



THE REGIONAL MUNICIPALITY OF NIAGARA COUNCIL ORDER OF BUSINESS

CL 15-2020

Thursday, August 13, 2020

6:30 p.m.

Meeting will be held by electronic participation only

All electronic meetings can be viewed on Niagara Region's Website at:

<https://www.niagararegion.ca/government/council/>

Due to the efforts to contain the spread of COVID-19 the Council Chamber will not be open to the public to attend Council meetings until further notice. To view live stream meeting proceedings, please visit: [niagararegion.ca/government/council](https://www.niagararegion.ca/government/council/)

Pages

1. CALL TO ORDER

2. ADOPTION OF AGENDA

2.1 Addition of Items

2.2 Changes in Order of Items

3. DISCLOSURES OF PECUNIARY INTEREST

4. PRESENTATIONS

4.1 Southwestern Integrated Fibre Technology, Inc. (SWIFT)
Barry Field, Executive Director

5 - 18

5. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

6. DELEGATIONS

- 6.1 Mothers Against Drunk Driving (MADD) Memorial Signage (Minute Item 5.3 of PWC 7-2020 (Agenda Item 9.1)) 19 - 20
Robin Edwards, Resident, City of Niagara Falls

The delegation submission is attached to this agenda item as CL-C 81-2020.

7. ADOPTION OF MINUTES

- 7.1 Council Minutes CL 11-2020 21 - 25
Thursday, July 23, 2020 (Special Meeting)
- 7.2 Council Minutes CL 12-2020 26 - 42
Thursday, July 23, 2020 (Regular Meeting)
- 7.3 Council Minutes CL 13-2020 43 - 47
Thursday, July 30, 2020 (Special Meeting)

8. CORRESPONDENCE

- 8.1 Receive and/or Refer
- 8.1.1 PHD-C 6-2020 48 - 62
COVID-19 Response and Business Continuity in Public Health & Emergency Services
Recommended Action: Receive.
- 8.1.2 COM-C 22-2020 63 - 66
COVID-19 Response and Business Continuity in Community Services
Recommended Action: Receive.
- 8.1.3 *CL-C 84-2020* 67 - 69
A letter from E. McDermott, Integrity Commissioner, dated August 12, 2020, respecting Referral of Motion - Item 8.CL 12-2020, July 23, 2020.
Recommended Action: Receive.
- 8.1.4 *CHR 04-2020* 70 - 82
A memorandum from Regional Chair Bradley, dated August 13, 2020, respecting COVID-19 Financial Relief from Senior Levels of Government.

8.2 For Consideration

- | | | |
|-------|--|-----------|
| 8.2.1 | PHD 7-2020
Authorizing Assistance and Support Agreements to Combat COVID-19 | 83 - 87 |
| 8.2.2 | CSD 50-2020
2020 COVID-19 Cash Flow Update Report - August | 88 - 93 |
| 8.2.3 | CSD 51-2020
COVID-19 Financial Impacts Update | 94 - 108 |
| 8.2.4 | PW 36-2020
Niagara Falls Water Treatment Plant Phase II Upgrades – Contract Changes | 109 - 116 |

9. COMMITTEE REPORTS - OPEN SESSION

- | | | | |
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| 9.1 | <u>Public Works Committee</u>
Minutes PWC 7-2020, Tuesday, August 4, 2020 | Rigby | 117 - 245 |
| 9.2 | <u>Public Health and Social Services Committee</u>
Minutes PHSSC 7-2020, Tuesday, August 4, 2020 | Greenwood | 246 - 247 |
| 9.3 | <u>Corporate Services Committee</u>
Minutes CSC 7-2020, Wednesday, August 5, 2020 | Whalen | 248 - 401 |

10. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

None.

11. MOTIONS

- | | | | |
|------|--|-------|-----------|
| 11.1 | <u>Child Care</u>
In accordance with the notice and submission deadline requirements of Sections 18.1 (a) and 11.3, respectively, of Niagara Region's Procedural By-law, the Regional Clerk received from Councillor Huson a motion to be brought forward for consideration at the August 13, 2020 Council meeting respecting Child Care. | Huson | 402 - 421 |
|------|--|-------|-----------|

This motion has been revised.

12. NOTICES OF MOTION

13. OTHER BUSINESS

14. CLOSED SESSION

14.1 Council Minutes - Closed Session

14.1.1 Council Minutes CL 13-2020 (Special Meeting), Closed
Session July 30, 2020

15. BUSINESS ARISING FROM CLOSED SESSION

16. BY-LAWS

- | | | |
|------|---|-----------|
| 16.1 | <u>Bill 2020-54</u>
A by-law to amend By-law 89-2000 to provide for the regulation of traffic on Regional highways (speed limit reduction Regional Road 37 in the City of Thorold). | 422 - 423 |
| 16.2 | <u>Bill 2020-55</u>
A by-law to amend By-law 89-2000 to provide for the regulation of traffic on Regional highways (speed limit reduction Regional Road 67 in the City of Thorold). | 424 - 425 |
| 16.3 | <u>Bill 2020-56</u>
A by-law to amend By-law 89-2000 to provide for the regulation of traffic on Regional highways (parking prohibition Regional Road 101 in the City of Niagara Falls). | 426 - 427 |
| 16.4 | <u>Bill 2020-57</u>
A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on August 13, 2020. | 428 |

17. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).



NIAGARA REGION PRESENTATION

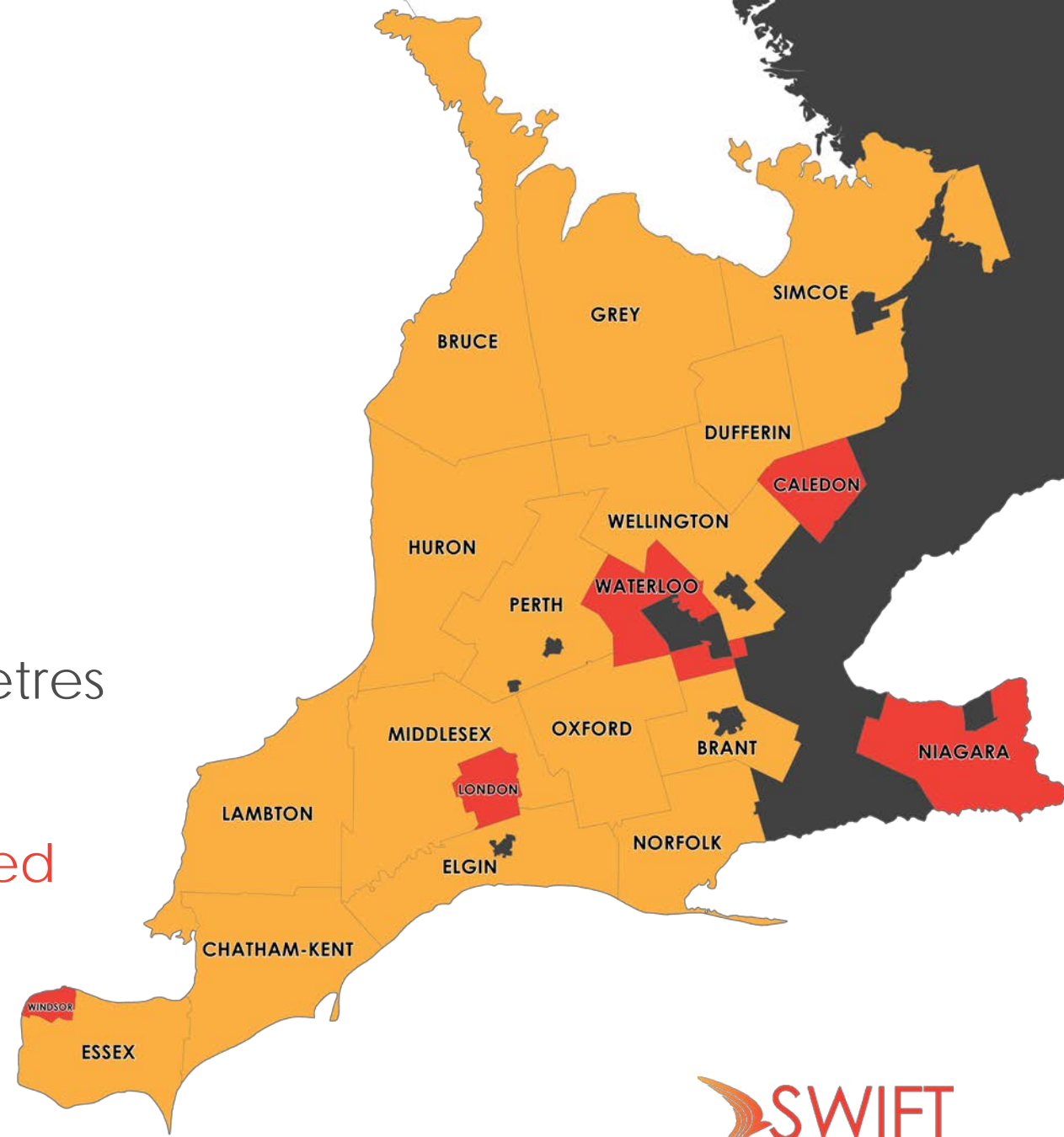
Video Conference

August 13, 2020



THE SWIFT REGION

- 15 WOWC Members
- 5 Contributing Members
 - Caledon, Niagara, Waterloo, London, Windsor
- 221,000 underserved premises
- 41,000 underserved road kilometres
- 504,000 underserved residents
- \$2.6B cost to fibre all underserved areas...we have \$209M



SCF PROJECT PHASES



- SWIFT is funded under the Small Communities Fund (SCF)
- 3 Phases have been defined and relate to 3 Contribution Agreements with the province
- 3 Phases
 - Phase 1 (CA1) – Business Case Development (**Complete**)
 - Phase 2 (CA2) – Projects in Norfolk, Wellington and Lambton (**In Progress**)
 - Phase 3 (CA3) – Remaining SCF and non-SCF Projects (**In Progress**)
- Start-Up took longer than anticipated but all provincial and federal concerns have now been addressed and **funding is now secure, changes have been made** at SWIFT, and **projects are moving forward**



- Phase 2 (Pilot) Approval
 - May 2019
- Pilot Procurement / Prov. Reports
 - May-Nov
- Phase 3 Approval
 - March 2020
- Phase 3 Procurement
 - March – Dec 2020



NIAGARA REGION

CURRENT SITUATION

	Total	Underserved	%
Road KMs	4,734	2,585	55%
Parcels	134,851	17,556	13%

- ~6.8 premises/km in underserved areas
- ISPs are typically not going to serve these areas without subsidy
- WISPs may target some areas, but service is typically spotty and unreliable
- ~\$168M to fiberize all underserved roads in
10Niagara (we have \$13.3M)

BUDGET AND KPIs



- Capital Contribution

Gross Contribution \$1M

- Project Budget

Fed/Prov Contribution \$8.9M

ISP Contribution \$4.4M

Budget Project Total \$13.3M

13.3x

- KPI Targets (from CA3)

Premises Passed 3,122

Fibre KMs 172

- RFP Issued 23-Mar-20
- RFP Closes 23-Oct-20
- Evaluation and contract awards expected by mid-December
- Province to make announcements following award of contracts



PROCUREMENT

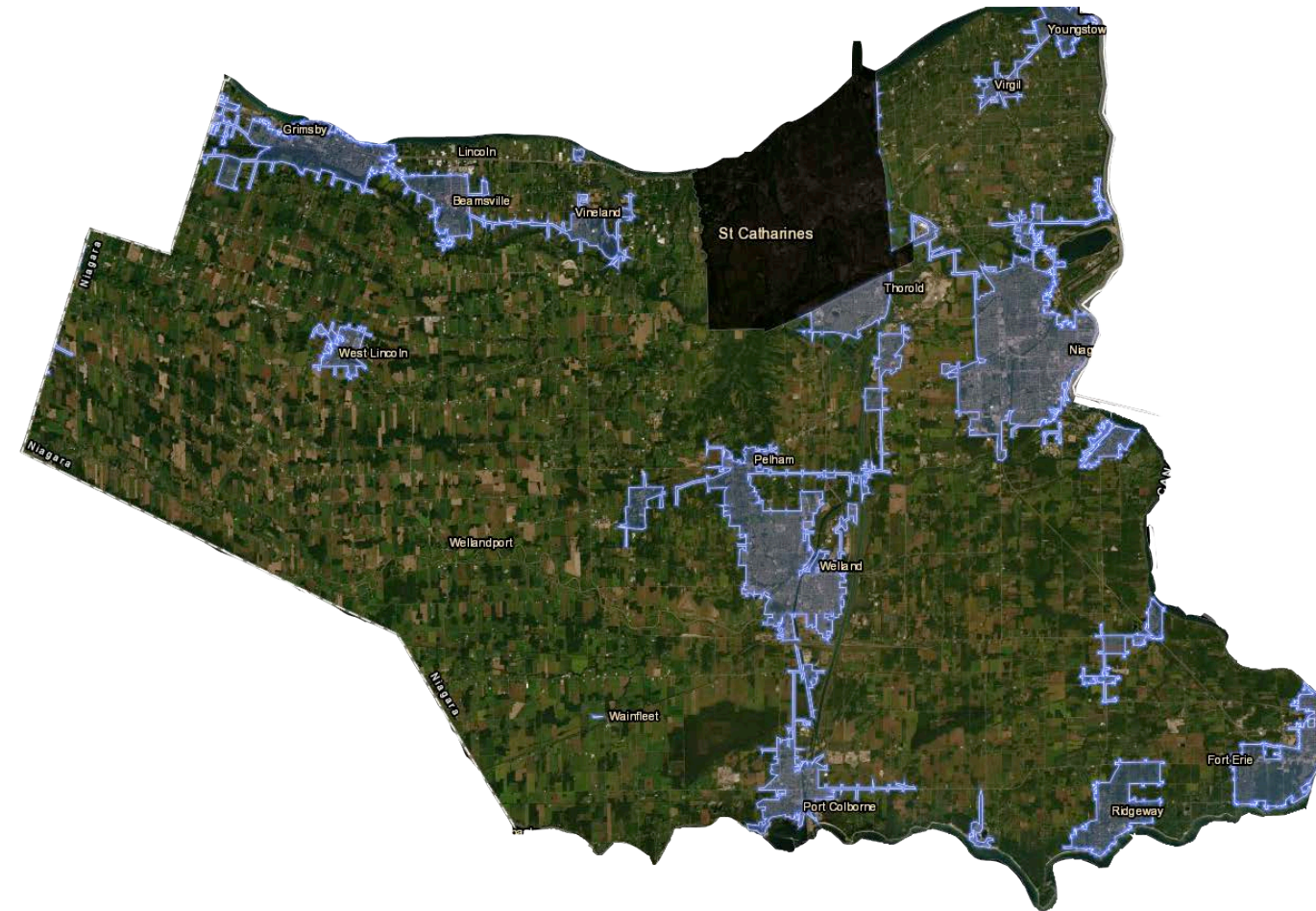
TECHNOLOGY CHOICES





- Small Communities Fund is focused on 50/10 service, not technology choices
- Technologies
 - FTTH
 - HFC
 - DSL
 - Wireless Broadband
- Preference given to 'scalable' technologies

