can be direct or indirect, and the *MCIA* provides that the pecuniary interest of a parent, spouse, or child of the member is also their pecuniary interest [*MCIA*, s. 3]. Any member who has a pecuniary interest in a matter is required to disclose the interest before it is considered, and is prohibited from attempting to influence voting or to vote on the matter [*MCIA*, s. 5].⁴ If the matter is considered in a closed meeting, the member must leave the meeting. The *MCIA* sets out specific exceptions for circumstances where a member is not barred from influencing, discussing or voting on a matter despite a pecuniary interest [*MCIA*, s. 4].

Members who have a pecuniary interest in a matter are also barred from using their office to attempt to influence a municipal employee, officer, or other delegate responsible for making a decision or recommendation on the matter [*MCIA*, s. 5.2]. Additional rules apply to the special powers granted to heads of council in cases where the head has a pecuniary interest in a matter [*MCIA*, s. 5.3].

Any member who declares a conflict is required to file a written statement of the interest and its general nature [*MCIA*, s. 5.1].

Ontario Ombudsman role

The Ombudsman is an office of last resort, and recognizes that municipal issues are generally best addressed locally. The Ombudsman does not act as an integrity commissioner for municipalities. However, the Ombudsman can review and investigate complaints about municipal integrity commissioners once they have completed their process or declined to review a complaint.⁵ The Ombudsman can also initiate an investigation on his own motion.⁶

If an integrity commissioner receives a complaint about their own conduct relating to a review or inquiry concerning code of conduct or *MCIA* matter, they may wish to consider referring the individual to the Ontario Ombudsman.

When reviewing decisions of municipal integrity commissioners, the Ombudsman's Office does not act as an appeal body and the Ombudsman does not substitute his decisions for those of commissioners. Instead, what the Ombudsman's Office looks at includes whether commissioners:

⁴ There is an exception in the *MCIA* if the discussion is about whether a penalty should be imposed on a member where the integrity commissioner has found that the member violated the code of conduct: *Municipal Conflict of Interest Act*, RSO 1990, c M.50, s 5(2.1), 5.2(2). In such cases, the member is not prevented from participating at the meeting where the penalty is being considered or attempting to influence the decision on the matter, but is not entitled to vote on the matter.

⁵ This can include complaints declined by an integrity commissioner because the time for bringing a complaint has passed. *Ombudsman Act*, RSO 1990, c O.6, s 14(4.4).

⁶ *Ibid*, ss 14(2), 14(4.5).

9a

- Acted in accordance with relevant legislation or procedure, including with respect to timelines;
- Considered the issues before them;
- Followed a fair practice;
- Obtained and considered relevant information; and
- Provided sufficient and adequate reasons to support their decisions, based on the available evidence.

Based on our experience in this area, the Ombudsman has developed this best practice guide as a resource tool for integrity commissioners.

The Ombudsman has also produced a separate guide to help municipalities develop codes of conduct, establish complaint/inquiry protocols, and appoint integrity commissioners. These guides are also available to the public to help individuals better understand the requirements and best practices for codes of conduct and integrity commissioners.

Note: Unless otherwise indicated, all references to legislative provisions are to the *Municipal Act, 2001*. The *City of Toronto Act, 2006* will apply instead to matters involving that city.

Best Practices for Integrity Commissioners

Integrity commissioners play a vital role in local government by providing advice, education, and complaint resolution to municipal councils and local boards. Their findings are significant for the public because they help determine whether local officials are acting ethically and meeting the high standards expected of them.

Integrity commissioners who carry out their duties in accordance with their legislative authority, terms of reference, and complaint/inquiry protocols can foster public confidence in the accountability of municipal governance. The courts have explained that the level of procedural fairness owed by an integrity commissioner is low because their function is investigative, not adjudicative – they can only make findings and recommendations, and their reports cannot cause councillors to be removed from office.⁷ However, by following best practices for a fair process, commissioners can increase the acceptance of their findings by members and the public.

⁷ *Dhillon v. The Corporation of the City of Brampton*, 2021 ONSC 4165 at para 49 [*Dhillon*]; *Chiarelli v. Ottawa (City of)*, 2021 ONSC 8256 at para 74.

67
4

9a

1. Know your authority

Under the *Municipal Act, 2001*, every municipality must establish a code of conduct and should, as a best practice, adopt a protocol setting out procedures for complaints and applications to the integrity commissioner. The code and complaint/inquiry protocol are established locally and, aside from four subject areas prescribed by regulation, their content varies from municipality to municipality.

Integrity commissioners should know the scope of their authority and should avoid overstepping their mandate. For example, they should not involve themselves in matters within the jurisdiction of other accountability officers, closed meeting investigators, or workplace harassment investigators.

Integrity commissioners must act within their legislated mandate and limit their reviews to issues within their legal authority. They should be familiar with the scope of their authority under the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, their municipality's code of conduct, and any relevant terms of reference, complaint/inquiry protocols, local procedures, rules or policies governing ethical conduct. They should also understand the roles of other accountability officers, and of the Office of the Ombudsman.

Although integrity commissioners can review complaints regarding the ethical conduct of council or local board members, they do not oversee the council or local board itself. As the court noted in a 2021 case regarding the City of Ottawa, the council "is not responsible to and is not subject to having its decisions reviewed by the commissioner."⁸

When commissioners choose to delegate their authority to investigate a complaint (as permitted by the *Municipal Act* s. 223.3(3)), they should ensure that relevant local processes are followed and that the parties are informed in writing.

2. Follow the local code of conduct and complaint/inquiry protocol

Municipalities should adopt protocols to help integrity commissioners carry out their role and inform the public of what to expect. If a municipality does not have a complaint/inquiry protocol, the integrity commissioner may wish to encourage them to do so in accordance with the Ombudsman's guide, *Codes of Conduct, Complaint/Inquiry Protocols, and Appointing Integrity Commissioners: Guide for Municipalities*.

If a municipality has established procedures for inquiries, the commissioner should follow them. If there is a need to depart from an established procedure, the commissioner should inform the relevant parties and provide an explanation in writing.

⁸ *Ibid* at para 68.

68

9a

Among the most common complaints the Ombudsman's Office receives about integrity commissioners is that they take too long to review complaints. Complaint protocols should include timelines for these reviews, and integrity commissioners should adhere to them.

If a time extension is required, the commissioner should inform all relevant parties and provide reasons to support the extension along with a new expected completion date. Undue delays can be unfair for the participants and undermine confidence in the process.

3. Be familiar with the strict requirements for complaints involving the *Municipal Conflict of Interest Act (MCIA)*

The provisions in the *Municipal Act, 2001* regarding conflict of interest matters are separate and distinct from those related to code of conduct complaints. Integrity commissioners must familiarize themselves with the formal requirements for *MCIA*-related matters. For example:

- A conflict of interest application must be set out in the prescribed form, which includes a statutory declaration from the applicant [s. 223.4.1(6)].
- There is a strict statutory timeline of 180 days for the integrity commissioner to complete the inquiry [s. 223.4.1(14)]. This has significance for applicants, as they have a right to apply to court themselves under certain circumstances.

If an integrity commissioner decides not to apply to a judge for a determination as to whether the member violated the *Municipal Conflict of Interest Act*, the applicant must be informed [s. 223.4.1(16)]. There is no timeframe set out in the *MCIA* for making this notification, but it is important to do so promptly, as complainants who wish to make an application to a judge themselves have only six weeks to do so, from either the expiry of the 180-day period or the date the integrity commissioner advises that they will not be applying to a judge (whichever comes first) [*MCIA* s. 8(3)].

If the commissioner does not promptly advise the applicant of their decision not to apply to a judge, the applicant may not realize that the six-week limitation period has started. Conversely, if the commissioner does intend to bring the matter to court but does not promptly publish their reasons and intention to do so, the applicant might begin to take steps to do so themselves.

Note that the 180-day time period begins when a complete application is received, regardless of whether the commissioner engages in any preliminary or informal review of the matter. The legislation does not provide for a commissioner to extend the time frame or to postpone commencing an inquiry.

69

9a

4. Assess the complaint or application

When a code of conduct complaint or application relating to the *MCIA* is received, the integrity commissioner should understand the events that form the allegation(s), as well as the specific parts of the code of conduct or *MCIA* that have allegedly been contravened. If there are multiple concerns or allegations, the integrity commissioner should carefully consider and assess each one and determine at the outset whether each falls within their authority.

Seeking additional information

Integrity commissioners should ensure that they fully understand the basis of allegations before dismissing them. This may include communicating with complainants/applicants, and providing them with the opportunity to submit more evidence. Members of the public may be unfamiliar with how to frame complaints or applications, and unclear about the type of information required to support their allegations. We have heard from several who told us about integrity commissioners who dismissed their complaints for lack of evidence without giving them an opportunity to provide additional clarification or materials.

The courts have recognized that commissioners have the authority to communicate with complainants to clarify or obtain additional information about a complaint.⁹ In a 2016 case involving the City of Brampton, the court noted: “[T]o the extent a Complaint Form does not contain the required information, it is open to the integrity commissioner to contact a complainant and supplement the information provided. There is nothing that restrains an integrity commissioner from doing so”.¹⁰

If a complaint or application is unclear or if information is missing, the commissioner should ask for clarification.

Early termination of an inquiry (e.g., frivolous or vexatious complaints)

The Ombudsman’s position is that integrity commissioners should have the discretion to refuse to conduct an inquiry, in order to ensure they use the municipality’s resources efficiently. Many complaint/inquiry protocols empower integrity commissioners to dismiss complaints or applications at an early stage in the process if they are frivolous, vexatious, not made in good faith, or lack sufficient evidence.

Complaints or applications that lack sufficient evidence should be distinguished from those that are considered frivolous or vexatious. The courts have defined “frivolous” to mean a complaint “readily recognizable as devoid of merit, as one having little prospect of success,”¹¹ and “vexatious” as one made to “annoy or embarrass the opposite party”

⁹ *Michael Di Biase v. City of Vaughan*, 2016 ONSC 5620 at para 32 [*Di Biase*].

¹⁰ *Dhillon*, *supra* note 7 at para 42.

¹¹ *Pickard v. London Police Services Board*, 2010 ONCA 643 at para 19.

or conducted in a “less than diligent” manner.¹² Prior to making a determination that a complaint or application is frivolous or vexatious, the integrity commissioner should assess the information provided by the complainant/applicant.

Generally, integrity commissioners can also dismiss a complaint or application if it is clear that even if the allegations are proven, there would be no breach of the code of conduct or the *Municipal Conflict of Interest Act*. Some can also be dismissed for lack of jurisdiction. Where appropriate, integrity commissioners should inform complainants/applicants in these cases and make referrals.

When declining to conduct an inquiry or review a matter further, the commissioner should provide reasons for that decision in writing to the complainant/applicant. The commissioner should explain the decision based on the applicable rules and the evidence reviewed, and go beyond merely referring to provisions of complaint protocols.

Before dismissing a matter, the integrity commissioner should ensure the municipality's complaint/inquiry protocol provides for this and follow any applicable procedural requirements.

5. Identify the issues

In reviewing complaints, integrity commissioners should identify the issues to be considered at the outset, to avoid unnecessary complications and delay. In a 2016 judgment involving the City of Vaughan (*Di Biase v. Vaughan*), the court observed that integrity commissioners have the power to reformulate code of conduct complaints from members of the public.¹³

“In exercising the powers conferred upon her, the integrity commissioner must be able to interpret and reformulate complaints submitted by members of the public who may lack specific knowledge of the Code of Conduct and the Complaints Protocol and who may therefore not be familiar with how to identify and formulate alleged breaches.”¹⁴

The Ombudsman's 2019 report, *Inside Job*, which detailed his investigation of a municipal hiring process and a local ombudsman's review of it, identified best practices for municipal ombudsman investigations. These can be applied to other accountability officers, including integrity commissioners. As the report explains, the first step in an investigation should be to establish a clear plan that outlines the issues or allegations to be investigated:

¹² *York University v. Markicevic*, 2017 ONCA 651 at para 32; *Henderson v. Wright*, 2016 ONCA 89 at para 20.

¹³ *Di Biase*, *supra* note 9 at para 39.

¹⁴ *Ibid* at para 42.

9a

“Identifying and framing the issues is one of the most important aspects of any investigation. The issues set the course for the investigation; they lead to the questions that must be answered in order to address the issues, which in turn lead to findings.”¹⁵

Commissioners can decide not to review or investigate some issues raised in a complaint, but continue to review or investigate others. In *Di Biase v. Vaughan*, the court noted that even though the commissioner was required to refer some issues raised in the complaint to the police, she was entitled to continue with her inquiry into the other matters raised.¹⁶

6. Seek out and keep records of all relevant evidence

The *Municipal Act, 2001* provides wide discretion for integrity commissioners to determine what information they need to address complaints in a meaningful and appropriate way, and states they shall have access to all information they believe is “necessary” for their review [s. 223.4(3)]. This includes the discretion to determine which witnesses to interview and what documentation to obtain. They may also choose to conduct an inquiry using powers under the *Public Inquiries Act, 2009*, such as issuing summonses and holding hearings.¹⁷

As a best practice, integrity commissioners should obtain all evidence relevant to the allegations before them – particularly in cases where that evidence could determine the outcome of the investigation. Thorough evidence gathering typically requires that investigators speak with complainants/applicants, respondents and other relevant parties, and request relevant documents from all sources, such as meeting minutes, personal notes, emails, files, and social media posts. There may be many potential sources of evidence, including municipal staff and members of the public, depending on the issue raised.

In addition to ensuring that commissioners have the necessary evidence for their decisions, these steps help demonstrate the fairness of the investigation process itself.

In *Inside Job*, the Ombudsman noted that investigators are sometimes faced with conflicting evidence or dubious witness statements, which might require them to assess whose version of events is more credible and reliable.¹⁸ Seeking out other sources of evidence can help corroborate or refute witness statements.

¹⁵ Ontario Ombudsman, *Inside Job: Investigation into matters relating to the Regional Municipality of Niagara’s hiring of its Chief Administrative Officer, and its administration of his contract* (November 2019) at para 257, online: <<https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/reports-on-investigations/2019/inside-job>> [*Inside Job*].

¹⁶ *Di Biase*, supra note 9 at paras 200–01.

¹⁷ *Public Inquiries Act, 2009*, SO 2009, c 33, Sched. 6, ss 33–4.

¹⁸ *Inside Job*, supra note 15 at para 271.

When providing reasons for their decisions, integrity commissioners should explain the key evidence they considered in making their findings, why they chose to obtain (or not obtain) certain evidence, their reasons for any findings about witness credibility or reliability, and how the key evidence relates to their findings.

Integrity commissioners should keep detailed and thorough records of investigations, including evidence gathered, and notes from discussions with complainants and witnesses.

7. Provide an opportunity to respond to allegations

Individuals under investigation have the right to be heard and to speak to the complaints made against them. Unless a complaint is dismissed at an early stage, integrity commissioners should ensure that council or local board members who are the subject of complaints or applications have the opportunity to be interviewed or provide statements. As the court in a 2021 case involving the City of Hamilton found, sending the member a summary of the complaint and supporting evidence, if appropriate, can indicate that a fair process was followed.¹⁹

It may not be necessary to provide certain details to the member under investigation, such as the identity of the complainant or witnesses. However, the member should be provided with sufficient information in order to meaningfully respond to the allegations. This increases the fairness of the process and ensures the integrity commissioner has the necessary information to reach a decision.

Preliminary reporting process

Members of council or local boards who are under investigation should also be given an opportunity to respond to any adverse findings against them and any recommended penalties or remedial actions. This can safeguard the procedural fairness of the integrity commissioner's process.

The courts have recognized the ability of members to review and comment on a draft report as part of a procedurally fair process.²⁰

Through a preliminary reporting process, additional facts or contradictory evidence may come to light and be considered by the integrity commissioner before a final report is made public.

¹⁹ *Kroetsch v. Integrity Commissioner for the City of Hamilton*, 2021 ONSC 7982 at paras 64, 66.

²⁰ *Ibid* at para 64.

9a

8. Communicate with the parties

Integrity commissioners should communicate with the parties involved in a complaint or application as appropriate. For instance, they should acknowledge receipt of complaints, applications, responses, etc. generally and manage the parties' expectations with respect to communications during an inquiry. They should also communicate their decisions and supporting reasons, including their decisions not to investigate or to apply to a judge.

9. Preserve confidentiality

Integrity commissioners are required to preserve the secrecy of all matters that come to their knowledge in the course of their work [s. 223.5(1)].

However, they may disclose information:

- Where required by law in a criminal proceeding [s. 223.5(2)];
- With respect to advice provided to a member, with that member's consent [s. 223.5(2.1)–(2.2)];
- During an inquiry respecting the *Municipal Conflict of Interest Act*, if the integrity commissioner holds a public meeting, applies to a judge, or when publishing reasons [s. 223.5(2.3)];
- In summary form when providing a periodic report to the municipality on their activities, without including confidential information that could identify an individual [s. 223.6(1)]; and
- When reporting to the municipality or local board as to whether a member has contravened the code of conduct [s. 223.6(2)].

In *Di Biase v. Vaughan*, the court found the integrity commissioner had “significant autonomy regarding the disclosure of her investigation,”²¹ and noted that section 223.6(2) of the *Municipal Act, 2001* “recognizes that when deciding how much information must be disclosed, the integrity commissioner may take into account specific local concerns associated with such disclosure that require confidentiality or protection of informants' identities.”²² Disclosing evidence in a report that, in the integrity commissioner's opinion, is necessary does not constitute waiver of the integrity commissioner's discretion to maintain confidentiality of their investigation.²³

²¹ *Di Biase*, *supra* note 9 at para 120.

²² *Ibid* at para 121.

²³ *Watson v. The Corporation of the Municipality of Stirling-Rawdon*, 2021 ONSC 2436 at para 14.

9a

In the 2016 decision in *Dhillon v. Brampton*, the court found a councillor was not entitled to additional disclosure after he was told the “substance of the case and provided with sufficient particulars to enable him to respond to the allegations of the incident,” and given a preliminary version of the commissioner’s report.²⁴

Because the extent of disclosure is within the discretion of the commissioner, complainants/applicants and witnesses should be told if their identity will be disclosed, including when it is necessary to disclose a complainant’s name to the member whose conduct is under review.