SWIFT is **technology agnostic** and will allow bids that include any 'standards-based' technologies so long as they meet the 50/10 target

PROCUREMENT APPROACH



-  Ineligible Area – Not eligible for SCF Funding
-  Served Area – Not eligible for SCF Funding

- Anonymized 50/10 service coverage provided by SWIFT
- Areas with current 50/10 service are ineligible for funding
- ISPs provide proposals in eligible areas (SWIFT does not prioritize one area over another)
- SWIFT Evaluation Committee will evaluate proposals focusing on outcomes (most premises passed and kilometres of fibre per funding dollar)
- Board Procurement Advisory Committee (PAC) validates / approves

STAFF EVALUATION TEAM



- Evaluation based on pre-determined criteria
- Team Members (equal weight)
 - SWIFT Technical Manager
 - SWIFT Operations Manager
 - SWIFT Finance
 - Municipality Member (Stuart Hendrie)

Proposal evaluation and contract awards to be approved by SWIFT board of directors Procurement Approval Committee (PAC)

KEY MESSAGES



- Niagara receiving minimum 13.3x multiplier on contribution
- SCF funding does not allow us to dictate fibre-only projects (must be technology agnostic)
- SWIFT project is targeting 22% of premises in Southwestern Ontario but will not solve the whole problem
- Municipalities should push for their share of CRTC Fund and Universal Broadband Fund and should support all ISP proposals in their area
- Expect Niagara projects to start construction in 2021

QUESTIONS?



From: [PF-Mailbox-01](#)
To: [Norio, Ann-Marie](#); [Trennum, Matthew](#)
Subject: FW: Online Form - Request to Speak at a Standing Committee
Date: Wednesday, August 05, 2020 4:55:17 PM

From: Niagara Region Website
Sent: Wednesday, 05 August 2020 16:55:07 (UTC-05:00) Eastern Time (US & Canada)
To: Clerks
Subject: Online Form - Request to Speak at a Standing Committee

Request to Speak at a Standing Committee

To reply, copy the email address from below and put into 'To'. (if resident entered their email address)

Name

ROBIN EDWARDS

Address

[REDACTED]

City

NIAGARA FALLS

Postal

[REDACTED]

Phone

[REDACTED]

Email

[REDACTED]

Organization

standing committee

Regional Council

Presentation Topic

MADD SIGN PW7-2020

Presentation includes slides

No

Previously presented topic

No

Presentation Details

I would like to speak in favour of the MADD Canada sign to be placed at the corner of Mountain and Taylor. My daughter was killed by an impaired driver at that site. I want to do what I can to make people understand that Impaired Driving kills and it is not an urban legend. The life span of a sign is 5 years and unless there is some regulation stating otherwise it should be 5 years. We need to do more to save lives.

Video Consent

Yes



**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF SPECIAL COUNCIL
OPEN SESSION**

**CL 11-2020
Thursday, July 23, 2020
Council Chamber/Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council Members Present in the Council Chamber:	Bradley (Regional Chair), Foster, Steele
Council Members Present via Video Conference:	Bellows, Butters, Bylsma, Campion, Chiocchio, Darté, Diodati, Disero, Easton, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Ugolini, Villella, Whalen, Witteveen, Zalepa
Staff Present in the Council Chamber:	M. Lewis, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
Staff Present via Video Conference:	D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, A. Jugley, Commissioner, Community Services, F. Meffe, Director, Human Resources, M. Johnston, Program Manager, Community Safety & Well-being, R. Mostacci, Commissioner, Planning & Development Services, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing, B. Zvaniga, Interim Commissioner, Public Works
Others Present in the Council Chamber:	B. MacCulloch, Chief of Police, Niagara Regional Police Service, T. McKendrick, Member, Niagara Regional Police Services Board and Executive Director, Canadian Mental Health Association

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 4:04 p.m.

2. ADOPTION OF AGENDA

Moved by Councillor Ugulini
Seconded by Councillor Chiocchio

That Herman Omilgoituk **BE PERMITTED** to appear before Council as a delegate respecting the presentation by the Niagara Regional Police Services. (Agenda Item 4.1).

Carried

2.1 Changes in Order of Items

There were no changes in the order of items on the agenda.

Moved by Councillor Heit
Seconded by Councillor Huson

That Council Agenda CL 11-2020, **BE ADOPTED**, as amended.

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. PRESENTATIONS

4.1 Niagara Regional Police Services

Bill Steele, Vice-Chair, Niagara Regional Police Services Board provided introductory remarks respecting the Niagara Regional Police Service presentation and the recommendations contained in the motion regarding Niagara Regional Police Service - Diversity, Equity and Inclusion (Agenda Item 8.1). Mr. Steele stated that the Niagara Regional Police Services Board recognizes that public trust is absolutely necessary to effectively police the community and should never be taken for granted or jeopardized. Mr. Steele advised Regional Council that they can be assured that the Niagara Regional Police Services Board and the Chief of Police, are committed to delivering unbiased policing to the entire community and ensuring that members of the Niagara Regional Police Service treat all people with dignity and respect and that they will continue to respond to the service delivery needs of the communities with accountability, objectivity, and responsibility.

Bryan MacCulloch, Chief of Police, and Tara McKendrick, Member, Niagara Regional Police Services Board and Executive Director, Canadian Mental Health Association, appeared before Council to provide information respecting the Niagara Regional Police Service's culture of diversity, equity and inclusion. Topics of the presentation included:

- Culture of Diversity, Equity and Inclusion
- Chief of Police - Community Inclusion Council (CoP-CIC)
- Focused Recruiting Efforts
- Use of Force Continuum
- Accountability/Oversight
- Calls for Service - Mental Health
- Mobile Crisis Rapid Response Team (MCRRT)
- Situational Tables/Community Safety Well Being Plan
- Foot Patrol
- Calls for Service
- Strategic Plan Aligns with Council Priorities
- Funding Sources/Operating Budget by Service
- Police Operations Breakdown by Functional Area
- Body Worn Cameras
- Collection of Identifying Information (Street Checks)

At this point in the meeting, Council heard the delegations prior to asking questions regarding the presentation.

5. DELEGATIONS

The following delegations provided their comments by video/teleconference.

5.1 Niagara Regional Police Services - Diversity, Equity & Inclusion (Agenda Item 8.1)

5.1.1 Saleh Waziruddin, Niagara Anti-Racism Association

Saleh Waziruddin, Niagara Anti-Racism Association, appeared before Council to raise concerns with respect to the information provided in the Niagara Regional Police Service (NRPS) presentation and suggested that more could be done to improve diversity, equity and inclusion within the Police Service. He proposed that the reforms from the City of St. Catharines Anti-Racism Committee should be implemented by the NRPS.

5.1.2 Thomas and Kathleen Barnes, Residents, Town of Pelham

Thomas and Kathleen Barnes, residents, Town of Pelham, appeared before Council to share their experiences as parents related to the response they received by the Niagara Regional Police Service and involvement with persons in mental health distress. They highlighted the need to develop enhanced or integrated training for police, first responders and community services to better respond to youth in crisis.

5.1.3 Karl Dockstader, Resident, City of Niagara Falls

Karl Dockstader, resident, City of Niagara Falls, appeared before Council with respect to the motion regarding Niagara Regional Police Service (NRPS) - Diversity, Equity and Inclusion. He proposed that the motion should include the following: that the NRPS acknowledge historical racism and that there is currently systemic racism within the Police Service, that an active anti-racism campaign be started within the Service and that resources be reallocated to provide for counsellors, mental health and addiction workers.

5.1.4 Kerry Goring, Resident, City of St. Catharines

Kerry Goring, resident, City of St. Catharines, appeared before Council to share her lived experience as a black woman and described interactions she had with the Niagara Regional Police Service. Ms. Goring suggested that the timing is right to create real change and create a new relationship for community policing.

5.1.5 Patty Krawec, Resident, City of Thorold

Patty Krawec, resident, City of Niagara Falls, appeared before Council to raise concerns with respect to the information provided in the Niagara Regional Police Service presentation and noted that diversity and cultural sensitivity is not the same as anti-racism and suggested a number of areas for improvement and change related to the Niagara Regional Police Service.

5.1.6 Herman Omilgoituk, Resident, City of Welland

Herman Omilgoituk did not provide his delegation.

At this point in the meeting, Council Members had the opportunity to ask questions of the delegates and Police Chief MacCulloch.

The meeting recessed at 6:55 p.m.

The meeting resumed at 6:57 p.m.

Moved by Councillor Sendzik
Seconded by Councillor Redekop

That the outstanding agenda items **BE REFERRED** to a Special Meeting of Regional Council and the Chief of Police **BE REQUESTED** to be in attendance.

Carried

9. BY-LAWS

9.1 Bill 2020-39

Moved by Councillor Whalen
Seconded by Councillor Heit

That Bill 2020-39 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on July 23, 2020, **BE NOW READ** and **DO PASS**.

Carried

10. ADJOURNMENT

There being no further business, the meeting adjourned at 7:19 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk

**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF COUNCIL
OPEN SESSION**

CL 12-2020

Thursday, July 23, 2020

Council Chamber/Video Conference

**Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council Members Present in the Council Chamber:	Bradley (Regional Chair), Foster, Steele
Council Members Present via Video Conference:	Bellows, Butters, Bylsma, Campion, Chiocchio, Darté, Diodati, Disero, Easton, Edgar, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Ugolini, Villella, Whalen, Witteveen, Zalepa
Staff Present in the Council Chamber:	D. Gibbs, Director, Legal & Court Services, Dr. M. M. Hirji, Acting Medical Officer of Health, M. Lewis, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer
Staff Present via Video Conference:	D. Barnhart, Executive Officer to the Regional Chair, T. Harrison, Commissioner/Treasurer, Corporate Services, A. Jugley, Commissioner, Community Services, F. Meffe, Director, Human Resources, R. Mostacci, Commissioner, Planning & Development Services, M. Robinson, Director, GO Implementation Project, K. Smith, Chief/Commissioner, Emergency Medical Services, J. Tonellato, Director, Water and Wastewater, M. Trennum, Deputy Regional Clerk, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing, B. Zvaniga, Interim Commissioner, Public Works

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 6:55 p.m.

Regional Chair Bradley recessed the meeting at 6:57 p.m.

The meeting resumed at 7:36 p.m.

2. ADOPTION OF AGENDA

2.1 Addition of Items

Moved by Councillor Edgar
Seconded by Councillor Greenwood

That Vicki-Lynn Smith **BE PERMITTED** to appear before Council as an individual delegate respecting Correspondence Item CL-C 36-2020 - A Letter from A Better Niagara.

Carried

2.2 Changes in Order of Items

Moved by Councillor Redekop
Seconded by Councillor Insinna

That the order of the agenda **BE AMENDED** to move the consideration of the motion respecting Signing of the AMO-Ontario Federation of Indigenous Friendship Centres - Declaration of Mutual Commitment and Friendship with Niagara Region and Friendship Centre Support (Agenda Item 11.2) to immediately following the delegation on this matter (Agenda Item 6.1.1).

Carried

Moved by Councillor Redekop
Seconded by Councillor Chiochio

That the order of the agenda **BE AMENDED** to move the consideration of Memorandum CAO 16-2020, respecting Supplemental Information - Options to Consider for Mandating Face Coverings (Agenda Item 10.1) to immediately following the delegation on this matter (Agenda Item 6.3.1).

Carried

Moved by Councillor Witteveen
Seconded by Councillor Nicholson

That Council Agenda CL 12-2020, **BE ADOPTED**, as amended.

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. PRESENTATIONS

There were no presentations.

5. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS

The Regional Chair provided an update respecting activities within the Region and the efforts of Niagara Region with respect to the COVID-19 pandemic.

6. DELEGATIONS

6.1 Declaration between Niagara Region and the Indigenous Friendship Centres of Niagara - Addendum to the AMO-OFIFC Declaration (Agenda Item 11.2)

6.1.1 Jennifer Dockstader, Executive Director, Fort Erie Native Friendship Centre

Jennifer Dockstader, Executive Director, Fort Erie Native Friendship Centre, spoke in favour of the Declaration of Mutual Commitment and Friendship between Niagara Region and the Indigenous Friendship Centres of Niagara.