10. Issue a public report with reasons

When integrity commissioners report to council at the conclusion of their inquiries, the *Municipal Act, 2001* provides that they can disclose “such matters as in the commissioner’s opinion are necessary for the purposes of the report” [s. 223.6(2)]. The municipality or local board is required to ensure that reports received from the commissioner are made available to the public [s. 223.6(3)].

Similarly, commissioners are required to “publish written reasons” after they decide to apply – or not apply – to a judge under the *Municipal Conflict of Interest Act* [s. 223.4.1(17)].

Integrity commissioners should issue their findings in writing. It is important that their reports include:

- Summaries of the complaint, the investigative process and the evidence obtained during the investigation
- The relevant conduct standard or other applicable rules
- An explanation that clearly explains how the commissioner weighed the evidence against that standard, and
- A clear conclusion based on the evidence.

When reporting on a review of allegations against more than one council or local board member, it is a best practice for the integrity commissioner to issue separate reports for each member, clearly separating the allegations, issues, analysis, and conclusions that are made with respect to each one.

Integrity commissioners can disclose anything they deem necessary in their reports to council, however, as noted in *Di Biase v. Vaughan*, they may choose to protect the identity of witnesses, based on specific local concerns.²⁵

²⁴ *Dhillon*, *supra* note 7 at paras 57–8.

²⁵ *Di Biase*, *supra* note 9 at para 121.

9a

Municipal councils may require integrity commissioners to provide periodic or annual reports on their work. In such reports, integrity commissioners can summarize advice they have provided to members, but shall not disclose confidential information “that could identify a person concerned” [s. 223.6(1)].

11. Know the rules for election years

During municipal election years, integrity commissioners must terminate any ongoing inquiries on nomination day [s. 223.4(7), s. 223.4.1(12)], and they may not be relaunched unless the complainant/applicant or respondent makes a written request within six weeks of voting day [s. 223.4(8), s. 223.4.1(13)].

During the period between nomination day and voting day, no requests for inquiries regarding potential contraventions of the code of conduct or applications for inquiries under the *MCIA* may be made to a commissioner [s. 223.4(9)(1), s. 223.4.1(3)]. They also cannot report on any alleged code contraventions during this period, nor can councils or local boards consider imposing penalties for code violations [s. 223.4(9)(2)–(3)]. The commissioner is also not permitted to apply to a judge under the *Municipal Conflict of Interest Act* during this time period [*MCIA*, s. 8(5)].

Integrity commissioners should familiarize themselves with the statutory requirements for election years and plan ahead as much as possible to complete reviews and investigations before nomination day.

As a best practice, integrity commissioners should advise complainants in advance if an inquiry might be affected by the election period. They should also inform affected complainants and members when investigations must be terminated due to an election.

For any *Municipal Conflict of Interest Act* inquiries that are terminated, integrity commissioners should explain to applicants that they may apply to the courts themselves under the *MCIA* within six weeks of the termination [*MCIA*, s. 8(3)].

Case Examples

Our Office received a complaint about an integrity commissioner whose informal method of reviewing complaints was not part of the municipality’s code of conduct. After we raised the issue with the integrity commissioner, they²⁶ agreed to work with the municipality to ensure that their practices were reflected in its written procedures. This increased the transparency of the process for the public and for members of council. We reviewed a case where an integrity commissioner declined to investigate a resident’s complaint, saying she did not understand it. When we asked why she didn’t ask the complainant for clarification, the commissioner said she felt it would have compromised her independence, and that commissioners are limited to asking

²⁶ Where possible, we confirm the gender of people referred to in case examples, but in some cases, to protect an individual’s identity, gendered or non-binary pronouns are randomly chosen.

9a

"administrative or procedural questions." We explained that it is a best practice for commissioners to provide complainants with the opportunity to clarify their requests before dismissing their matters. After we raised this matter with the municipality, it agreed to amend its protocol to clarify that the commissioner can ask for clarification.

A man complained to us after an integrity commissioner declined to review his complaints, but did not provide any detailed reasons. When we asked the commissioner about this, he explained that he had received confidential information from the municipality that he could not disclose. We provided best practices to the commissioner about how to provide more information about the rationale for his decisions, without disclosing confidential information.

We reviewed a case where an integrity commissioner dismissed a man's complaint about a councillor. The complaint alleged that the councillor violated his oath of office by making inappropriate comments on social media. The integrity commissioner's decision stated that the oath of office was not part of the municipality's code of conduct and was outside of his authority. When we spoke with the integrity commissioner, he clarified that he actually could consider the oath, as it forms part of the ethical framework for elected officials. However, in this case, the conduct did not violate the oath or the code of conduct. The commissioner agreed to speak to the resident to explain the error and the basis for discontinuing his review of the complaint.

A councillor whose conduct was investigated and found in violation by an integrity commissioner complained to us that the commissioner never interviewed him or provided an opportunity to comment on a preliminary report. We suggested to the integrity commissioner that they amend their process in future to ensure that members who are the subject of investigations are provided with the opportunity to comment on the allegations against them before the commissioner's findings are made.

A woman complained to us that the integrity commissioner seemed to have forgotten about her complaint – twice. The commissioner initially met with her to discuss her complaint about a councillor, but then she heard nothing for more than six months. When she finally reached him, he told her his understanding was that she didn't want to proceed with the matter. She then made a second complaint about the councillor, and again met with the commissioner – but heard nothing further. When we made inquiries, the integrity commissioner told us he again thought the woman did not want to pursue the complaint. We explained that it is a best practice to communicate with complainants about the status of their matter. The commissioner said he would consider the complaint again if the woman wanted to pursue it.

A woman emailed an integrity commissioner to say she felt he had not addressed all of her complaints, but did not hear back. When we spoke with the commissioner, he said he believed he made it clear that his investigation was complete, but understood that it is a best practice to answer such inquiries to indicate that no further response would be forthcoming.

9a

An integrity commissioner abruptly stopped communicating with a woman after she sued the municipality. We shared best practices with the municipality and the commissioner about ensuring that its complaint protocol addresses the need to communicate with complainants when investigations are closed, including because of related litigation.

A woman told us that an integrity commissioner dismissed her complaint about a councillor's comments on social media. But eight months later, he issued findings that the councillor had breached the code of conduct. We spoke to the commissioner, who explained that after he dismissed the woman's complaint, he received several more that were similar. He noted that he did send the woman a copy of his report, but acknowledged that he could have communicated with her more clearly. He later wrote to her to explain the situation directly.

A woman told us that she raised a conflict of interest complaint with an integrity commissioner just after the statutory time limit for filing complaints. The commissioner encouraged her to focus her complaint on other issues, which she did almost a year later. At that point, the commissioner accepted her *MCI/A* complaint, but then took seven months to make a finding, exceeding the 180-day timeframe in the Act for completing such reviews. We reminded the commissioner to be aware of the applicable timelines and to take care to clearly communicate them to complainants.

A man told us he had heard nothing from the integrity commissioner, more than eight months after submitting his complaint. After we spoke with the commissioner, he explained the reason for the delay and provided the man with an expected completion date.

An individual contacted us to complain about a report issued by a municipal integrity commissioner. We found that, in the report, the commissioner failed to link their decision to the grounds set out in the municipality's code of conduct. We noted that the commissioner should specify the applicable section of the code of conduct when providing reasons.

We reviewed a case where an integrity commissioner investigated a councillor's conduct but failed to keep written records of his meetings with the complainant or witnesses. This made it difficult for him to respond to the complaint, and could cause problems if the matter was subject to a future court proceeding. We shared best practices about record-keeping with the commissioner.

78

15



96

TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C026-23
DATE: December 20, 2023
TO: Committee of the Whole
FROM: Lisa Lehr, Manager of Legislative Services
SUBJECT: Proposed Amendments - Parking By-law 2005-96

RECOMMENDATION

*That Staff Report C026-23 be received; and
That Council authorize Staff to engage with the Ministry of Attorney General to increase the Early Payment and/or Set Fines associated with "Winter Parking Restrictions"; and
That Council consider approving amendments to Essa's Parking By-law to include provisions specific to:*

- *The prohibition of vehicles parked on the road system opposite to the flow of traffic;*
- *Vehicles Parking in EV Charging Station Parking Spaces where they are not charging their vehicle;*
- *No parking (at any time) on the North Side of River Road from Mill Street to Park Road, with signage to be installed;*
- *The requirement for vehicles parked in municipal parking lots to move on a regular basis (ie: once every 24 hours); and*

*That the appropriate By-law to amend Essa's Parking By-law 2005-96 be presented to Council for passage at its regular meeting scheduled on January 17, 2024; and
That Council direct staff to investigate implementation of an Administrative Monetary Penalty System for its Parking By-law, with a report to come forward in 2024.*

BACKGROUND

The Township of Essa's Parking By-law 2005-96, as amended, provides for the regulation of vehicle parking, standing and stopping on highways or parts of highways under the jurisdiction of the Township of Essa. The By-law is intended to be used as a means of addressing potential hazards and safety concerns such as visual obstructions caused by parking congestion or improper parking. It is enforced by Municipal Law Enforcement Officers (MLEOs) and the Ontario Provincial Police (OPP), and allows for vehicles found to be parked in contravention of the By-law to be ticketed and/or towed. Enforcement consists of the issuance of Part 2 tickets, which allows for voluntary payment and/or set fines approved by the Ministry of Attorney General.

Parking in the Township of Essa, particularly in medium to high density residential subdivisions, has become an increasingly challenging issue to manage. As Council is aware, local roads are often overcrowded with cars parked on road surfaces causing not only difficulty to motorists travelling the road system and safety concerns to pedestrians, but also challenges to municipal staff and contractors tasked with performing maintenance on the road system (ie: street sweeping, snow removal, water surface management, etc.). In addition to vehicles parked on local roadways, there has been an

9b

increase in observance of vehicles that are parking in municipal parking lots at local parks with vehicles often not moving, in some cases, for days at a time. These parking lots are thereby serving as overflow parking lots.

The Manager of Legislative Services and the Manager of Public Works have recently reviewed the current Parking By-law (2005-96 as amended) and are proposing changes in an effort to strengthen and enhance the Parking Enforcement Program. It is expected that implementation of the suggested amendments contained in this Report will further assist Officers in addressing the complexity of enforcement, and additionally, will further support deterrence and/or changes to driving behaviours in Essa.

COMMENTS AND CONSIDERATIONS

In respect of restricting parking on local roads, a few of the more common measures (to name a few) contained in the By-law are as follows:

- Seasonal on-street (“winter”) parking restrictions - November 1 to May 1 each calendar year between the hours of 2:00 am to 8:00 am
- Parking restrictions where “No Parking” signs have been erected (ie: around schools)
- Parking restrictions regardless of signage (ie: obstructing a sidewalk or driveway, too close to an intersection, etc.)
- Parking in front of fire hydrants

While it is important to note that all enforcement measures taken to administer the Parking By-law result in the mitigation of safety concerns and hazards posed to motorists and pedestrians, staff in the By-law Department and the Public Works (Roads) Department have requested for Council to consider amending the current Parking By-law in an effort for the By-law to be more effective and efficient.

Winter Parking Restrictions - Early Payment/Set Fines

It has been communicated from Municipal Law Enforcement Officers that the current voluntary payment and set fines attached to Essa's By-law no longer seem to serve as a deterrent (fines have been the same since the By-law was passed in 2005). This is supported by the data provided in Figure 1 below, which shows the frequency of tickets that have been issued to the same license plates during the 2022-23 winter parking and again this winter.

*Figure 1
License Plates that Have Received Multiple Parking Tickets for
Parking on Road during Restricted Period (November 1 to May 1)*

November 1 2022 to May 1 2023 Data collected for the complete 2022-23 Winter Parking Restriction Cycle			
No. of License Plates receiving 2-3 parking tickets	No. of License Plates receiving 4-5 parking tickets	No. of License Plates receiving 6-7 parking tickets	No. of License Plates receiving 8+ parking tickets
30	4	1	0
November 1 2023 to December 5 2023 (Data collected for one month into 2023-24 winter parking restrictions)			
No. of License Plates receiving 2-3 parking tickets	No. of License Plates receiving 4-5 parking tickets	No. of License Plates receiving 6-7 parking tickets	No. of License Plates receiving 8+ parking tickets
20	2	5	1

80

9b

General comments from residents that have received multiple parking tickets have stated that is cheaper to pay the Early Voluntary Payment (within 7 days following date of issuance) in the amount of \$25.00, or the Set Fine (within 8 to 15 days following date of issuance) in the amount of \$35.00, than it is to find an alternative solution themselves.

RECOMMENDATION NO. 1:

- **It is recommended that Council authorize Staff to engage with the Ministry of Attorney General to increase the Early Payment and/or Set Fines associated with “Winter Parking Restrictions” to reflect:**
 - **Early Payment Option – \$35.00 - if paid within 7 days from date of issuance.**
 - **Set Fine - \$50.00 – if paid 8+ days from the date of issuance.**

Parking on the Road Opposite to the Flow of Traffic

By-law Staff often get complaints of vehicles parked on the road in the direction that is opposite to the flow of traffic. This issue can ultimately result in potential risks to motorists and pedestrians, such as:

- Obstructs the flow of traffic in both directions - causes difficulty for other drivers (especially when they need to maneuver around the parked vehicle).
- Reduction in visibility to motorists for both the parked vehicle and oncoming traffic – increases the risk of accidents particularly in areas with limited visibility (such as curves and/or intersections).
- Safety of pedestrians can be compromised – pedestrians have increased difficulty crossing the road safely due to obscured visibility.
- Inconvenience to other residents and drivers in the area – parking in the opposite direction to the flow of traffic may result in limited roadway parking and create additional challenges when navigating residential streets.

As parking on the road in the same direction as the flow of traffic helps to maintain safe and orderly streets and reduces the risk of accidents, it is suggested that the By-law be amended to include provisions to enforce this issue.

RECOMMENDATION NO. 2:

- **It is recommended that Council consider directing Staff to:**
 - **amend the current Parking By-law to include provisions specific to the prohibition of vehicles parking on the road system opposite to the flow of traffic.**
 - **Include Early Payment Fine of \$35.00 (if paid within 7 days from date of issuance)**
 - **Include Set Fine - \$50.00 – if paid 8+ days from the date of issuance**

Electrical Vehicle (EV) Charging Stations

While Officers have the ability to address vehicles parking in EV Charging Station spaces (that are not charging their vehicle) through use of the existing provisions (ie: “parking on municipal property without permission”; “parking where restricted by signage”), the fine (once again) for these offences is only \$25.00 for early payment, and \$35.00 for payment after 8+ days. This penalty is not a very strong deterrent.

Left Blank

ab

A review was conducted of other municipal Parking By-laws, and it was noted that some municipalities have a higher fine for contraveners that are caught parking in EV Charging Station spaces where the vehicle is not charging. It is proposed that Essa follow this framework.

RECOMMENDATION NO. 3:

- It is recommended that Council consider directing Staff to:
 - Amend Essa's current Parking By-law to include provisions specific to vehicles Parking in EV Charging Station Parking Spaces where they are not charging their vehicle.
 - Early Payment Option - \$75.00 if paid within 7 days from date of issuance.
 - Set Fine - \$100.00 if paid 8+ days from the date of issuance.

Limiting Parking to One Side of Road - River Road

As Council is aware, limited width of road surfaces is created when vehicles park on both sides of the travelled portion of road surfaces. This becomes very challenging for the Public Works Department when they are removing snow.

As a result of the review of Essa's Parking By-law, the Public Works Department has requested the assistance of Council in further limiting parking to one side of River Road, in an effort to further assist them with the safe removal of snow.

RECOMMENDATION NO. 4:

- It is recommended that Council consider directing Staff to:
 - Amend Schedule "A" of Essa's current Parking By-law to include the following:
 - No parking, at any time, on the North Side of River Road from Mill Street to Park Road

Vehicles Parking in Municipal Parking Lots

As was mentioned earlier, there has been an increase of vehicles that are parking in the parking lot(s) at municipal parks often times not moving for extended periods of time. The use of municipal parking lot(s) is not a permanent solution for residential parking, but rather allows for a temporary solution to get vehicles off the travelled portion of road surfaces. As a result, it is suggested that provisions be included in Essa's Parking By-law to require vehicles to move on a regular basis (ie: once every 24 hours), unless Council would like staff to further investigate the option for implementing a Parking Permit Program wherein these parking lots would serve to help solve the need for overflow parking. [**Please be advised that recreational vehicles (ie: trailers, boats, RVs, etc.) are not permitted to park in municipal parking lots at any time.]

RECOMMENDATION NO. 5:

- It is recommended that Council consider directing Staff to:
 - Amend its Parking By-law to require vehicles parking in municipal parking lots to move on a regular basis (ie: once every 24 hours) to maintain the municipal parking lots for recreational users.

92

9b

Future Consideration for Council

The Township of Essa currently enforces its Parking By-law through the issuance of Part 2 tickets with Early Payment and Set Fines having been approved by the Ministry of Attorney General. Where tickets remain unpaid following the issuance of the Notice of Impending Conviction (NIC), the Township of Essa issues a Certificate Requesting Conviction (CRC) which gets filed with the Barrie Courthouse. This ultimately results in the following:

- The Barrie Courthouse initiates a Plate Denial Request through the Ministry of Transportation, which then proceeds to the contravener having to make payment through Service Ontario at the time of license plate renewal.

Where the registered owner of the vehicle wishes to challenge the ticket, the Township of Essa files the request through the Barrie Courthouse. The Barrie Courthouse then informs the municipality and the registered owner of the date for the appeal to be heard, with the Judge rendering a decision to:

- stay the ticket (leave the ticket as it was issued);
- vary the ticket (extending the timeline to pay and/or reducing the penalty amount); or
- waive the ticket in its entirety.

Upon conducting a municipal review of the Parking By-laws of other municipalities, it was noted that many have moved away from enforcing their parking tickets through the court system to that of an Administrative Monetary Penalty System (AMPS). The logic behind moving to an Administrative Monetary Penalty System is as follows:

- AMPS provides for faster resolution where parking tickets have been challenged (an appeal is heard by a screening officer and/or a hearing officer, similar to that which Essa has established for its ASE AP Program)
- AMPS allows for the municipality to collect the penalty amount directly in its entirety, with unpaid tickets being sent to Ministry of Attorney General and/or Ministry of Transportation for collection when a license plate is being renewed
- AMPS allows for the municipality to realize more of the penalty amount, as there would be no prosecution fees to pay; this results in the municipality realizing full recovering more of penalty and administrative fees
- AMPS would allow for the municipality to be more in control of monetary penalties (currently Early Payment and Set Fines are required to be approved by the Ministry of Attorney General).