11. MOTIONS

11.2 Signing of the AMO-Ontario Federation of Indigenous Friendship Centres - Declaration of Mutual Commitment and Friendship with Niagara Region and Friendship Centre Support

Moved by Councillor Redekop
Seconded by Councillor Foster

WHEREAS Niagara Region is working with the local Indigenous Friendship Centres, the Fort Erie Native Friendship Centre and the Niagara Regional Native Centre;

WHEREAS the Fort Erie Native Friendship Centre and the Niagara Regional Native Centre have been active contributors to the wellbeing of residents in the community;

WHEREAS Niagara Region has a good and ongoing relationship with the Fort Erie Native Friendship Centre and the Niagara Regional Native Centre and wants to set a leading example in the area of Indigenous relations by demonstrating overlapping community interest and work;

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

WHEREAS the Fort Erie Native Friendship Centre and the Niagara Regional Native Centre are contemplating the signing of this declaration and participation in related concurrent activities during the virtual AMO Conference in August of 2020;

WHEREAS this declaration is a living document that additional local Friendship Centres can sign onto at any future date;

NOW THEREFORE IT BE RESOLVED:

1. That Niagara Regional Council **AUTHORIZES** the Regional Chair to sign in conjunction with the local Indigenous Friendship Centres, the joint AMO-OFIFC Declaration of Mutual Commitment and Friendship on behalf of the Region and participate in related concurrent activities during the AMO 2020 Conference;
2. That Council **DIRECT** staff to work with AMO in order to coordinate the declaration signing and related concurrent activities in advance of the AMO 2020 Conference; and
3. That the Regional Clerk **CIRCULATE** the AMO-OFIFC Declaration of Mutual Commitment to the Local Area Municipalities of Niagara for consideration by their respective local Councils.

Carried

6. DELEGATIONS

6.2 Letter from A Better Niagara respecting Diversity and Inclusiveness (Agenda Item 8.2.1)

6.2.1 Haley Bateman, Resident, City of St. Catharines

Haley Bateman, resident, City of St. Catharines, appeared before Council to express her concern over public statements made by Councillor Bylsma and to speak in support of Correspondence Item CL-C 36-2020, respecting diversity and inclusiveness (Agenda Item 8.2.1).

6.2.2 Vicki-Lynn Smith, Resident, City of St. Catharines

Vicki-Lynn Smith, resident, City of St. Catharines, appeared before Council to express her concern over public statements made by Councillor Bylsma and to speak in support of Correspondence Item CL-C 36-2020, respecting diversity and inclusiveness (Agenda Item 8.2.1).

6.3 Supplemental Information - Options to Consider for Mandating Face Coverings (Agenda Item 10.1)

6.3.1 Geoffrey Aldridge, Resident, Town of Fort Erie

Geoffrey Aldridge, resident, Town of Fort Erie, shared his personal experience wearing a face covering and spoke in support of making face coverings in Niagara mandatory, requesting that Council approve Bill 2020-46, a by-law to require the wearing of face coverings in enclosed public places during the COVID-19 pandemic (Agenda Item 16.7).

There being no objection, Council considered the Council minutes (Agenda Item 7) and Correspondence Items Receive and/or Refer (Agenda Item 8.1) prior to Memorandum CAO 16-2020 (Agenda Item 10.1).

7. **ADOPTION OF MINUTES**

Moved by Councillor Easton

Seconded by Councillor Gibson

That Minutes CL 9-2020 being the Open and Closed Session minutes of the Regular Regional Council meeting held on Thursday, June 25, 2020, and Minutes CL 10-2020 being the Open Session minutes of the Special Regional Council meeting held on Wednesday, July 8, 2020 **BE ADOPTED**.

Carried

8. **CORRESPONDENCE**

8.1 Receive and/or Refer

Moved by Councillor Edgar

Seconded by Councillor Rigby

That the following items **BE DEALT WITH** as follows:

CL-C 50-2020 respecting Public Communications regarding Facial Coverings, **BE RECEIVED**;

CL-C 51-2020 respecting Medical Officer of Health/Associate Medical Officer of Health Compensation Initiative, **BE RECEIVED**;

CL-C 52-2020 respecting Response to Councillor Information Requests from the Budget Review Committee of the Whole meeting held on June 25, 2020, regarding Layoffs, **BE RECEIVED**;

CL-C 56-2020 through CL-C 59-2020, CL-C 63-2020 through CL-C 67-2020, CL-C 70-2020, CL-C 71-2020 and CL-C 76-2020 through CL-C 78-2020 respecting face coverings/mandatory mask by-law, **BE RECEIVED**;

CL-C 72-2020 respecting Face Covering By-laws in St. Catharines, Niagara-on-the-Lake and Mississauga, **BE RECEIVED**;

CL-C 73-2020 respecting Waste Management Long Term Strategic Plan – PWC-C 23-2020, **BE RECEIVED**;

CL-C 75-2020 respecting Notice of Procedural By-law Amendment, **BE RECEIVED**;

CL-C 80-2020 respecting the Established Practice for Identifying an Official Representative of the Niagara Region, **BE RECEIVED**.

Carried

10. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

10.1 CAO 16-2020

Supplemental Information - Options to Consider for Mandating Face Coverings

Moved by Councillor Darte
Seconded by Councillor Foster

That Memorandum CAO 16-2020, dated July 23, 2020, respecting Supplemental Information - Options to Consider for Mandating Face Coverings, **BE RECEIVED**; and

That Regional Council **APPROVE** the temporary by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic attached as Appendix 4 to Memorandum CAO 16-2020.

Moved by Councillor Whalen
Seconded by Councillor Edgar

That the question **BE CALLED**.

Recorded Vote:

Yes (20): Bellows, Butters, Campion, Diodati, Disero, Edgar, Fertich, Foster, Gale, Greenwood, Heit, Huson, Insinna, Jordan, Nicholson, Rigby, Steele, Ugulini, Whalen, Zalepa.

No (11): Bylsma, Chiochio, Darte, Easton, Gibson, Ip, Junkin, Redekop, Sendzik, Villella, Witteveen.

Carried

The Regional Chair called the vote on the motion as follows:

That Memorandum CAO 16-2020, dated July 23, 2020, respecting Supplemental Information - Options to Consider for Mandating Face Coverings, **BE RECEIVED**; and

That Regional Council **APPROVE** the temporary by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic attached as Appendix 4 to Memorandum CAO 16-2020.

Recorded Vote:

Yes (29): Bellows, Butters, Campion, Chiocchio, Darte, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Ip, Jordan, Junkin, Nicholson, Redekop, Rigby, Sendzik, Steele, Ugulini, Villella, Whalen, Witteveen.

No (2): Bylsma, Zalepa.

Carried

8. CORRESPONDENCE

8.2 For Consideration

8.2.1 CL-C 36-2020

Letter from A Better Niagara

Moved by Councillor Edgar

Seconded by Councillor Butters

That Correspondence Item CL-C 36-2020, being a letter from A Better Niagara, dated June 18, 2020, respecting diversity and inclusiveness, **BE RECEIVED** for information.

Carried

Moved by Councillor Edgar

Seconded by Councillor Butters

Whereas at the Region of Niagara we say that we are welcoming to everyone;

Whereas Councillor Bylsma has made public statements that run contrary to this sentiment;

Whereas such statements are in opposition to the ethics and values of Niagara Region; and

Whereas such statements insult, alienate and lead to the exclusion of Niagara citizens.

NOW THEREFORE IT BE RESOLVED:

1. That this Council **ASKS** Councillor Bylsma to renounce his statements with an apology; and
2. That Council **CONSIDER** actions and policies that will ensure any member of this council espousing similar views are not assigned any extra responsibilities beyond this chamber.

Moved by Councillor Rigby
Seconded by Councillor Edgar

That the motion **BE REFERRED** to the Integrity Commissioner to provide comment and recommendations.

Carried

8.2.2 CL-C 60-2020

Niagara Peninsula Conservation Authority Letter of Support Request

Moved by Councillor Darte
Seconded by Councillor Greenwood

That Correspondence Item CL-C 60-2020, being a memorandum from H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, dated July 23, 2020, respecting Niagara Peninsula Conservation Authority Letter of Support Request, **BE RECEIVED** and the following recommendation **BE APPROVED**:

That Niagara Regional Council **SUPPORT** the Niagara Peninsula Conservation Authority funding application for a grant funding opportunity through the Federation of Canadian Municipalities Municipal Asset Management Program of an approved 2020 capital project for asset management software.

Carried

8.2.3 CSD 46-2020

2020 COVID-19 Cash Flow Update Report - July

Moved by Councillor Rigby

Seconded by Councillor Fertich

That Report CSD 46-2020, dated July 23, 2020, respecting 2020 COVID-19 Cash Flow Update Report – July, **BE RECEIVED** for information.

Carried

8.2.4 CSD 47-2020

COVID-19 Financial Impacts Update

Moved by Councillor Zalepa

Seconded by Councillor Whalen

That Report CSD 47-2020, dated July 23, 2020, respecting COVID-19 Financial Impacts Update, **BE RECEIVED** for information.

Carried

8.2.5 CL-C 74-2020

Improved Guidance for Food and Restaurant Establishments

Moved by Councillor Sendzik

Seconded by Councillor Witteveen

That Correspondence Item CL-C 74-2020, dated July 23, 2020, respecting Improved Guidance for Food and Restaurant Establishments, **BE RECEIVED**; and

That the Regional Chair **BE DIRECTED** to write a letter to the Minister of Health and Chief Medical Officer of Health for Ontario expressing the endorsement of the City of Toronto's letter dated July 18, 2020 respecting Stage 3 reopening, and requesting that the province apply the recommendations that are most likely to assist in managing the pandemic consistently across the province.

Moved by Councillor Sendzik
Seconded by Councillor Steele

That the motion **BE AMENDED** to include the following clause:

That Niagara Region ADOPT the six recommendations put forward by the City of Toronto.

Carried

The Regional Chair called the vote on the motion, as amended, as follows:

That Correspondence Item CL-C 74-2020, dated July 23, 2020, respecting Improved Guidance for Food and Restaurant Establishments, **BE RECEIVED**;

That the Regional Chair **BE DIRECTED** to write a letter to the Minister of Health and Chief Medical Officer of Health for Ontario expressing the endorsement of the City of Toronto's letter dated July 18, 2020 respecting Stage 3 reopening, and requesting that the province apply the recommendations that are most likely to assist in managing the pandemic consistently across the province; and

That Niagara Region **ADOPT** the six recommendations put forward by the City of Toronto.

Carried

9. COMMITTEE REPORTS - OPEN SESSION

9.1 Budget Review Committee of the Whole

Minutes BRCOTW 1-2020, Thursday, June 25, 2020

Moved by Councillor Zalepa
Seconded by Councillor Whalen

That Report BRCOTW 1-2020 being the Open Session minutes of the Budget Review Committee of the Whole meeting held on Thursday, June 25, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.2 Public Works Committee

Minutes PWC 6-2020, Tuesday, July 14, 2020

Moved by Councillor Rigby
Seconded by Councillor Diodati

That Report PWC 6-2020 being the Open and Closed Session minutes of the Public Works Committee meeting held on Tuesday, July 14, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Moved by Councillor Insinna
Seconded by Councillor Redekop

That the Request for Proposal for a consultant for the Waste Management Long Term Strategic Plan **BE DEFERRED** until 2021.

Recorded Vote:

Yes (15): Butters, Chiocchio, Darte, Diodati, Fertich, Gale, Gibson, Greenwood, Heit, Huson, Insinna, Jordan, Redekop, Sendzik, Whalen.

No (15): Bylsma, Campion, Disero, Easton, Edgar, Foster, Ip, Junkin, Nicholson, Rigby, Steele, Ugulini, Villella, Witteveen, Zalepa.

The vote resulted in a tie. The Regional Chair voted in opposition to the motion and declared the vote,

Defeated

The Regional Chair called the vote on the motion as follows:

That Report PWC 6-2020 being the Open and Closed Session minutes of the Public Works Committee meeting held on Tuesday, July 14, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.3 Public Health and Social Services Committee

Minutes PHSSC 6-2020, Tuesday, July 14, 2020

Moved by Councillor Greenwood
Seconded by Councillor Chiocchio

That Report PHSSC 6-2020 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, July 14, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.4 Corporate Services Committee

Minutes CSC 6-2020, Wednesday, July 15, 2020

Moved by Councillor Foster
Seconded by Councillor Whalen

That Report CSC 6-2020 being the Open Session minutes of the Corporate Services Committee meeting held on Wednesday, July 15, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

9.5 Planning and Economic Development Committee

Minutes PEDC 6-2020, Wednesday, July 15, 2020

Moved by Councillor Huson
Seconded by Councillor Dart

That Report PEDC 6-2020 being the Open Session minutes of the Planning & Economic Development Committee meeting held on Wednesday, July 15, 2020, **BE RECEIVED** and the recommendations contained therein **BE APPROVED**.

Carried

10. **CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)**

10.2 CAO 18-2020

Organizational Structure Overview 2011-Present

Moved by Councillor Steele
Seconded by Councillor Rigby

That Report CAO 18-2020, dated July 23, 2020, respecting Organizational Structure Overview 2011-Present, **BE RECEIVED** for information.

Carried

Councillor Information Request(s):

Provide information respecting the compliment of temporary casual staff, as presented in Appendix 12 to Report CAO 18-2020, from 2018 through 2020. Councillor Heit.

11. **MOTIONS**

11.1 Continued Initiatives for Economic Stimulation and Recovery

Moved by Councillor Diodati
Seconded by Councillor Sendzik

WHEREAS the economic impact of the COVID-19 global pandemic on businesses and individuals has been devastating and unprecedented and recovery continues with no immediate end in sight;

WHEREAS the Regional Municipality of Niagara and the 12 Local Area Municipalities have been forced to pivot in response to the challenges of COVID-19;

WHEREAS provisions for quicker approvals and streamlined procedures allowing for immediate economic recovery and stimulation in Niagara have been allowed;

WHEREAS these initiatives could continue to greatly benefit our communities as more efficient processes have been established that are user-friendly, and cost-effective;

WHEREAS Plato once said “necessity is the mother of invention.” Every challenge creates opportunities; and

WHEREAS resilience is part of Niagara's DNA.