RECOMMENDATION NO. 6:

- **Council direct staff to investigate and report back in 2024 on implementation of an Administrative Penalty System for Parking Infractions.**

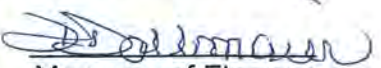
Additionally to note, it is anticipated that Essa's Transportation and Trails Master Plan (TTMP) will be brought forward for Council's consideration in January 2024 with public consultation sessions being scheduled. The TTMP may propose further recommendations and/or suggestions on topics to support additional traffic calming and parking measures. Following Council's approval of the TTMP, Staff will commence a comprehensive review of Essa's Parking By-law to implement the additional recommendations at that time.

83

ab

FINANCIAL IMPACT

No financial impact at this time, however should the Ministry of Attorney General approve the request for increased Early Payment and Set Fines, the municipality could realize higher revenue for parking infractions.


Manager of Finance

SUMMARY/OPTIONS


Council may:

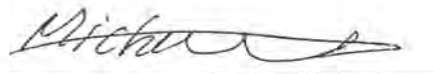
1. Take no further action thereby receiving the Report only, with no proposed amendments being approved by Council.
2. **Authorize Staff to engage with the Ministry of Attorney General to increase the Early Payment and/or Set Fines associated with “Winter Parking Restrictions”.**
3. **Direct Staff to amend Essa’s Parking By-law to include provisions specific to the prohibition of vehicles parking on the road system opposite to the flow of traffic.**
4. **Direct Staff to amend Essa’s Parking By-law to include provisions specific to vehicles Parking in EV Charging Station Parking Spaces where they are not charging their vehicle.**
5. **Direct Staff to amend Schedule “A” of Essa’s Parking By-law to include No parking, at any time, on the North Side of River Road from Mill Street to Park Road.**
6. **Direct Staff to amend Essa’s Parking By-law to require vehicles parking in municipal parking lots to move on a regular basis (ie: once every 24 hours) to maintain the municipal parking lots for recreational users.**
7. **Direct staff to investigate and report back in 2024 on implementation of an Administrative Penalty System for Parking Infractions.**
8. **Direct staff to investigate implementation of an Administrative Monetary Penalty System for its Parking By-law, with a report to come forward in 2024.**
9. Approve further amendments as provided by Council.
10. Direct Staff as Council deems appropriate.

CONCLUSION


It is recommended that Council approve options 2 through 8.

Respectfully submitted;


Lisa Lehr
Manager of Legislative
Services


Michael Mikael
Manager of Public Works

Reviewed by:


Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

- 1 – Consolidated Version of Essa's Parking By-law 2005-96, with Set Fines as approved by Ministry of Attorney General in 2005.

84

ab

Attachment #1



THE CORPORATION OF THE TOWNSHIP OF ESSA

Parking By-law 2005-96 as amended

OFFICE CONSOLIDATION

This Office Consolidation is for ease of reference only. Copies of Original and Amending By-laws can be obtained by contacting the Clerk's Office at 705-424-9917.

Amending By-laws:

2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and
2022-54

85

9b

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2005 – 96 (amended)

Being a By-law to provide for the regulating of vehicle parking, standing and stopping on highways or parts of highways under the jurisdiction of the Corporation of the Township of Essa, and to Repeal By-law 97-63.

WHEREAS Section 11(2) of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that lower tier municipalities have the power to pass by-laws under a sphere of jurisdiction as assigned to an upper tier non-exclusively; and

WHEREAS Section 27 (1) of the *Municipal Act* provides that a municipality may pass by-laws in respect to highways over which it has jurisdiction, including the authority to regulate parking on highways; and

WHEREAS Section 35 of the *Municipal Act* provides that a municipality may restrict the common law right of passage by the public over a highway; and

WHEREAS Sections 63(1) and 101 of the *Municipal Act* allow for the removal and impounding or restraining and immobilization of vehicles placed, stopped, standing or parking on a highway or on private land in contravention of a municipal by-law regulating vehicles;

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

1 DEFINITIONS:

1. The meaning ascribed to any term defined in subsection 1 of Section 1 of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8 as amended from time to time, are the meanings of that term as used in this By-law, unless that term is otherwise defined in subsection 1.2 of this Section.

For the purposes of this By-law:

- a. "Authorized Sign" means a sign or other device placed or erected on a highway or elsewhere pursuant to the provisions of this By-law and approved by the Ministry;
- b. "Boulevard" means all parts of the highway save and except any roadway, shoulder or sidewalk;
- c. "Bus Stop" means that part of a highway designated by a sign where buses will stop to take on or let off passengers;
- d. "Collector Road" means a road that serves to collect and distribute traffic between local streets and arterial roads, with typical daily motor vehicle traffic volume between 2,500 to 8,000 vehicles per day, with lower speeds (40-50 km/h);
- e. "Corner" means the point of intersection of curbs or edges of the portion of the highway used for vehicular traffic;
- f. "Council" means the Council of the Corporation of the Township of Essa;

86

9b

-
- g. “Curb” shall include the edge of the roadway and gutters;
 - h. “Driveway” means improved land on a highway which provides vehicular access from the roadway to a laneway or a parking area on adjacent lands;
 - i. “Fire Route” means a private roadway designated as a fire route by one or more signs erected by or on behalf of the owner or occupant of the private roadway;
 - j. “Highway” includes a common and public highway, street, avenue, parkway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles, including unopened and unassumed highways;
 - k. “Highway, one way” means a highway upon which the movement of vehicular traffic is limited to one direction;
 - l. “Inner Boulevard” means that part of the highway lying between the property line and the edge of the sidewalk nearest to the property line and where there is no sidewalk, it means that part of the highway lying between the property line and the edge of the shoulder furthest from the roadway or where a shoulder does not exist from the edge of the roadway;
 - m. “Laneway” means improved land adjacent to the highway which provides access from the highway to a parking area on adjacent land;
 - n. “Leave or Left when prohibited” means the parking of a motor vehicle:
 - i. in excess of any time limit so posted; or,
 - ii. where a time limit is not posted, in excess of two hours; or,
 - iii. for any use other than the normal use intended for the property;
 - p. “Local Board” means a local board as defined in the *Ontario Municipal Act, 2001*;
 - q. “Local Road” means a road that serves primarily to provide access to properties and serve a relatively minor role in carrying motorized traffic, with typical motor vehicle traffic volume of less than 2,500 vehicles per day, with lower speeds (40-50 km/h);
 - r. “Municipality” means the Corporation of the Township of Essa;
 - s. “Municipal Property” means property of the Township of Essa or any local board thereof;
 - t. “Officer” means a Municipal Law Enforcement Officer appointed by the Township of Essa for the purpose of carrying out the enforcement of this By-law;
 - u. “OPP Commander” means the Detachment Commander of the Ontario Provincial Police having authority in the Township, or designate;
 - v. “Outer Boulevard” means that part of the highway lying between any sidewalk and the edge of the shoulder furthest from the roadway where a shoulder does not exist from the edge of the roadway;

87

9b

OFFICE CONSOLIDATION

By-law No. 2005 – 96,

as amended BY 2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and 2022-54

Page 3 of 20

-
- w. "Owner" when used in relation to property means the registered owner of the property;
 - x. "Owner" when used in relation to a vehicle means the last registered name on file with the Ministry of Transportation;
 - y. "Park" or "Parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
 - z. "Parking Infraction Notice" means a notice of an infraction of this By-law given by an Officer or Constable;
 - aa. "Parking Space" means that part of the surface of a roadway designated for the purpose of parking a vehicle;
 - bb. "Pedestrian" means a person or child, on foot or in a wheelchair, motorized accessibility scooter, or baby carriage;
 - cc. "Person" means an individual human being, his/her personal representative and their heirs, executors and assigns and shall also include a corporation with or without share capital and for the purpose of this By-law includes the owner or driver of a vehicle;
 - dd. "Private Road" means a highway, road or laneway on private property and one which is not assumed by, or under the jurisdiction of the municipality;
 - ee. "Road Right-of-Way" means a type of easement granted or reserved by the municipality on all roads within the municipality including the driving surface (paved and/or gravel) and beyond the driving surface over the land for transportation purposes;
 - ff. "Roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder and, where a highway includes two or more separate roadways, and the term Roadway refers to any one roadway separately and not to all of the roadways collectively;
 - gg. "Shoulder" means that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel for the use of vehicles;
 - hh. "Sidewalk/footpaths" means that portion of a highway as is set aside by the Township for the use of pedestrians;
 - ii. "Stand" or "Standing", when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers (immobilization);
 - jj. "Stop" or "Stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or of a traffic control sign or signal;

88

9b

-
- kk. "Township" means the Corporation of The Township of Essa;
- ll. "Vehicle" includes a motor vehicle, trailer, commercial motor vehicle, an automobile, motorcycle, motor assisted bicycle, a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry road building machine and any other vehicle propelled or driven otherwise than by muscular power.