NOW THEREFORE BE IT RESOLVED:

1. That the Regional Municipality of Niagara and 12 Local Area Municipalities **ENGAGE** their CAOs, Senior Economic Development Personnel, and possibly key planning staff to review current initiatives and seek out further processes and activities that can be streamlined throughout the Regional Municipality of Niagara; and
2. That these initiatives are **INTENDED** to assist with further economic stimulation throughout Niagara by cutting red tape, creating incentives and streamlining processes with the idea that this will help to save money and stimulate the economy, allowing for greater effectiveness with economic recovery throughout Niagara.

The following friendly **amendment** was accepted by the Regional Chair, and the mover and seconder of the motion so that clause 1 reads as follows:

That the Regional Municipality of Niagara and 12 Local Area Municipalities **ENGAGE** their CAOs, Senior Economic Development Personnel, and possibly key planning staff to review current initiatives, **service delivery** and seek out further processes and activities that can be streamlined throughout the Regional Municipality of Niagara

The following friendly **amendment** was accepted by the Regional Chair, and the mover and seconder of the motion:

3. ***That staff PROVIDE a report on this initiative no later than October 2020.***

The Regional Chair called the vote on the motion, as amended, as follows:

WHEREAS the economic impact of the COVID-19 global pandemic on businesses and individuals has been devastating and unprecedented and recovery continues with no immediate end in sight;

WHEREAS the Regional Municipality of Niagara and the 12 Local Area Municipalities have been forced to pivot in response to the challenges of COVID-19;

WHEREAS provisions for quicker approvals and streamlined procedures allowing for immediate economic recovery and stimulation in Niagara have been allowed;

WHEREAS these initiatives could continue to greatly benefit our communities as more efficient processes have been established that are user-friendly, and cost-effective;

WHEREAS Plato once said “necessity is the mother of invention.” Every challenge creates opportunities; and

WHEREAS resilience is part of Niagara’s DNA.

NOW THEREFORE BE IT RESOLVED:

1. That the Regional Municipality of Niagara and 12 Local Area Municipalities **ENGAGE** their CAOs, Senior Economic Development Personnel, and possibly key planning staff to review current initiatives and seek out further processes and activities that can be streamlined throughout the Regional Municipality of Niagara; and
2. That these initiatives are **INTENDED** to assist with further economic stimulation throughout Niagara by cutting red tape, creating incentives and streamlining processes with the idea that this will help to save money and stimulate the economy, allowing for greater effectiveness with economic recovery throughout Niagara.
3. That staff **PROVIDE** a report on this initiative no later than October 2020.

Carried

Councillor Information Request(s):

Include in the report, feedback from the Greater Niagara Chamber of Commerce respecting specific initiatives that can assist businesses in Niagara. Councillor Huson.

12. NOTICES OF MOTION

12.1 Childcare

Councillor Huson advised that she would be bringing forward a motion to the next Council meeting respecting the recognition of childcare as being essential for the recovery from COVID-19.

13. OTHER BUSINESS

Councillor Easton apologized to Councillor Ip for remarks that she made during the Special Council meeting on July 23, 2020.

Councillor Darte apologized for the correspondence he sent to Council Members respecting the presentation made by Spencer Fox, regarding Pandemic Impact on Local Government Finances and Taxation, at the June 25, 2020 Regional Council as he had declared a conflict of interest with respect to this item.

14. CLOSED SESSION

Council did not resolve into closed session.

15. BUSINESS ARISING FROM CLOSED SESSION

15.1 Confidential CL-C 49-2020

Moved by Councillor Foster
Seconded by Councillor Steele

That Confidential Memorandum CL-C 49-2020, dated July 23, 2020, respecting A Matter of Advice that is Subject to Solicitor-Client Privilege under s.239(2) of the Municipal Act, 2001 - Proposed On-Demand Transit Pilot, **BE RECEIVED** for information.

Carried

16. BY-LAWS

Moved by Councillor Ugolini
Seconded by Councillor Huson

That the following Bills **BE NOW READ** and **DO PASS**:

Bill 2020-40

A by-law to accept, assume and dedicate Block 41, Plan 59M476, in the Town of Pelham as a part of Regional Road No. 54 (Rice Road).

Bill 2020-41

A by-law to accept, assume and dedicate Part of Township Lot 156, City of Niagara as part of Regional Road No. 98 (Montrose Road).

Bill 2020-42

A by-law to accept, assume and dedicate part of Township Lot 173 in the City of Niagara Falls as part of Regional Road No. 49 (McLeod Road).

Bill 2020-43

A by-law to authorize the borrowing upon instalment debentures in the aggregate principal amount of \$18,660,600.00 (\$707,000.00 principal amount of 5 year instalment debentures and \$17,953,600.00 principal amount of 10 year instalment debentures) for capital works of the cities Of St. Catharines and Welland.

Bill 2020-44

A by-law to authorize the borrowing upon instalment debentures in the aggregate principal amount of \$15,525,400.00 (\$1,213,776.00 principal amount of 5 year instalment debentures and \$14,311,624.00 principal amount of 10 year instalment debentures) for capital works of the Regional Municipality of Niagara.

Bill 2020-45

A by-law to authorize the borrowing upon instalment debentures in the aggregate principal amount of \$15,525,400.00 (\$1,213,776.00 principal amount of 5 year instalment debentures and \$14,311,624.00 principal amount of 10 year instalment debentures) for capital works of the Regional Municipality of Niagara.

Bill 2020-46

A by-law to require the wearing of face coverings in enclosed public places during the COVID-19 pandemic.

Bill 2020-47

A by-law to delegate authority to the Director of Transportation to make routine and administrative changes to the schedules of Traffic and Parking By-law 89-2000.

Bill 2020-49

A by-law to amend By-Law No. 48-2012 being a By-Law to remove highways from the Regional Road System in the Town of Grimsby.

Bill 2020-50

A by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held on July 23, 2020.

Carried

17. ADJOURNMENT

There being no further business, the meeting adjourned at 10:23 p.m.

Jim Bradley
Regional Chair

Matthew Trennum
Deputy Regional Clerk

Ann-Marie Norio
Regional Clerk

**THE REGIONAL MUNICIPALITY OF NIAGARA
PROCEEDINGS OF SPECIAL COUNCIL
OPEN SESSION**

**CL 13-2020
Thursday, July 30, 2020
Council Chamber/Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Council Members Present in the Council Chamber: Bradley (Regional Chair), Insinna

Council Members present via Video conference: Butters, Bylsma, Chiocchio, Dart, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Junkin, Nicholson, Redekop, Rigby, Ugolini, Villella, Whalen, Zalepa

Absent/Regrets: Bellows, Campion, Jordan, Sendzik, Steele, Witteveen

Staff Present in the Council Chamber: D. Barnhart, Executive Officer to the Regional Chair, D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

1. CALL TO ORDER

Regional Chair Bradley called the meeting to order at 3:30 p.m.

2. ADOPTION OF AGENDA

2.1 Changes in Order of Items

There were no changes in the order of items on the agenda.

Moved by Councillor Rigby
Seconded by Councillor Whalen

That Council Agenda CL 13-2020, **BE ADOPTED.**

Carried

3. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

4. CLOSED SESSION

Moved by Councillor Chiocchio
Seconded by Councillor Greenwood

That this Council **DO NOW MOVE** into Closed Session for the purposes of receiving information of a confidential nature respecting:

A Matter of Advice that is Subject to Solicitor-Client Privilege & A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts;

A Matter concerning Personal Matters about identifiable individuals under s. 239(2) of the Municipal Act, 2001- Whistleblower Policy Complaints; and

A Matter of Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 - 2020-RFP-60 Liquid Biosolids and Residuals Management Program Procurement.

Carried

Council resolved into closed session at 3:35 p.m.

5. BUSINESS ARISING FROM CLOSED SESSION

Council reconvened in open session at 6:15 p.m. with the following individuals in attendance:

Council Members Present in the Council Chamber: Bradley (Regional Chair), Insinna

Council Members present via Video conference: Butters, Bylsma, Chiocchio, Dart, Diodati, Disero, Easton, Edgar, Fertich, Foster, Gale, Gibson, Greenwood, Heit, Huson, Ip, Junkin, Nicholson, Redekop, Rigby, Ugolini, Villella, Whalen, Zalepa

Absent/Regrets: Bellows, Campion, Jordan, Sendzik, Steele, Witteveen

Staff Present in the Council Chamber: D. Gibbs, Director, Legal & Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works

Moved by Councillor Gale
Seconded by Councillor Bylsma

That the Confidential Verbal Update respecting A Matter of Advice that is Subject to Solicitor-Client Privilege & A Matter of Litigation or Potential Litigation under s. 239(2) of the Municipal Act, 2001 - Legal Advice respecting litigation concerning Former Senior Administration Officials Employment Contracts, **BE RECEIVED** and external legal counsel **PROCEED** as directed in closed session;

That Confidential Verbal Update respecting A Matter concerning Personal Matters about identifiable individuals under s. 239(2) of the Municipal Act, 2001- Whistleblower Policy Complaints, **BE RECEIVED** for information;

That Confidential Report CSD 52-2020 respecting A Matter of Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 - 2020-RFP-60 Liquid Biosolids and Residuals Management Program Procurement **BE RECEIVED** for information;

That Staff **BE DIRECTED** to negotiate an extension of the existing agreement with 2386246 ONTARIO INC. cob as THOMAS NUTRIENT SOLUTIONS to provide loading, haulage/transportation, lagoon management and land application of liquid biosolids and residual solids generated from Niagara Region water and wastewater treatment facilities for one (1) additional month, expiring on September 30, 2020;

That the Regional Chair and Clerk **BE AUTHORIZED** to execute an amending agreement with 2386246 ONTARIO INC. cob as THOMAS NUTRIENT SOLUTIONS to effect the one (1) month extension; and

That staff **PROCEED** as directed in closed session.

Carried

6. ITEMS FOR CONSIDERATION

6.1 CLK 9-2020

Amendment to Procedural By-law to Permit Electronic Participation in Meetings pursuant to Bill 197, COVID-19 Economic Recovery Act

Moved by Councillor Junkin
Seconded by Councillor Huson

That Report CLK 9-2020, dated July 30, 2020, respecting Amendment to Procedural By-law to Permit Electronic Participation in Meetings pursuant to Bill 197, COVID-19 Economic Recovery Act, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the amendments to Niagara Region Procedural By-law 120-2010, as amended, as outlined in Appendix 1 to Report CLK 9-2020 to facilitate electronic meeting participation during the COVID-19 pandemic and recovery period **BE APPROVED** for a period of one-year from the termination of the Provincial Declaration of Emergency;
2. That staff **BE DIRECTED** to provide a report considering permitting electronic participation in meetings on a permanent basis before the expiry of the one-year period; and
3. That the necessary by-law **BE PRESENTED** to Council for consideration.

Carried

7. CHIEF ADMINISTRATIVE OFFICER'S REPORT(S)

There were no Chief Administrative Officer's reports.

8. BY-LAWS

8.1 Bill 2020-51

Moved by Councillor Rigby
Seconded by Councillor Butters

That Bill 2020-51 being a by-law to amend By-law 120-2010, The Procedural By-law to permit electronic meeting participation, **BE NOW READ** and **DO PASS**.

Two-thirds majority having been achieved, the Regional Chair declared the motion,

Carried

8.2 Bill 2020-52

Moved by Councillor Diodati
Seconded by Councillor Easton

That Bill 2020-52 being a by-law to adopt, ratify and confirm the actions of Regional Council at its special meeting held on July 30, 2020, **BE NOW READ** and **DO PASS**.

Carried

9. **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:23 p.m.

Jim Bradley
Regional Chair

Ann-Marie Norio
Regional Clerk

MEMORANDUM

PHD-C 6-2020

Subject: COVID-19 Response and Business Continuity in Public Health & Emergency Services (August 2020)

Date: August 4, 2020

To: Public Health & Social Services Committee

From: M. Mustafa Hirji, Medical Officer of Health & Commissioner (Acting)

Current Status as of July 24, 2020

- The latest updates including statistics can be found at <https://niagararegion.ca/covid19>
- Niagara began to see an increase in COVID-19 cases starting in mid-July. From averaging just under 2 cases per day, Niagara has shifted to averaging just under 5 cases per day July 18–24. This is likely due to the increased interaction amongst persons linked to reopening of the economy, coupled with complacency and fatigue to practicing personal behaviours that slow the spread of infection.
- This trend parallels with trends seen in other parts of Ontario (Ottawa, Peel Region, Windsor-Essex, Simcoe-Muskoka, etc.), other provinces in Canada (Quebec, Manitoba, British Columbia, Alberta), and many other countries around the world (Germany, Spain, Australia, Israel, South Korea, etc.) of a resurgence of cases as the economy re-opens.
- As we try to find the balance between a reopened economy, ongoing surges of cases of COVID-19 followed by attempts to bring them back under control are to be expected.
- Outbreaks in long term care homes and retirement home continue to be relatively controlled with few cases. Ongoing enhanced inspections are continuing to support better IPAC measures. As well, simulations of outbreaks are now being run with these homes to stress test their outbreak practices and help them prepare for the eventuality of a future outbreak.
- In Emergency Services, call volumes for EMS are returning to normal levels business and life resumes. Fortunately, due to reduced hospital offload delays during the previous 12 weeks, Emergency Services is meeting all system performance metrics under the new Mobile Integrated Health model. As volumes continue to return to pre-COVID-19 levels, staff are closely monitoring hospital

delays as the volumes increase. Refer to PHD 05-2020 from last month's meeting for further details. The Emergency Management staff continue to support the Regional EOC activities and provide liaison activities with local area municipality CEMC's and multiple stakeholders.

- Until there is broad immunity throughout the population, COVID-19 will circulate more as we open society more. It remains critical to re-emphasize the importance of physical distancing, hand hygiene, wearing face coverings when one cannot keep distance from others, and being very mindful of one's own health so one can get tested if any symptoms develop. All of these measures protect a person, and the community more widely.
- As Niagara enters Stage 3 of the provincial reopening framework, Public Health & Emergency Services is watching closely for whether the current increase in cases can be levelled off with existing efforts, or whether additional measures may be needed to bring control back to the COVID-19 outbreak. .

Previous (June 3) Summary on Business Continuity (Updates Underlined)

Public Health & Emergency Services deliver essential services year-round to impact the health and health equity of Niagara residents, and to pursue Council's strategic goal of building a Healthy and Vibrant Community. During the current pandemic, the department is playing a central role in the response to protect and mitigate the impacts of COVID-19, while also continuing the essential work around all other health issues that continue to affect residents.

While COVID-19 has commanded the primary focus of Public Health and society at large, it is important to remember that most of the pre-existing health issues continue to exist and are responsible for more deaths (4,500 per year in Niagara) than the projected number of deaths from COVID-19 in Niagara (250–1,000 deaths).

Activity in Public Health & Emergency Services reflects focusing on COVID-19 response, while also ensuring ongoing service to protect the health in other essential areas.

Public Health Emergency Operations Centre for COVID-19

Current Status of Operations

Public Health began work in response to COVID-19 on January 8, 2020. As volume of activities grew, the Public Health Emergency Operations Centre was partly activated on

January 28, 2020 to ensure coordination of work and central leadership. By March 9, staff had begun to be redeployed from regular duties to supporting the activities of the Emergency Operations Centre, which was fully activated at this time.

Significant Initiatives or Actions Taken

There are three principle lines of response to COVID-19:

1. **Case, Contact, and Outbreak Management.** Public Health is following-up with every person diagnosed with COVID-19 to ensure they are isolated and no longer infecting others. Public Health identifies all contacts of that person who may also have been infected, and arranges for those contacts to be isolated as well. That way, if they develop illness, they cannot have exposed anyone. By isolating all persons who may be infected with COVID-19, the chain of transmission can be broken. Case and contact management will be critical to ensuring ongoing control of COVID-19 transmission if and when physical distancing measures are relaxed.

A critical subset of this work is advising and supporting the management of outbreaks in long term care homes, retirement homes, and other health care facilities. We have seen that most cases and deaths in Niagara, Ontario, and Canada as a whole have occurred in these settings. Better protecting them and supporting these facilities to manage outbreaks are our top priority.

Public Health usually has 12 staff working on case, contact, and outbreak management year-round for 75 diseases of public health significance (e.g. measles, influenza, salmonella, HIV). Within the Emergency Operations Centre, this has been scaled-up to 56 front line FTE as well as 20 FTE of support staff and 9 supervisory/leadership staff trained to support this, as needed. An additional 30 staff are trained to support case & contact management, but have been deployed back to their home programs given the lower number of cases currently being identified. In addition, Public Health is further expanding its capacity by “out sourcing” some of this work to staff offered by the Public Health Agency of Canada and to medical students. A further potential enhancement would be the ability to enter into assistance agreements with other local public health agencies. The operation now works 7 days a week, 08:00 to 20:00.

2. **Supporting Health Care & Social Services Sector.** The health care and social services sectors play an essential role in supporting those most vulnerable,

including diagnosing and caring for those who contact COVID-19. Public Health has been working with the sector to advise and support protocols that will minimize risk of infection to both clients and staff. We are also helping health care providers acquire personal protective equipment and testing materials.

An additional role around supporting the health care system has been to enable Niagara Health to maximize the capacity of its COVID-19 assessment centres. Public Health has been temporarily assessing and prioritizing persons concerned about COVID-19 for testing at the assessment centres. Public Health is in the process of transitioning this effort to primary care providers so that Public Health staff can shift to focus even more on other elements of COVID-19 response. A dedicated health care provider phone line supports health care providers in providing advice and latest recommendations around COVID-19.

Approximately 20 FTE currently support the health care and social services sector within the Emergency Operations Centre, all redeployed from normal public health work.

3. **Public Messaging.** Given the rapidly changing landscape of COVID-19. Public Health seeks to provide the public with the information to address their fears and concerns, as well as to understand their risk and how to protect themselves. These efforts include a comprehensive web site library of frequently asked questions, an information phone line to speak to a health professional that operates 09:15 to 20:30 on weekdays and 09:15 to 16:15 on weekends, an online chat service with health professionals that operates during the same hours, social media, and approximately 15 media requests per week. Daily, Public Health has over 20,000 interactions with the public across all channels.

Approximately 10 staff have been redeployed from usual public health operations to support the Emergency Operations Centre with public messaging.

In addition to these lines of work, there is significant work around data entry, customizing data systems and process management to make the above three lines of work as efficient and effective as possible. As well, there are comprehensive planning teams, logistics teams, a finance and administration team, and liaison activities. Approximately 45 staff have been reallocated to these activities.

Finally, existing mass immunization plans are being updated and preparedness is underway for if and when a COVID-19 vaccination is available.

Operational Outlook

1 month

- Case & Contact Management capacity readied for deployment as cases increase with increased economic and social interactions

3 months to 6 months

- Projections on operations in the future will depend on Provincial government policy decisions around COVID-19 response. The expectation is that current emergency operations would continue with emphasis shifting based on provincial response.
- Assistance agreements may be entered into with other local public health agencies to prepare for managing the risk of a local surge of COVID-19 cases.

Clinical Services Division (Excluding Mental Health)

Current State of Operations

Most efforts in this area normally focus on infectious disease prevention. Many staff (70.5 FTE of 84 total) have been reallocated to the Emergency Operations Centre for COVID-19 response. However, work is now underway to scale-up sexual health services as well as vaccination cold chain inspections, the latter in preparation for vaccination against influenza. Current operations are focused on

- case and contact management of sexually transmitted infections
- case and contact management of significant infectious diseases (e.g. tuberculosis, measles)
- distributing provincial vaccination stockpiles to primary care
- inspection primary care for appropriate cold chain with respect to vaccinations
- advising primary care around complex immunization scenarios
- emergency contraception
- outreach to marginalized populations around vaccination and sexual health

Services/Operational Changes

- Cessation of immunization clinics
- Cessation of school vaccinations

- Cessation of enforcing the *Immunization of School Pupils Act*
- Cessation of supplying the public with immunization records
- Cessation of sexual health clinics
- Cessation of health promotion around vaccinations
- Cessation of health promotion around healthy sexuality

Operational Outlook

1 month & 3 months

- Return of staff to vaccination and sexual health programs to scale up operations in these areas.

6 months

- If schools re-open in the fall, school-based vaccinations may resume.

Mental Health

Current State of Operations

Mental Health supports clients in the community who would often otherwise need to be hospitalized. This work is critical to keep people out of the hospital and ensure health system capacity for those with COVID-19. As well, given current challenges around loss of employment, anxiety, and social isolation, delivery of mental health services is more important than ever. 61.8 of 65 staff remain in their role with Mental Health.

Services/Operational Changes

- Shift of some in-person clinics to remote delivery
- Reduction in some volume of work to shift 10 FTE to Emergency Operations and to provide mental health case management in shelters.

Operational Outlook

- 2 staff have returned to Mental Health from emergency operations. Anticipate no changes to current operations over the next 6 months.

Environmental Health

Current State of Operations

Several lines of inspection that were discontinued due to closures of certain sectors (e.g. food services, personal services, recreational pools) have resumed as those sectors reopen. In addition, other sectors of inspection remain more important than ever (e.g. infection control inspections of long term care homes and retirement homes). No staff remain completely deployed to support Emergency Operations. However, almost all staff are supporting emergency operations in their home program by inspecting COVID-19 prevention measures as part of their normal inspection work, or taking on roles around non-COVID-19 infection prevention normally done by staff redeployed to Emergency Operations. Currently staff focus upon

- Investigation of animal bites for rabies prevention
- Investigation of health hazards
- Foodborne illness complaints
- Food premises complaints
- Infection prevention and control lapse investigations
- Inspection of reopened food premises
- Inspection of housing and infection prevention amongst temporary foreign workers
- Support and advice to private drinking water and small drinking water system operators
- Inspection of reopened recreational water establishments
- Inspection of reopened personal services settings
- Surveillance and prevention of West Nile Virus, Lyme Disease, and other vector born diseases
- Investigation of adverse water quality
- Supporting businesses and other partners with infection prevention and control, especially as many businesses move to re-open
- Supporting operators with other unique health risks from resuming after a period of extended closure, such as flushing and managing stale water in pipes

Services/Operational Changes

- ~~Reduction of food services inspections~~
- ~~Reduction of personal services inspections where services remain prohibited~~
- Increase of infection control investigations of long term care facilities and retirement homes

- Simulations of outbreaks with long term care facilities and retirement homes to increase their preparedness for outbreaks
- Refocusing infection control investigations of day cares to focus on very frequent inspection of those that remain operational

Operational Outlook

1 month

- Continuing with intense inspections of long term care facilities and retirement homes, as well as other congregate living locations (e.g. group homes)
- Additional inspections of local farms and workplaces where transmission is likely.
- Loosening of social restrictions has necessitated resumption of inspections of food services, personal services, beaches, and other areas, and this will only increase.

3 month & 6 month

- Projections on operations in the future will depend on Provincial government policy decisions around COVID-19 response.

Chronic Disease & Injury Prevention

Current State of Operations

Chronic illnesses are responsible for 70% of ill health and lead to more deaths (75,000 deaths per year in Ontario) than are likely to be caused by COVID-10 (Ontario government projects 3,000 to 15,000 deaths from COVID-19). Chronic diseases are likely to be exacerbated during this period of social restrictions. As well, since chronic disease make one more likely to suffer severe illness from COVID-19, mitigating chronic diseases remains a high priority.

Efforts are being consolidated around three areas:

1. Mental health promotion. This reflects the greater risk of persons suffering mental health challenges including suicide during this time.
2. Substance use prevention. This reflects the risk of greater substance use while people are unemployed and lack other means of recreation.

3. Health eating and physical activity. The goal is to ensure physical activity despite current social restrictions, and support healthy eating when mostly fast food is available to purchase for take-out.

The above three priorities align with the underlying causes of most ill health and most deaths in Canada. 39.8 of 45 staff remain in their role supporting work on these health issues.

Services/Operational Changes

- Consolidation of resources around the previously mentioned three priorities
- Elimination of engagement of populations in-person
- Elimination of activities in schools, workplaces, and other public settings
- Cessation of most cancer prevention work
- Cessation of most healthy aging work
- Cessation of most injury prevention work
- Expansion of role of Tobacco Control Officers to also enforce Provincial emergency orders around physical distancing

Operational Outlook

1 month

- Continuing new initiatives
- Working with partners on new opportunities enabled by the pandemic

3 month & 6 month

- Resumption of workshops for smoking cessation
- Roll-out of major suicide-prevention initiatives
- Projections on operations in the future will depend on Provincial government policy decisions around COVID-19 response. Loosening of social restrictions will enable delivery of programming with more direct engagement.

Family Health

Current State of Operations

There continues to be redeployment of roughly half of 121 FTE in Family Health to support Emergency Operations.

Families in Niagara are burdened now more than ever to try to provide safe and healthy care, environments and opportunities for children. The Family Health division continues to provide essential services for families with a small number of staff. Limited services are provided by phone, live chat and virtual access to nurses through **Niagara Parents** where families can seek support with breastfeeding, parenting, pregnancy, postpartum mental health and child health issues.

Efforts are now underway to plan with schools on how school health programming may be delivered this fall. The Healthy Babies Healthy Children program has begun transitioning back to in-person visits with physical distance to better support families, as well as in-person screening in the hospitals. The Nurse Family Partnership has also been able to transition to mostly in-person visits using physical distance having maintained visiting at pre-COVID levels for the prior 3 months with more virtual visits. Figure 1 shows an example of how Family Health has continued to support our most vulnerable clients through the pandemic.

Staff are focusing their efforts on the following areas:

- Prenatal/postnatal support
- Supporting vulnerable families
- Parenting supports
- Providing enrollment and information towards emergency dental care

Home visiting programs for some of our most vulnerable families are also offering virtual support to assist with

- adjusting to life with a new baby,
- addressing parenting concerns,
- promoting healthy child development,
- accessing other supports and services as they are available, and
- assessing for increased risk related to child protection

Services/Operational Changes

- Cessation of dental screening
- Cessation of dental services
- Cessation of breastfeeding clinics
- Cessation of well baby clinics
- Cessation of school health activities
- Shifting all prenatal/postnatal support to virtual options from in-person service
- Shifting home visits to remote connections

For the period of March 16, 2020 to July 11, 2020:

- 254 registrants for online prenatal education
- 1,100 HBHC postpartum screens and assessments completed by PHN
- 927 HBHC home visits
- 352 Nurse Family Partnership visits
- 185 Infant Child Development service visits
- 358 Breastfeeding outreach visits
- 848 interactions with Niagara Parents (phone, live chat, and email)
- 185 moms received support and skill building through our cognitive behavioural therapy post-partum depression group
- 95 families received support and skill building through Triple P Individualized Parent Coaching

Operational Outlook

1 month

- Resume breastfeeding clinics

3 month & 6 month

- Future operations will depend on Provincial policy decisions around COVID-19 response. Loosening of social restrictions will enable delivery of programming with more direct engagement, as well as engagement within schools.
- Resumption of dental clinics and fluoride varnish administration is also being planned for the fall.
- Positive Parenting Program being planned for resumption in the fall. There has been high uptake to virtual class options.