2. GENERAL REGULATIONS

1. Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, provided however, if what is known as "daylight savings time" has been generally adopted in the Township for any period of the year, under any statute, order-in-council, By-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this By-law.
2. The Roads Supervisor for the Township, or designate, shall have authority to place or erect and to maintain such authorized signs as are required to give effect to the provisions of this By-law;
3. No person shall place, maintain or display on any highway, any sign, marking or device which purports to be, or is an imitation of, or resembles an authorized sign or which conceals from view or interferes with the effectiveness of an authorized sign.
4. The Detachment Commander and the Township Roads Supervisor are hereby authorized to place or erect and maintain temporary "No Parking" signs and "No Stopping" signs on any highway.
5. The Schedule to this By-law shall form part of this By-law and each entry in a column of such a schedule shall be read in conjunction with the entry or entries across therefrom and not otherwise.
6. "Severability" - If any Court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires of the jurisdiction of the Council to pass or are invalid for any other reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.
7. A word interpreted in the singular number has a corresponding meaning when used in the plural.
8. "May" shall be construed as permissive.
9. "Shall" shall be construed as imperative.
10. "Distances" - Where a distance is used in this By-law as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or part of a highway, such distance shall be measured:
 - (a) Along the curb or edge of the roadway from a point in such curb or edge of roadway opposite such object, structure, land or part of a highway, unless the context otherwise requires, and;

89

9b

- (b) from such object, structure, land, or part of a highway in all directions.
11. This By-law applies only to highways forming part of the road system under the jurisdiction of the Municipality.
 12. If compliance therewith be impractical, the provisions of this By-law shall not apply to:
 - (a) ambulances, police, fire department, or public utility emergency vehicles; or,
 - (b) vehicles actually engaged in works undertaken for, or on behalf of the Municipality.

3. GENERAL STOPPING OR PARKING REGULATIONS

1. No person shall park or stop any vehicle on any highway or portion thereof except as follows:
 - (a) where there is a raised curb or a rolled curb on the right side of the roadway having regard to the direction such vehicle was proceeding with its right front and rear wheels parallel to and not more than 15 centimetres (5.9 inches) from such curb; or,
 - (b) where there is no curb or a rolled curb, with the right front and rear wheels parallel to and as near the right-hand limit of the highway as is practical without parking or stopping over a sidewalk or footpath or over any part of a highway where grass is grown or which is not intended for the use of vehicles.
2. Notwithstanding the provisions of subsection 4.1, on designated one-way highways where parking or stopping is permitted on the left side of a highway, no person shall park or stop any vehicle on any highway or portion thereof except as follows:
 - (a) where there is a raised curb or rolled curb on the left side of the roadway having regard to the direction in which the vehicle was traveling, with its left front and rear wheels parallel to, and no more than 15 cm (5.9 inches) away from such curb; or,
 - (b) where there is no curb or rolled curb, on the left side of the roadway having regard to the direction in which the vehicle was traveling with the left front and rear wheels parallel to and as near to the left hand limit of the highway as is practical without parking or over a sidewalk or footpath or over any part of a highway where grass is grown or which is not intended for use of vehicles.
3. Where parallel parking spaces are designated by lines painted on a roadway, no person shall park or stop any vehicle other than within the designated spaces.
4. Where angle parking is permitted, no person shall:
 - (a) park any vehicle other than within the designated spaces where parking spaces are designated by painted lines on the roadway; or,

90

9b

(b) park or stop any vehicle except at an angle of 45 degrees to the curb or boundary of the roadway where parking spaces are not designated by lines painted on the roadway.

5. The provisions of subsections 4.1 and 4.2 do not apply on highways where angle parking is permitted.

4. **PARKING PROHIBITED WITH SIGNS**

When authorized signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on any highway:

1. In front of, or within 9 metres (29.5 feet) of a lot on which there is a fire hall or on the side of the highway on which the fire hall is located;
2. On the opposite side of a highway from a fire hall and within 30 metres (98.4 feet) of the projected lot lines of the lot on which such fire hall is located;
3. Within 20 metres (65.6 feet) of an intersection;
4. Within 30 metres (98.4 feet) of an intersection controlled by traffic signals;
5. In front of the main entrance to, or any emergency exit from any church, hotel, hospital, nursing home, theatre, auditorium or other building or enclosed space in which persons may be expected to congregate in large numbers;
6. Within 30 metres (98.4 feet) of the approach side of a crosswalk that is not located at an intersection;
7. Within 15 metres (49.2 feet) of the departure side of a crosswalk that is not located at an intersection; or,
8. So as to interfere with the formation of a funeral procession.

5. **PARKING PROHIBITED REGARDLESS OF SIGNAGE**

No person shall park a vehicle or permit a vehicle to remain parked on any highway;

1. Within 9 metres (29.5 feet) of an intersection;
2. Within 9 metres (29.5 feet) of a fire hydrant;
3. For 30 metres (98 feet) of the roadway fronting a Cenotaph at any time;
4. In front of or within 1.5 metres (4.9 feet) of a laneway or driveway;
5. So as to obstruct a vehicle in the use of any laneway or driveway;
6. In such a position that will prevent the convenient removal of any other vehicle previously parked;
7. For the purpose of displaying the vehicle for sale;

91

9b

8. For the purpose of greasing or repairing the vehicle except for such repairs necessitated by an emergency;
9. On the roadway where the width of the roadway is 6 metres (19.6) feet or less;
10. On a driveway within 1 metre (3.2 feet) of a sidewalk or footpath, or if there is no sidewalk or footpath within 3 metres (9.8 feet) of the roadway;
11. So as to impede or obstruct the flow of other traffic during its lawful use of the highway;
12. On a boulevard; or,
13. Between the hours of 2:00 a.m. and 8:00 a.m. from the first day of November to the first day of May in any calendar year for the purposes of snow removal.

6. STOPPING PROHIBITED REGARDLESS OF SIGNAGE

No person shall stop a vehicle or permit a vehicle to remain stopped on any highway:

1. On, partly on, or over a sidewalk or footpath;
2. Within an intersection or crosswalk;
3. Within 30 metres (98.4 feet) of the approach side of a crosswalk that is not located at an intersection;
4. Within 15 metres (49.2 feet) of the departure side of a crosswalk that is not located at an intersection;
5. Adjacent to, or across from, an excavation or obstruction in the roadway, when the free flow of traffic would be obstructed;
6. On the roadway side of any stopped or parked vehicle;
7. Upon any bridge or elevated structure except where parking is otherwise permitted in this By-law;
8. Within 30 metres (98.4 feet) of either end of a bridge or elevated structure;
9. Within 30 metres (98.4 feet) of the approach side of the nearest rail of any level crossing of a railway; or,
10. Within 15 metres (49.2 feet) of the departure side of the nearest rail or any level crossing of a railway.

7. PARKING OR STOPPING PROHIBITED, WITH SIGNS

When authorized signs have been erected, no person shall stop or park a vehicle or permit a vehicle to remain stopped or parked:

1. On either side of a highway adjacent to a school, park or playground between the hours of 7:30 a.m. and 7:00 p.m.; or,

92

9b

2. Within the turning basis of a cul-de-sac.

8. PARKING REGULATIONS - HIGHWAY CLEARING, CLEANING, SNOW REMOVAL AND SNOW PLOUGHING

When authorized signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on a highway:

1. So as to interfere in any manner with the work of clearing/or removing snow or ice therefrom; or,
2. In such a manner so as to interfere with highway cleaning operations.
3. Despite other provisions, in accordance with Section 170 (12) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway.

9. PARKING PROHIBITED - SPECIFIED TIMES AND PLACES WITH SIGNS - SCHEDULE "A"

When authorized signs have been erected, no person shall park a vehicle, or permit a vehicle to remain parked on any highway at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule "A" of this By-law during the times or days set out in column 4 of Schedule "A".

9.1 BUS LOADING / UNLOADING ZONES:

9.1.1 Where authorized signs have been erected, no person shall park or stop a bus, or permit a bus to remain parked or stopped for the purpose of loading and/or unloading pedestrians, on any highway as set out respectively in Schedule "B" of this By-law.

9.1.2 Schedule B "Bus Loading and Unloading Restrictions" shall form part of this By-law.

10. PARKING OR STOPPING PROHIBITED - VENDING VEHICLES

No person:

1. Who is selling or offering goods or produce for sale from a stationary vehicle on a highway, shall park the vehicle or permit the vehicle to remain parked in such a manner as to obstruct traffic;
2. Shall offer for sale or sell goods or produce from a vehicle on a highway, except from the side of such vehicle facing an inner or outer boulevard;
3. Who is selling or offering goods or produce for sale from a vehicle, for the purpose of carrying on business, shall stop the vehicle on any part of a highway for a period of time in excess of ten (10) minutes at any one location.

93

96

11. PARKING PROHIBITED - PRIVATE PROPERTY AND MUNICIPAL PROPERTY

1. For the purpose of this section, the following definitions shall apply:
 - (a) "Municipal Property" means all property owned or occupied by the Township of Essa or any local board thereof except municipal roads controlled under the *Highway Traffic Act* or a municipal Traffic Control By-law;
 - (b) "Occupant" when used in relation to property means:
 - i. the lawful tenant or lessee of the property;
 - ii. the registered tenant or lessees of a condominium unit, whose consent shall extend only to the control of the unit of which he is tenant or lessee and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;
 - iii. the spouse of a person described in the 11.1 (b) i. or 11.1 (b) ii;
 - iv. the board of directors of a condominium corporation;
 - v. a person authorized, in writing, by the property owner as defined in 11.1 (b)i., 11.1 (b)ii., 11.1 (b)iii. or 11.1 (b)iv. to act on the owner's behalf for requesting the enforcement of a By-law passed under this paragraph;
 - (c) "Owner" when used in relation to property means:
 - i. the registered owner of the property;
 - ii. the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;
 - iii. the spouse of a person described in 11.1 (c)i. or 11.1 (c)ii.;
 - iv. the board of directors of the condominium corporation where the property is included in a description registered under the Condominium Act.
 - (d) "Private Property" means all property except the property described in Section 1.2 xviii.
2. Where an owner or occupant of property has posted signs:
 - (a) stating conditions on which a vehicle may be parked or left on the property; or,
 - (b) prohibiting the parking or leaving of a vehicle on the property.