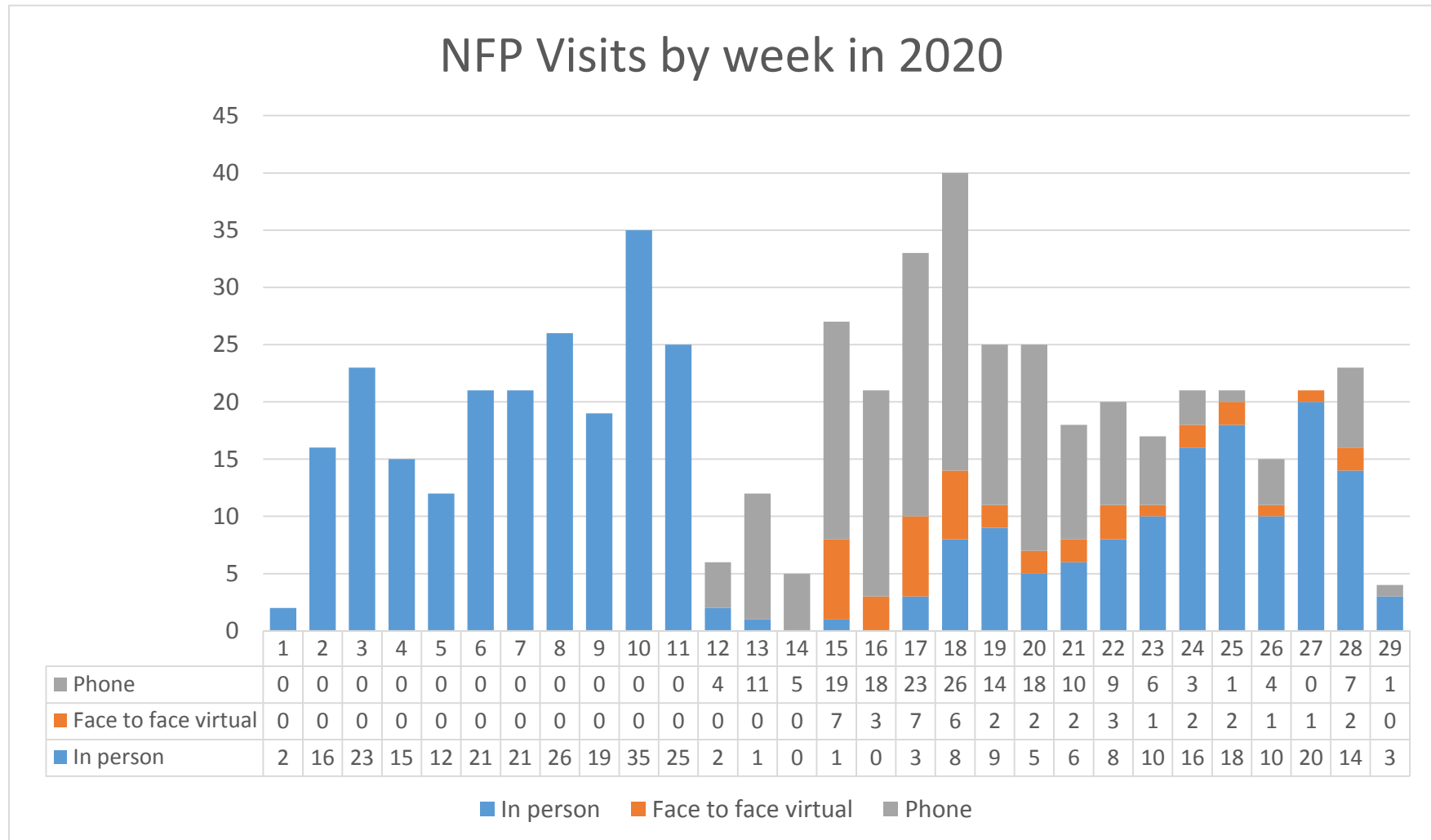


Figure 1. Visits by the Nurse Family Partnership program, according to type of visit. The program was able to maintain service to clients except for a 3 week interruption.

Organizational and Foundational Standards

Current State of Operations

Organizational and Foundational Standards supports the data analytics, program evaluation, quality improvement, professional development, communications, engagement, and customer services activities of Public Health. There has been redeployment of 35 of 39 staff to Emergency Operations. Ongoing activity includes

- Opioid surveillance reporting
- Active screening of staff at Regional buildings
- Managing data governance and privacy issues

Services/Operational Changes

- Cessation of public health surveillance work
- Cessation of most public health communications and engagement work
- Cessation of public health data analytics
- Cessation of expanded implementation of electronic medical record system
- Cessation of all public health quality improvement work
- Cessation of Public health applied research
- Cessation of evaluating public health programs
- Cessation of public reception service in Public Health buildings
- Scaling back data governance initiative

Operational Outlook

- Expectation is that resources will remain reallocated to Emergency Operations for at least 6 months.

Emergency Medical Services

Current State of Operations

Emergency Medical Services (EMS) continues to dispatch land ambulance services to the population calling 911, as well as modified non-ambulance response to 911 calls as appropriate (the System Transformation Project). At present, call volumes are slightly below baseline, and operational response is normal. There are some paramedics who have been exposed to COVID-19 and must be off work to protect their patients and co-

workers. EMS is facing increased pressures around personal protective equipment procurement given global shortages.

Services/Operational Changes

- Providing enhanced community support through COVID-19 specific programs (refer to PHD 05-2020 for additional details)

Operational Outlook

1 month

- The Pandemic Plan for response prioritization remains in place in case there is a resurgence of cases in Niagara. This is a unique plan to Niagara, enabled by Niagara's local control and tight integration of both ambulance dispatch and the land ambulance services.

3 month & 6 month

- Projections on operations in the future will depend on Provincial government policy decisions around COVID-19 response, and the subsequent circulation of COVID-19 in the population. Higher COVID-19 circulation would create demand for more calls to 911 as well as increase risk for EMS staff who must be off work due to COVID-19 infection or exposure. As 911 calls increase and/or staff are unable to work, the Pandemic Plan will prioritize which calls continue to be served, and which 911 calls receive a modified response (e.g. phone call and advice from a nurse) or no response.

Emergency Management

Current State of Operations

Emergency Management is currently fully deployed to supporting the Regional Emergency Operations Centre and advising the Public Health Emergency Operations Centre. Emergency Management is also deeply engaged with supporting emergency operations teams at the local area municipalities, as well as other key stakeholders (e.g. Niagara Regional Police, fire services, Canadian Forces). The CBNRE team has also been supporting emergency operations part time. Paramedics are also assisting with staffing the shelter system.

Services/Operational Changes

- Cessation of preparedness activities to focus fully on current response to COVID-19.

Operational Outlook

1 month

- Ongoing support of current Emergency Operations Centres while also assisting local area municipalities around other anticipated non-COVID-19 emergencies

3 month

- Ongoing support of current Emergency Operations Centres while also increasingly supporting recovery planning efforts

6 month

- Ongoing support of current Emergency Operations Centres and recovery planning efforts. There may be some elements of recovery planning that can begin to be implemented by this date.

Respectfully submitted and signed by

M. Mustafa Hirji, MD MPH FRCPC
Medical Officer of Health & Commissioner (Acting)
Public Health & Emergency Services

Subject: COVID-19 Response and Business Continuity in Community Services

Date: August 4, 2020

To: Public Health & Social Services Committee

From: Adrienne Jugley, Commissioner, Community Services

This memo provides continued updates on the measures Community Services has taken to ensure the ongoing delivery of essential services during the COVID-19 pandemic, and the alternate approaches used to support those most vulnerable in Niagara.

Seniors Services – Long-Term Care

Resident Visiting

The Province of Ontario announced that long-term care homes can move to the next stage of resident visiting. Outdoor visit parameters have loosened and indoor visiting programs have been permitted as of July 22, 2020. The following visit protocols are being operationalized across all Niagara Region Long-term Care Homes:

Indoor Visits	Outdoor Visits
<ul style="list-style-type: none"> • All visits must be scheduled • Two visitors permitted at a time • Each visitor must pass active screening (including taking temperature) prior to the visit • Each visitor must complete COVID-19 testing within 14 days of the visit and provide attestation of a negative result • Each visitor is required to bring and wear a mask • Each visitor will be required to follow infection prevention and control measures including using hand sanitizer and ensuring physical distancing 	<ul style="list-style-type: none"> • All visits must be scheduled • Two visitors permitted at a time • Each visitor must pass active screening (including taking temperature) prior to the visit • Visitors will no longer be required to complete COVID-19 testing prior to visiting • Each visitor will be provided a surgical mask to wear by the home and must wear the mask throughout the time in the home • Each visitor will be required to follow infection prevention and control measures including using

Indoor Visits	Outdoor Visits
<ul style="list-style-type: none"> Designated visiting areas will be disinfected between visits 	<p>hand sanitizer and ensuring physical distancing</p> <ul style="list-style-type: none"> Designated visiting areas will be disinfected between visits

Homes continue to provide window visits, telephone and FaceTime visits to support those families who are unable to come into the home. Please note that if a home enters into an outbreak all non-essential visitations are suspended.

Linhaven Outbreak

Linhaven Long-Term Care Home was declared in COVID-19 outbreak by Public Health on July 11, 2020 due to the identification of positive cases through bi-monthly surveillance testing of staff, as mandated by the Province. At the time of declaration, staff quickly implemented all necessary outbreak measures (e.g. heightened surveillance, increased PPE requirements, resident self-isolation, etc.). Subsequent surveillance testing of all residents resulted in a small number of residents, who were asymptomatic, similarly testing positive.

Shortly after receiving these results, these positive cases (staff and residents) were retested twice and received two negative results.

On July 14, 2020, a different symptomatic employee tested positive for COVID-19. In light of outbreak measures already in effect within the home, the risks associated with transmission to residents or other staff, related to this case, is considered low. At the time of writing this memo, there remains one staff positive case, no resident cases and the anticipated date of which the outbreak will be declared over is July 29, 2020.

Staff continue to work diligently with Public Health and have received direction to lift some of the restriction measures. All families and residents have been provided regular communication updates throughout the duration of the declared outbreak.

Homelessness Services & Community Engagement

Homelessness Services continues to operate the full emergency shelter system, overflow hotel rooms, the self-isolation facility and an enhanced street outreach service. As of July 22, 2020, 131 individuals have been referred to the isolation facility with testing results, to date, negative.

Children's Services

Effective July 27, 2020, the Ministry of Education will permit all licensed child care centres to move from the current capped classroom size of 10 (includes children and staff), to a classroom size of 15 children, excluding staff. While the increase in classroom size is welcome news for families seeking to access licensed child care, it is anticipated that licensed child care service providers will likely struggle to quickly increase capacity due to a shortage of qualified staff. The screening of children and enhanced cleaning and disinfecting protocols are placing further stress on staffing capacity of many licensed child care centres that were already facing staffing shortages prior to the pandemic.

As of July 20, 2020, the total number of child care spaces available is 1,477, across 55 licensed child care centres and 53 home child care providers across Niagara. Prior to the COVID-19 pandemic, there was a total of 11,595 licensed child care spaces in 169 centres and 90 home based providers across Niagara. At this time, there is approximately 10 percent of licensed child care spaces operating from the overall licensed child care system.

Children's Services is working with Public Health and both local school boards to better understand how the various learning models being considered for the school year will impact the child care system, as approximately 60% of child care centres are located in Niagara schools. Additionally, there are 94 before and after school care programs located in schools, which access shared space (classrooms, gymnasium, washrooms) that will also be impacted by these plans.

Social Assistance & Employment Opportunities (Ontario Works)

As of July 20, 2020, three of five SAEO offices resumed scheduled in-person appointments (St. Catharines, Welland and Niagara Falls offices). SAEO's re-entry plan is a staged approach beginning with the introduction of a blended service delivery model to respond to the needs of high-risk individuals (e.g. those experiencing or at-risk of homelessness, those living with mental illness and/or addictions, etc.), and continues to prioritize the health and safety of staff and clients through enhanced infection prevention and control measures. Specific measures include plexi-glass at points of contact, IPads for screening upon entry to the buildings, newly designed interview stations that maintains the two metres required for physical distancing, enhanced cleaning protocols, and signage, floor decals and directional queuing for staff and clients.

SAEO continues to develop a comprehensive contingency plan to respond to a potential increase in demand for social assistance, once the federal Canada Emergency Response Benefit (CERB) has ended.

Niagara Regional Housing (NRH)

NRH continues to develop recovery plans to support the re-introduction of all services (including in-suite maintenance beyond emergency/life-safety measures, unit inspections, in-person supports and community programs), and identify and offer additional supports to vulnerable tenants. Common rooms located in multi-unit buildings are now open during High Heat alerts, with guidelines posted and enhanced cleaning and disinfection protocols in place.

Outdoor activities and summer camps in select NRH public housing communities have been made available to tenants using a hybrid model of service delivery (i.e. in-person activities and take-home activity kits).

Prepared by:

Michelle Johnstone
Project Manager
Community Services

Recommended by:

Adrienne Jugley, MSW, RSW, CHE
Commissioner
Community Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Darlene Edgar, Director of Children's Services, Kim Eros, Associate Director of Clinical and Support Services, Seniors Services, Katie Macoretta, Manager Social Assistance and Employment Opportunities, and Sandy Dupuis, Manager of Compliance and Community Engagement.



ADR
CHAMBERS

Integrity Commissioner Office
for Niagara Region

EDWARD T. MCDERMOTT
Integrity Commissioner
Region of Niagara
emcdermott@adr.ca

August 12, 2020

SENT BY EMAIL TO:

Ann-Marie Norio
Regional Clerk
Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Norio

Re: IC-220-0720
Referral of Motion - Item 8.CL 12-2020, July 23, 2020

Further to your letter of July 24, 2020 and our subsequent telephone discussion in relation to the contemplated proposed motion, I wish to confirm that I have reviewed the motion and the recording of the portion of Council's meeting of July 23, 2020 relating to the subject matter which gave rise to this motion.

Obviously, it is not within my mandate or jurisdiction to advise Council if it has the authority to take the actions contemplated by the two action points raised in the motion. That is a matter upon which the Regional Solicitor can, I expect, quickly opine. My role as Integrity Commissioner is to respond to complaints filed, (asserting a contravention of the provisions of the Region's Code of Conduct) in accordance with its processes and protocol for investigating and determining whether such contraventions have occurred.

After completing such an investigation and compiling a detailed report of the steps taken to determine the facts and evidence as well as my analysis of whether those facts have resulted in a contravention of the Code, I will then make such a determination and (if a contravention is found) file my detailed report and a recommendation as to the appropriate penalty Council should impose, recognizing that ultimately the severity of the penalty resides with Council alone.

Having reviewed the contents of your meeting of July 23, 2020 (as they relate to this matter), I share the view of many Councillors who expressed concerns about passing a resolution of this nature (which included a denunciation of a fellow Councillor and direction to apologize) without even knowing what was said or in what context. That, in my view, would constitute a denial of natural justice to the Councillor and would deprive him of the opportunity to hear and make a fair and full response to the allegations against him.

I accordingly believe that in these circumstances, it is appropriate to advise Council by way of a periodic report to Council on my activities (as provided for under the Municipal Act) that I am currently seized with a complaint which encompasses many, if not all, of the issues raised at Council's meeting of July 23, 2020. That complaint is currently being processed in accordance with the provisions of the Region's protocol and will ultimately result in a report to Council as to whether a contravention of the Code has or has not occurred. If the former, there could be a recommendation formulated by me to Council as to the penalty to be assessed.

I also understand from the comments at the meeting of Council on July 23, 2020, by the Councillor involved, that there may also be other proceedings underway at the lower tier municipality.

Accordingly, while it is always open to any Councillor or Council as to a whole to file a complaint of a contravention of the Code, Council (or Councillors) may also wish to consider the utility of doing so in light of the various proceedings currently underway.

Yours truly,

A handwritten signature in blue ink, appearing to read 'E. McDermott', with a stylized flourish at the end.

Edward T. McDermott
Integrity Commissioner, Region of Niagara.



Office of the Regional Chair | Jim Bradley

1815 Sir Isaac Brock Way Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-685-6243

Email: jim.bradley@niagararegion.ca

www.niagararegion.ca

Memorandum

CHR 04-2020

TO: Members of Regional Council

FROM: Jim Bradley, Regional Chair

DATE: August 13, 2020

SUBJECT: COVID-19 Financial Relief from Senior Levels of Government

Further to my email yesterday respecting COVID-19 Financial Relief from Senior Levels of Government, I am pleased to share with you that the Federal and Provincial government have formally announced the amount of funding the Niagara Region will receive as the first phase of the Safe Reopening Agreement.

As part of this much needed relief program, the Niagara Region will receive \$12.1 million in funding and an additional \$609,693 for transit. This \$12.79 million will be utilized to help the Region pay for the many unforeseen costs related to managing the pandemic.

In addition, we have also received notification from the Ministry of Municipal Affairs and Housing regarding eligibility for additional funding under the Social Services Relief Fund in the amount of \$3,013,826.

The correspondence from the agencies with information respecting the funding announcements is attached for your reference.

Sincerely,

Jim Bradley,
Regional Chair

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

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Tél. : 416 585-7000



234-2020-3359

August 12, 2020

Regional Chair Jim Bradley
Regional Municipality of Niagara
1815 Sir Isaac Brock Way P.O. Box 1042
Thorold ON L2V 4T7

Dear Regional Chair Bradley:

On July 27, 2020, as part of the federal-provincial Safe Restart Agreement, the Ontario government announced that it had secured up to \$4 billion in emergency assistance to provide Ontario's 444 municipalities with the support they need to respond to COVID-19. I am writing to you today to provide further details on this funding investment.

Municipalities play a key role in delivering critical services that Ontarians rely on and are at the frontlines of a safe reopening of the economy. This investment will provide support to municipalities and public transit operators to help them address financial pressures related to COVID-19, maintain critical services and protect vulnerable people as the province safely and gradually opens. It includes:

- Up to \$2 billion to support municipal operating pressures, and
- Up to \$2 billion to support municipal transit systems.

The Honourable Caroline Mulroney, Minister of Transportation, will provide more information on the transit stream of this funding.

I would also like to acknowledge the Federal government in their role in this historic agreement. As Premier Ford has indicated, "by working together, we have united the country in the face of the immense challenges brought on by COVID-19 and secured a historic deal with the federal government to ensure a strong recovery for Ontario and for Canada".

Under the municipal operating stream, \$1.39 billion will be available to Ontario's municipalities to address operating pressures and local needs. This funding will be allocated in two phases: 50% allocated in Phase 1 for all municipalities, and 50% allocated in Phase 2 for municipalities that require additional funding.

The Safe Restart Agreement also includes a second phase of Social Services Relief Funding (SSRF) totalling \$362 million. This is in addition to significant investments made earlier to the SSRF and in support of public health. Details will be outlined in a letter to Service Managers in the coming days.

Municipal Operating Funding Phase 1: Immediate Funding for Municipal Pressures

Phase 1 of this funding will be allocated on a per household basis and I am pleased to share that the **Regional Municipality of Niagara will receive a payment of \$12,184,600** to support your COVID-19 operating costs and pressures.

Please note that your municipality is accountable for using this funding for the purpose of addressing your priority COVID-19 operating costs and pressures. If the amount of the funding exceeds your municipality's 2020 COVID-19 operating costs and pressures, the province's expectation is that your municipality will place the excess funding into reserves to be accessed to support COVID-19 operating costs and pressures that you may continue to incur in 2021. Your municipality will be expected to report back to the province in March 2021 with details on your 2020 COVID-19 operating costs and pressures, your overall 2020 financial position, and the use of the provincial funds in a template to be provided by the ministry. More details on this reporting will be shared in the coming weeks.

In the meantime, I am requesting that your municipal treasurer sign the acknowledgement below and return the signed copy to the ministry by email by September 11, 2020 to Municipal.Programs@ontario.ca. Please note that we must receive this acknowledgement before making a payment to your municipality. We intend to make payments to municipalities in September, subject to finalizing details.

Phase 2: Funding for Additional Municipal Pressures

I anticipate that the funding our government is providing through Phase 1 of the municipal operating stream will be sufficient to address COVID-19 costs and pressures for most municipalities. However, we recognize that some municipalities have experienced greater financial impacts arising from COVID-19 than others. As a result, we are offering a second phase of funding to those municipalities that can demonstrate that 2020 COVID-19 operating costs and pressures exceed their Phase 1 per household allocation.

To be considered for this Phase 2 funding, municipalities will be required to submit reports outlining their COVID-19 operating costs and pressures in a template to be provided by the ministry. **These reports will be due by October 30, 2020.**

Municipalities that require additional time to submit their report are asked to reach out to their Municipal Services Office contact by October 30, 2020 to request an extension to November 6, 2020. **Please note that the ministry is unable to consider municipal requests for Phase 2 funding if the municipality has not submitted its report by November 6, 2020.**

A template for this municipal report and request for consideration for Phase 2 funding will be provided shortly and will require:

1. Information about measures the municipality has undertaken to reduce financial pressures (e.g. use of reserves, cost saving measures);
2. Explanation of how the municipality applied or plans to spend Phase 1 funding towards COVID-19 operating costs and pressures;
3. A year-end forecast of COVID-19 operating costs and pressures;
4. Actual COVID-related impacts as of the end of Q3 of the municipal fiscal year (September 30, 2020);
5. Treasurer's statement as to accuracy of reporting;
6. Resolution of Council seeking additional funding.

Municipalities who are eligible and approved to receive funding under Phase 2 will be informed before the end of the calendar year and can expect to receive a payment in early 2021.

Our government will continue to be a champion for communities as we chart a path to a strong economic recovery. We thank all 444 Ontario municipal heads of council for their support through our negotiations with the federal government. Working together, we will ensure Ontario gets back on track.

Sincerely,



Steve Clark
Minister of Municipal Affairs and Housing

c. Municipal Treasurer and Municipal CAO

By signing below, I acknowledge that the per household allocation of \$12,184,600 is provided to the Regional Municipality of Niagara for the purpose of assisting with COVID-19 costs and pressures and that the province expects any funds not required for this purpose in 2020 will be put into reserves to support potential COVID-19 costs and pressures in 2021. I further acknowledge that the Regional Municipality of Niagara is expected to report back to the province on 2020 COVID-19 costs and pressures and the use of this funding.

Name:

Title:

Signature:

Date:

**Ministry of
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Office of the Minister

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August 12, 2020

107-2020-3242

Regional Chair Jim Bradley
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold ON L2V 4T7

Dear Regional Chair Bradley:

Municipalities play a key role in delivering services that people across Ontario rely on and are the frontlines of a safe reopening of the economy. Our government recognizes that municipalities have sustained significant financial pressures as a result of the COVID-19 outbreak and need financial support to ensure they can continue to deliver important services while minimizing the spread of COVID-19.

On July 27, 2020, as part of the federal-provincial Safe Restart Agreement, the Ontario government announced that it had secured up to \$4 billion in one-time emergency assistance to provide Ontario's 444 municipalities with the support they need to respond to COVID-19 and deliver the critical services people rely on every day.

This investment will provide support to municipalities and municipal transit systems to help them deal with financial pressures related to COVID-19, maintain critical services and protect vulnerable people as the province safely and gradually opens. It includes:

- Up to \$2 billion to support municipal operating pressures; and
- Up to \$2 billion to support municipal transit systems.

The Honourable Steve Clark, Minister of Municipal Affairs and Housing, will provide more information on the funding to support municipal operating pressures.

Up to \$2 billion will be available to Ontario's municipalities to address transit pressures. Funding will be allocated in two phases: In Phase 1, \$666 million will be allocated to municipalities with transit systems to help provide immediate relief from the financial pressures of COVID-19; In Phase 2, the balance will be available for municipalities with transit systems to address the ongoing financial pressures of COVID-19 until the end of the provincial fiscal year, or March 31, 2021. A two-phased approach will provide the flexibility to address actual municipal transit pressures, including any impacts of a potential second wave of COVID-19.

.../5

Financial pressures that are eligible for reimbursement under this program include both financial pressures associated with the need to continue to operate with reduced revenue and new expenses resulting from COVID-19:

- Reduced revenue would include pressures related to, at the ministry's sole discretion, the following:
 - Farebox;
 - Advertising;
 - Parking; and
 - Contracts (e.g., school contracts)
- New expenses incurred in response to the COVID-19 outbreak would include, at the ministry's sole discretion, the following:
 - Cleaning costs [costs not claimed as part of MTO's dedicated cleaning funding program];
 - New contracts;
 - Labour costs;
 - Driver protection;
 - Passenger protection; and
 - Other capital costs.

The ministry program area will consult with transit stakeholders to continue to refine eligible program expenses.

Municipal Transit Funding Phase 1: Immediate Funding

I am pleased to share that the **Regional Municipality of Niagara** ("Recipient") will receive **\$609,693** to support your COVID-19 municipal transit pressures for Phase 1, incurred from April 1, 2020 to September 30, 2020.

Please note that the Recipient is accountable for using this funding for the purpose of addressing the Recipient's COVID-19 municipal transit pressures.

The Recipient is required to report back, using a template to be provided by the ministry, to the province by October 30, 2020 with details on the use of the Phase 1 funds and a forecast of eligible expenditures to March 31, 2021.

If the amount of funding allocated in Phase 1 exceeds the Recipient's COVID-19 municipal transit pressures, the province's expectation is that the Recipient will place the excess funding into a reserve account to be accessed to support Phase 2 COVID-19 municipal transit pressures the Recipient may continue to incur up to March 31, 2021.

If the amount of funding allocated in Phase 1 is less than the Recipient's COVID-19 municipal transit pressures, the Recipient's report back will support the need for additional funding in advance of Phase 2 reporting. The additional funding is expected to be provided by December 31, 2020. The ministry will provide the Recipient with additional details on the reporting in the coming weeks; responses to information gathering questions are required.

The Recipient will be required to return any unused funds to the province where the funding from Phase 1 is in excess of the eligible expenditures incurred under both Phase 1 and Phase 2.

In the meantime, I am requesting that the municipal treasurer for the Recipient sign the acknowledgement below and return the signed copy to the ministry by email by September 11, 2020 to MTO-COVID_Transit_Funding@ontario.ca.

Please note that the ministry must receive this acknowledgement before making a payment to the Recipient. The province intends to make the Phase 1 payment to the Recipient in September 2020.

Phase 2: Ongoing Support

To be considered for Phase 2 funding, municipalities will be required to submit the reports noted above. Phase 2 funding will consider the reported actual impacts to determine the funding allocations and will be governed by a transfer payment agreement (TPA). The ministry will consult with municipalities on the TPA in Fall 2020.

MTO intends to build specific requirements into the Phase 2 agreements to achieve important transit objectives to promote ridership growth and transit sustainability. These include, for example:

- Ensuring and promoting the safety of public transit systems through the coordinated procurement of new safety materials;
- Requiring that the transit systems drive service sustainability through innovation in route planning and technology, as well as reviewing municipal transit jurisdictions where there are upper- and lower-tier systems operating in the same areas; and
- Requiring that the GTHA municipalities work with the province to make real progress on fare and service integration to provide rider benefits.

In order to achieve these objectives, municipalities will be required to demonstrate their participation and progress in different areas.

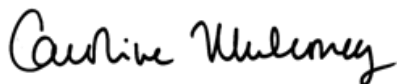
Through the Phase 2 TPAs, the **Regional Municipality of Niagara** will be required to:

- Engage in consolidated procurement opportunities leveraging Metrolinx and other provincial procurement tools (ALL MUNICIPALITIES)
- Review the lowest performing bus routes and consider whether they may be better serviced by microtransit (ALL MUNICIPALITIES)
- Work with the Province and Metrolinx where appropriate to determine the feasibility of implementing microtransit options on viable routes (ALL MUNICIPALITIES)
- Participate in discussions with the Province on advancing fare and service integration (GTHA & select municipalities)
- Participate in discussions with the Province to optimize transit through new possible governance structures (GTHA & select municipalities)

We are committed to working with municipalities, and their transit systems to refine the processes that will be required, in order to achieve the best possible outcomes as we work together through this recovery period.

Our government is committed to supporting municipal transit, and we will continue to champion the needs of our municipal partners and transit users. Through this historic agreement, municipalities will have the support and flexibility they need to address budget shortfalls related to COVID-19, help limit the spread of the virus, and chart a path to a strong recovery for their communities and for our province.