94

9b

Any vehicle left in contravention of the conditions posted shall be deemed to be left without consent.

3. No person shall park or leave a vehicle:
 - (a) on private property without first having obtained written permission from the owner or occupant of the property;
 - (b) on property owned or occupied by the Township or any local board thereof without first having obtained written consent from the Township or the local board.
4. No person shall be charged under Section 12.3(a) of this By-law except where a signed request from the property owner or occupant has been received.
5. No person shall park or leave a vehicle on private property without consent of an owner, occupant or any adult resident of the property.
6. Where a driver of a vehicle who is not the owner has been charged under Section 12.3 of this By-law and is liable to a penalty, the owner of the vehicle is also liable to such penalty unless, at the time of the offence, the vehicle was being used without the owner's consent.
7. No person shall park a vehicle or permit a vehicle to remain parked on property owned by the Township or any local board thereof:
 - (a) in or at an area that is designated by sign as reserved, unless the area is reserved for such person; and,
 - (b) in or at an area designated by sign as an area where parking is prohibited.
8. The provisions in Section 12.3(b) shall not apply where authorized signs have been posted indicating parking is permitted.

12. DISABLED PARKING SPACES - PROHIBITED PARKING WITH SIGNS

1. In accordance with Township of Essa By-law 2004-22, no person or organization shall park a vehicle in a designated disabled parking space unless a currently valid permit has been issued to such person or organization, or to a passenger being picked up or transported in such vehicle, and such permit is displayed on or in such vehicle in accordance with the requirements of the *Highway Traffic Act*, the regulations therein.
2. Upon discovery of any vehicle parked or left in contravention of By-law 2004-22, a Police Officer, Municipal By-law Enforcement Officer or an officer appointed for carrying out provisions of the *Highway Traffic Act*, may cause it to be moved or taken to and placed or stored in a suitable place, and all costs and charges for removal, care and storage thereof, if any, shall be at the expense of the owner.
3. When authorized signs have been erected no person shall park or stop a vehicle or allow a vehicle to remain parked or stopped in a public parking area in a parking space reserved for physically disabled persons unless a valid permit is openly displayed on the dashboard of the vehicle or license plates issued for the physically disabled are properly attached to the front and rear of the vehicle.

95

96

4. Enforcement of this Section on property other than municipal property will only be carried out upon written consent by the owner.

13. COMMERCIAL, LARGE MOTOR VEHICLE, HEAVY MOTOR VEHICLE AND TRAILERS – PARKING PROHIBITED WITHIN ROAD RIGHT-OF-WAY, LOCAL AND COLLECTOR ROADS REGARDLESS OF SIGNAGE

13.1 For the purposes of this section, the following definitions apply:

- a. *“Commercial Motor Vehicle” means a motor vehicle, **used or intended to be used for commercial purposes**, having permanently attached thereto a truck or delivery body licensed as such by the Ministry of Transportation and without limiting the generality of the foregoing includes ambulance, hearses, casket wagons, fire apparatus, police patrols, motor buses, and tractors used for hauling purposes on the highways. Includes the following even if it does not have a truck or delivery body attached to it:*
- i. *a motor vehicle commonly known as a tow truck;*
 - ii. *a mobile equipment vehicle (ie: Road Building Machines as outlined in O. Regulation 398/16); and*
 - iii. *a vehicle built on a truck chassis.*
- b. *“Heavy Motor Vehicle” means a commercial vehicle having a weight when unloaded of 3 tonnes or more, or a weight when loaded of 4.5 tonnes, but does not include an ambulance, police, fire, emergency or utility vehicle.*
- c. *“Large Motor Vehicle” means any motor vehicle having an overall height greater than 3.2 metres or overall length greater than 7.5 metres, and includes recreational vehicles such as RVs, campers, trailers, etc.*
- d. *“Trailer” shall mean any a vehicle that is, at any time, drawn upon a highway by a motor vehicle, except an implement of husbandry, mobile home, another motor vehicle or any device or apparatus not designated to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, regardless of being loaded or unloaded.*

13.2 No person shall park or stop, or permit to remain parked or stopped, any commercial motor vehicle, large motor vehicle or heavy motor vehicle on any local road or collector road as outlined in Schedule B of By-law 2005-96.

13.2.1 EXCEPTIONS

Section 13.2 does not apply where:

- a. a Road Occupancy Permit has been applied for and obtained from the municipality.
- b. The commercial, large or heavy vehicle is engaged in works undertaken for, or on behalf of the municipality, with permission having been granted by the municipality.
- c. the commercial, large or heavy motor vehicle or trailer is engaged in making a delivery to, or a collection from, a premises which cannot be

96

96

reached except by way of a highway or a portion of highway referred to in the said section, or to prohibit the use of such vehicles for such purpose, provided that in making such delivery or collection, the said highway or portion of a highway is travelled only insofar as is unavoidable in getting to and from such premises. Not to exceed five (5) hours on any road.

- 13.3 No person shall park or stop, or permit to remain parked or stopped, any trailer on any local road or collector road, at any time, as outlined in Schedule B of By-law 2005-96.

13.3.1 EXCEPTIONS

Section 13.3 does not apply where:

- a. A Road Occupancy Permit has been applied for and obtained from the municipality.
- b. The trailer is engaged in works undertaken for, or on behalf of the municipality, with permission having been granted by the municipality.

14. DEFACING SIGNS - TRAFFIC SIGNALS

No person shall move, remove, deface or in any manner interfere with any sign, traffic control signal, marking, or other traffic control device placed, erected or maintained under this By-law.

15. FRESHLY PAINTED LINES ON ROADWAY

No person shall drive any vehicle over any marking on the roadway where markers are in place to indicate that the marking material has been freshly painted.

16. PARKING & STOPPING PROHIBITED IN A FIRE ROUTE WITH SIGNS

When authorized signs have been erected, no person shall park or stop a vehicle or permit a vehicle to be stopped or parked in a designated fire route.

17. DEPOSIT OF ICE OR SNOW

1. No person shall deposit any snow or ice on any roadway or sidewalk situated on a highway.
2. No person shall obstruct any roadway or sidewalk situated on a highway with any snow or ice.
3. No person shall deposit or cause to be deposited any amount of snow or ice on private property without the consent of the owner.

18. ENFORCEMENT AND ADMINISTRATION

This By-law shall be enforced and administered by:

- (a) Municipal Law Enforcement Officers of the Township; and,

97

9b

- (b) The Ontario Provincial Police; and,
- (c) Enforcement Officers of the Nottawasaga Valley Conservation Authority (NVCA), only on properties owned and/or leased by the NVCA; and
- (d) The Roads Supervisor, Assistant Roads Supervisor, Winter Night Patrol Person and Weekend Patrol Person.
- (e) the Building Inspector and Chief Building Official

19. PENALTIES

Any person who contravenes any provision of this By-law is guilty of an offence and **upon conviction** is subject to a penalty pursuant to the Provincial Offences Act, R.S.O. 1990.

20. VOLUNTARY PAYMENT

Notwithstanding the provisions of Section 20 of this By-law, any person may, upon presentation of a Certificate of Parking Infraction indicating the commission of an offence as set out in Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17 and 18 of this By-law and, showing a set fine as set out in the attached schedule, may make early payment in the manner shown on the reverse side of the Certificate of Parking Infraction.

21. TOWING AND IMPOUNDING

1. Notwithstanding any other penalty imposed by this By-law, the Officer or Constable issuing the Certificate of Parking Infraction may have the vehicle towed and impounded at the owner's expense.
2. All towing and impounding charges incurred under Section 22 shall become a lien against the vehicle and are collectable under the *Mechanic's Lien Act*, R.S.O. 1990, as amended.

22. EFFECT

This By-law shall take effect on the day of passing and upon approval of the Set Fine Schedule.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Twenty First day of December, 2005.

Original signature on file

David Guergis, Mayor

Original signature on file

Carol O. Trainor, Clerk / Deputy Treasurer

98

9b

SCHEDULE "A" Consolidated**As amended by: 2008-21,**

Column 1 (Highway)	Column 2 (Side[s])	Column 3 (Limits)	Column 4 (Period)
8 th Line (Road Allowance between Concessions 7 and 8)	Both sides	From the North Limit of Lot 26, to a point 468 metres north thereof	At any time
9 th Line (Road Allowance between Concessions 8 and 9)	Both sides	From a point 170 metres north of the south boundary of Lot 11 to a point 445 metres north of this boundary	At any time
6 th Line (Road Allowance between Concessions 5 & 6)	Both sides	From the south boundary of Lot 6 to the North limit of Lot 6	At any time
6 th Line (Road Allowance between Concessions 5 & 6)	Both sides	From North limit of Lot 30 to South limit of Lot 29	At any time
6 th Line	Both sides	300 m north of the northern boundary of the 19 th Sideroad, to a point 350 m north of the said boundary	At any time
Fraser Street, Plan 160A	Both sides	From Curtis Street, a distance of 133 metres West on Fraser Street	At any time
Jonas Street, Plan 160A	Both sides	From Elm Street, a distance of 81 metres West on Jonas Street	At any time
10 th Line (Road Allowance between Concessions 9 & 10)	Both sides	From the south limit of Lot 16 to a point 300 metres north thereof	At any time
Curtis Street, Plan 160A	Both sides	From Queen Street to Jonas Street	no more than 30 minutes
Roth Street	North side	From Highway #90 (Mill Street) easterly to North Street	At any time
Cecil Street	North side	From Highway #90 (Mill Street) westerly to Mansonic Way	At any time
McCarthy Crescent Plan 51M-428	South side	From Darren Drive easterly to Mansonic Way	At any time

99

9b

OFFICE CONSOLIDATION

By-law No. 2005 – 96,

as amended BY 2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and 2022-54

Page 15 of 20

Column 1 (Highway)	Column 2 (Side[s])	Column 3 (Limits)	Column 4 (Period)
Summerset Place	Both sides	From Mill Street (County Road 90) easterly a distance of 100 metres	At any time
5 th Line	West side	From driveway at 5122 - 5 th Line southerly a distance of 75 metres	At any time
Centre Street	South side	From Duckworth Street west to the west limits of 196 Centre Street	At any time
5 th Line	Both sides	From the single lane bridge over the Nottawasaga River located at Part Lot 3, southerly to a distance of 750 metres	At any time
Brian Avenue	South Side	From Coulson Avenue to Lee Avenue	At any time
Bushey Avenue	West Side	From Brian Avenue to Cecil Street	At any time
Tarbush Avenue	East Side	From Brian Avenue to Cecil Street	At any time
Sydenham Street	North Side	From Auburn Street to Raglan Street	At any time
Vernon Street	Both Sides	From Sydenham Street to Centre Street	At any time
Raglan Street	West Side	From Simcoe Street to Centre Street	At any time
Auburn Street	East Side	From Simcoe Street to Centre Street	At any time
Simcoe Street	South Side	From Raglan Street to Auburn Street	At any time

100

9b

Schedule “B” of By-law 2005-96

Bus Loading and Unloading – Restricted Highways

Column 1 (Highway)	Column 2 (Sides)	Column 3 (Limits)	Column 4 (Period)
Centre Street	Both sides	From 5 th Line to Elizabeth Street	At anytime

101

9b

OFFICE CONSOLIDATION

By-law No. 2005 – 96,
as amended BY 2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and 2022-54
Page 17 of 20

Township of Essa
By-law No. 2005 – 96 as amended
Title: Vehicle Parking, Standing & Stopping By-law
Part II Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Early Voluntary Payment payable within 7 days	Column 4 Set Fine
1.	Improperly parked or stopped on the right side of a roadway with its right wheels parallel to and not more than 15 cm from a raised or rolled curb	Section 3 1(a)	\$25.00	\$35.00
2.	Improperly parked or stopped with the right wheels parallel to the right hand limit of the highway, where there is no curb, without stopping on any portion not intended for vehicles	Section 3 1(b)	\$25.00	\$35.00
3.	Improperly parked, with signs, within 9m of a lot containing a fire hall	Section 4.1	\$25.00	\$35.00
4.	Improperly parked, with signs, opposite a fire hall and within 30m of the fire hall lot lines	Section 4.2	\$25.00	\$35.00
5.	Improperly parked, with signs, within 20m of an intersection	Section 4.3	\$25.00	\$35.00
6.	Improperly parked, with signs, within 30m of an intersection controlled by traffic signals	Section 4.4	\$25.00	\$35.00
7.	Improperly parked, with signs, in front of any building or enclosed space where persons may congregate in large numbers	Section 4.5	\$25.00	\$35.00
8.	Improperly parked, with signs, within 30m of the approach of a crosswalk not at an intersection	Section 4.6	\$25.00	\$35.00
9.	Improperly parked, with signs, within 15m of the departure side of a crosswalk not at an intersection	Section 4.7	\$25.00	\$35.00
10.	Improperly parked, with signs, interfering with the formation of a funeral procession	Section 4.8	\$25.00	\$35.00
11.	Parked within 9 metres of an intersection	Section 5.1	\$25.00	\$35.00
12.	Parked within 9 metres of a fire hydrant	Section 5.2	\$25.00	\$35.00
13.	Parked within 30 metres fronting a Cenotaph	Section 5.3	\$25.00	\$35.00
14.	Parked within 1.5 metres of a driveway or laneway	Section 5.4	\$25.00	\$35.00
15.	Parked so as to obstruct a driveway or laneway	Section 5.5	\$25.00	\$35.00
16.	Parked so as to prevent removal of any other parked vehicle	Section 5.6	\$25.00	\$35.00
17.	Parked for the purposes of display or sale	Section 5.7	\$25.00	\$35.00
18.	Parked for the purposes of repair.	Section 5.8	\$25.00	\$35.00
19.	Parked on a roadway less than 6 metres wide.	Section 5.9	\$25.00	\$35.00
20.	Parked on a driveway within 1 meter of a sidewalk	Section 5.10	\$25.00	\$35.00
21.	Parked on a driveway within 3 meters of a roadway with no sidewalk	Section 5.10	\$25.00	\$35.00
22.	Parked so as to impede the flow of traffic	Section 5.11	\$25.00	\$35.00
23.	Parked on a boulevard	Section 5.12	\$25.00	\$35.00
24.	Parked on a highway between 2:00 a.m. and 8:00 a.m. from November 1 to May 1	Section 5.13	\$25.00	\$35.00
25.	Stopped on a sidewalk/footpath	Section 6.1	\$25.00	\$35.00
26.	Stopped within an intersection or crosswalk	Section 6.2	\$25.00	\$35.00
27.	Stopped within 30 m of the approach of a sidewalk	Section 6.3	\$25.00	\$35.00

9b

OFFICE CONSOLIDATION

By-law No. 2005 – 96,

as amended BY 2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and 2022-54

Page 18 of 20

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Early Voluntary Payment payable within 7 days	Column 4 Set Fine
28.	Being the owner of a vehicle stopped within 15 m of the departure of a crosswalk	Section 6.4	\$25.00	\$35.00
29.	Stopped proximate to road excavation so as to obstruct traffic flow	Section 6.5	\$25.00	\$35.00
30.	Stopped on the road side of a parked vehicle	Section 6.6	\$25.00	\$35.00
31.	Stopped upon a bridge or elevated structure	Section 6.7	\$25.00	\$35.00
32.	Stopped within 30 m of a bridge	Section 6.8	\$25.00	\$35.00
33.	Stopped within 30 m of the approach to a level crossing	Section 6.9	\$25.00	\$35.00
34.	Stopped within 15 m of the departure from a level crossing	Section 6.10	\$25.00	\$35.00
35.	Stopped in an area prohibited by signs adjacent to a school, park or playground between 7:30 a.m. and 7:00 p.m.	Section 7.1	\$25.00	\$35.00
36.	Parked in an area prohibited by signs adjacent to a school, park or playground between 7:30 a.m. and 7:00 p.m.	Section 7.1	\$25.00	\$35.00
37.	Stopped or parked in an area prohibited by signs in a cul-de-sac	Section 7.2	\$25.00	\$35.00
38.	Parked on a highway so as to interfere with the clearing or removing of snow	Section 8.1	\$25.00	\$35.00
39.	Vending vehicle parked or stopped so as to obstruct traffic	Section 10.1	\$30.00	\$40.00
40.	Vending vehicle stopped on a highway and carrying on business in excess of 10 minutes	Section 10.3	\$30.00	\$40.00
41.	Parked on private property without permission	Section 11.3(a)	\$30.00	\$40.00
42.	Parked on municipal property without permission	Section 11.3(b)	\$30.00	\$40.00
43.	Parked in a physically disabled parking space prohibited with signs	Section 12.1	N/A	\$300.00
44.	Parked commercial, large or heavy vehicle on a local or collector road	Section 13.2	\$30.00	\$40.00
45.	Parked trailer on a local or collector road	Section 13.3	\$30.00	\$40.00
46.	Parked in a designated fire route with signs	Section 16	\$50.00	\$75.00

The penalty provision for offences indicated above is Clause 19 of By-law 2005-96, as amended, a certified copy of which has been filed.

103

96

Township of Essa
 By-law No. 2005 – 96 as amended
 Title: Vehicle Parking, Standing & Stopping By-law
Part I Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Interfere with traffic control device	Section 14	\$50.00
2.	Deposit of snow on roadway	Section 17(1)	\$50.00
3.	Deposit of snow on sidewalk	Section 17(1)	\$50.00
4.	Obstruction of roadway with snow	Section 17(2)	\$50.00
5.	Obstruction of sidewalk with snow	Section 17(2)	\$50.00
6.	Deposit of snow or ice on private property	Section 17(3)	\$50.00
7.	Vending Vehicle from which goods are sold other than from the boulevard side	Section 10(2)	\$50.00

The penalty provision for offences indicated above is Clause 19 of By-law 2005-96, as amended, a certified copy of which has been filed.