Sincerely,



Caroline Mulroney
Minister of Transportation

By signing below, I acknowledge that the allocation of **\$609,693** is provided to the **Regional Municipality of Niagara** for the purpose of assisting with COVID-19 municipal transit pressures and that the province expects any funds not required for this purpose in Phase 1 will be put into reserves to support potential COVID-19 municipal transit pressures that you may continue to incur up to March 31, 2021. I further acknowledge that the **Regional Municipality of Niagara** is expected to report back to the province on COVID-19 municipal transit pressures and the use of this funding.

Name:_____

Title:_____

Signature:_____

Date:_____

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre
777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



August 12, 2020

Jim Bradley
Regional Chair, Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold ON L2V 4T7

Dear Jim Bradley:

I am writing to provide you with details regarding the \$150 million in new provincial funding announced by Premier Ford and myself on July 2, 2020, and the additional \$212 million of funding announced on August 12, 2020 as part of the federal-provincial Safe Restart Agreement for a total of \$362 million.

These funds will be made available as part of a second phase of funding under the Social Services Relief Fund (SSRF), and increase the government's total SSRF investment for Service Managers and Indigenous Program Administrators to \$510 million.

I would like to acknowledge the Federal government in their role in this historic agreement. As Premier Ford has indicated, "by working together, we have united the country in the face of the immense challenges brought on by COVID-19 and secured a historic deal with the federal government to ensure a strong recovery for Ontario and for Canada".

Protecting the health and well-being of all Ontarians continues to be our government's number one priority. We appreciate your efforts to assist vulnerable people in your communities throughout the COVID-19 outbreak and understand that additional assistance is needed to meet ongoing needs, including for those struggling to pay rent. Long-term housing solutions is also a priority under SSRF Phase 2, and we encourage investments in this area to allow for greater resiliency for future pandemic waves and emergencies.

To ensure SSRF Phase 2 funding is targeted to where it is needed most, the Ministry will hold back a portion of the total SSRF Phase 2 funding from funding allocations and will determine how to allocate it in the coming months based on public health needs.

I am pleased to inform you that under SSRF Phase 2 Regional Municipality of Niagara will be eligible to receive an initial planning allocation of **\$3,013,826** in 2020-21.

In addition, and in light of the increasing pressures being experienced by Service Managers, you will receive the remainder of your initial SSRF funding, upon the Ministry receiving a full copy of this letter with the sign-back section completed and signed.

Below are additional details about the SSRF Phase 2 funding.

Business Case Process

Prior to receiving SSRF Phase 2 funds, you will be required to submit a business case to the Ministry. The business case process will provide an opportunity to outline how your initial planning allocation will be used, and will assist the Ministry in ensuring that funds are being directed to communities most in need.

Business cases will be reviewed by an inter-ministerial working group, which will make recommendations on funding decisions. Your initial planning allocation could be subject to change based on COVID-19 needs and emerging public health emergencies across the province, which may result in the re-allocation of funds between service areas. Following the review process, you will be notified of your approved SSRF Phase 2 funding allocation.

The business case template is available through the Transfer Payment Ontario (TPON) system, and must be completed and submitted to the Ministry via TPON by **September 11, 2020**.

Program Details

Similar to the initial SSRF funding provided to you in April 2020, SSRF Phase 2 funding will flow through the Community Homelessness Prevention Initiative (CHPI). For funding provided under SSRF Phase 2, amendments to the CHPI Program Guidelines are set out in the attached Addendum B (SSRF Phase 2 Program Guidelines).

Please note that this funding is in addition to your base 2020-21 CHPI allocation, which the Ministry previously communicated to you on April 17, 2019, and the initial SSRF funding. There will be no change to the program administration or payment process for payments under CHPI.

SSRF Phase 2 will include an operating component and two new capital components. Please refer to the SSRF Phase 2 Program Guidelines for details on eligible use of funding and project approval process.

The objectives of the SSRF Phase 2 funding are to:

1. Mitigate ongoing risk for vulnerable people, especially in congregate settings;
2. Encourage long-term housing-based solutions to homelessness post-COVID-19; and
3. Enhance rent assistance provided to households in rent arrears due to COVID-19.

In recognition of the costs you are facing, funding provided under SSRF Phase 2 may be used to offset eligible costs incurred on or after **July 2, 2020**. The Ministry will require Service Managers to submit an interim report in mid-December on the use of SSRF Phase 2 funds and projected spending.

Approved funding allocations may be subject to re-allocation or adjustment if funds cannot be spent this fiscal year based on the business case and reporting. Details on payment and reporting information can be found in the Program Guidelines for SSRF Phase 2, which are added as Addendum B to the CHPI Guidelines.

This amendment forms part of your Service Manager Service Agreement (“Agreement”) and any breach of any of the terms of the Guidelines shall constitute an Event of Default under the Agreement. All other provisions of the Agreement remain in full force and effect.

You are required to sign this letter and return it to the Ministry to confirm your agreement to the terms and conditions of SSRF Phase 2 and to receive the remainder of your initial SSRF funding.

You may submit your signed confirmation via e-mail to:

Jim Adams, Director of the Housing Programs Branch
Ministry of Municipal Affairs and Housing
jim.e.adams@ontario.ca

Thank you to those who participated in confidential consultation sessions, which were organized by Ontario Municipal Social Services Association (OMSSA) to inform the design of the Program Guidelines and business case. I look forward to continuing our work together as we serve the people of Ontario.

Sincerely,



Steve Clark
Minister

Enclosures

c. Ron Tripp, Chief Administrative Officer
Donna Woiceshyn, Chief Executive Officer
Adrienne Jugley, Commissioner, Community Services

The undersigned agrees to the above letter and to comply with the **Social Services Relief Fund Phase 2 Program Guidelines** attached as Addendum B, as the same may be amended by the Ministry from time to time. The undersigned further agrees to use funds from the Social Services Relief Fund Phase 2 as set out in the Community Homelessness Prevention Initiative Program Guidelines (April 2017), under the Service Manager Service Agreement, including Addendum B to this letter.

The undersigned further agrees to receive the remaining balance of its initial SSRF funding and to use the funding as set out in the Community Homelessness Prevention Initiative Program Guidelines (April 2017), under the Service Manager Service Agreement, including the Notice of Amendment set out in my letter to you dated April 1, 2020.

Service Manager: _____

Name: _____

Title: _____

Date:

Name: _____

Title: _____

Date:

I/We have authority to bind the organization.

Addendum B – Social Services Relief Fund Phase 2 Program Guidelines

Subject: Authorizing Assistance and Support Agreements to Combat COVID-19

Report to: Public Health and Social Services Committee

Report date: Tuesday, August 4, 2020

Recommendations

1. That the Medical Officer of Health & Commissioner (Public Health & Emergency Services) or his/her delegate, on behalf of the Board of Health, **BE AUTHORIZED** to enter into agreements with other local boards of health in Ontario for the provision and/or receipt of COVID-19 prevention services, including temporary assignment of human resources, in a form satisfactory to the Director of Legal & Court Services; and
2. That this authorization **EXPIRE** when the COVID-19 pandemic is declared over by the World Health Organization.

Key Facts

- The purpose of this report is to seek approval for the Medical Officer of Health & Commissioner (Public Health & Emergency Services) or their designate to enter into assistance agreements with other boards of health to support response to the current COVID-19 Pandemic.
- When case management and contact tracing around COVID-19 cases is delayed, it leads to ongoing transmission of the COVID-19 virus.
- Due to the unpredictability of the COVID-19 pandemic, some health units have faced challenges during surges of cases to have sufficient staffing resources to contain the virus in their respective jurisdictions.
- Given frequent movement of people across Ontario, uncontrolled COVID-19 outbreaks in neighbouring and nearby regions can lead to increased COVID-19 cases in Niagara and vice versa.
- A cross-jurisdictional assistance agreement will enable Niagara Region Public Health (NRPH) to manage workload pressures when facing acute surges of COVID-19 cases or other response work. Similarly, other local public health agencies will be able access NRPH support when their internal resources are exhausted, preventing the infections in those regions from spreading to Niagara or elsewhere.
- Ensuring timely ability to manage cases and trace contacts is also a provincial metric guiding reopening of the economy.

- Public Health staff are uniquely skilled and trained in case management of Diseases of Public Health Significance (DOPHS) and have the technological skills and ability to access and report information in provincial data systems that provide critical surveillance.

Financial Considerations

In the event that NRPH staff are supporting other local Ontario local public health agencies or vice versa, agreements will preferably be negotiated to allocate staff costs to the agency receiving support. However, in an emergency when such cost-sharing cannot be arranged, it is possible that Niagara Region could benefit from staff of another agency working for Niagara Region Public Health with their home agency continuing to pay all costs. In the opposite arrangement, Niagara Region might continue to provide annual salary provisions to Niagara Region Public Health staff while doing non-Niagara Region Public Health work.

At this time, provincial funding models for COVID related costs have not been formally established. Public Health staff anticipate, based on multiple communications from the Ministry of Health, that all public health COVID-19 expenses will be paid for by the Province at 100%.

Prior to committing Regional staff resources for redeployment to other Ontario local public health agencies, efforts will be made to ensure mechanisms are in place for Regional costs not covered by provincial funding, are able to be recovered from the other Ontario health units. It should be noted that if the Province does not reimburse 100% of these costs and costs are material, staff will bring forward a report to outline the costs and impacts on the Regional levy.

Analysis

At a few points in previous months, some local public health agencies in Ontario have faced unusual surges of cases of COVID-19 that have temporarily overwhelmed their ability to complete timely case management and contact tracing. When COVID-19 cases are not effectively contained in one region, it puts the entire province at risk from infections spreading elsewhere.

To address this risk, many local public health agencies who have had few cases of COVID-19 have lent their services to support other parts of the province with more acute challenges. At least three other regions have benefited from these arrangements

to bring their local surges under control. Niagara Region Public Health has not participated in these given our inability to enter into such arrangements without a lengthy approval process. Fortunately, Niagara Region Public Health has successfully managed to control COVID-19 cases using internal resources thus far.

Given the difference in local public health agency staffing levels, the variation in the number of cases and contacts across the province, and the unpredictability of the pandemic, it is reasonable to expect that some local public health agencies may continue to need additional staffing to support effective case and contact tracing of the COVID-19 pandemic from time to time during acute surges. A local agency's ability to respond in a timely manner and efficiently manage the pandemic is highly dependent on the number of skilled staff who are trained and who are deployed to the pandemic response, along with the volume of cases and contacts requiring follow up. To add further complexity, large-scale outbreaks, which often result in an immediate surge in cases, pose a significant challenge to communities where resources are limited, therefore making containment of the virus difficult.

Niagara Region Public Health has done very well at redeploying staff across the department to operationalize a call centre and support case management and contact tracing. Under normal conditions, the Infectious Disease program operates with 10 full time equivalent staff. As a result of the pandemic, NRPH has redeployed at varying amounts during the pandemic, with an additional 43 FTE with various skill sets currently deployed to provide outbreak management, case management and contact tracing. The average number of COVID-19 cases per day is 6.3 and we have successfully managed 42 outbreaks as of July 14. At present, our current response time is 100% of cases followed up within one business day as well as 100% of contacts successfully reached within a 24 hour period (data extracted July 14). If staffing pressures were to be overwhelmed, the ability to refer and leverage alternative staffing resources would be instrumental to ensuring timely contact tracing of Niagara residents, to slow the spread of infection. As well, ensuring 90% of cases and contacts are reached within 24 hours is a provincial metric for reopening the economy, and ensuring Niagara maintains its excellent performance here is necessary to ensure Niagara does not move backwards in the reopening framework.

Public Health staff already have a level of expertise so that minimal training is need when staff are redeployed to other health unit jurisdictions. They also have unique knowledge and skill in outbreak management, case management and contact tracing, with the ability to connect cases (epi-link) in order to determine the source of the virus.

This expertise is unparalleled and worth leveraging in the face of a pandemic to ensure vulnerable populations are protected and to mitigate fatalities in communities.

Alternatives Reviewed

In the event case and contact management capacity exceeds NRPH current staffing levels, NRPH could reach out to Public Health Ontario (PHO) for support. However while PHO is able to assist with contact follow-up, they cannot conduct the initial case management and contact tracing.

NRPH also has a mutual assistance agreement with a group of other local public health agencies (Hamilton, Haldimand-Norfolk, Brant County, Halton Region, and Waterloo Region). In the scenario of a surge of cases across this part of the province, however, all these local public health agencies might be overwhelmed at the same time.

Relationship to Council Strategic Priorities

Early identification and notification of COVID19 cases and contacts by skilled staff is imperative to limiting and/or stopping the spread of infection in the community. It also has a direct impact on Council's strategic priority for a Healthy and Vibrant Community. Failure to provide timely case management and contact tracing follow up can lead to further spread of COVID19 infection. Additionally, timely follow up is required to meet the Ministry's expectations and standards, which are used for provincial strategic decision making with respect to opening the region in a phased approach—progress to Stage 2 and Stage 3 reopening was predicated in part on Niagara Region Public Health's excellent record of timely case management and contact tracing. The region being provincially provisioned to move into the next phase will support local businesses and economic growth while opening the doors for future planning.

Other Pertinent Reports

MOH 03-2011 Public Health as an Emergency Service

By-law 06-2011 "A By-law to Appoint Acting Medical Officers of Health and Obtain from or Give Assistance to Other Public Health Units for Emergencies or Urgent Projects, and the accompanying Mutual Aid Agreement".

Prepared by:

Carolyn Whiting
Infectious Disease Supervisor
Clinical Services

Recommended by:

M. Mustafa Hirji, MD, MPH, FRCPC
Medical Officer of Health &
Commissioner (Acting)
Public Health & Emergency Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Beth Brens, Manager Program Financial Support.

Subject: COVID-19 Cash Flow Update Report - August

Report to: Regional Council

Report date: Thursday, August 13, 2020

Recommendations

That this report **BE RECEIVED** for information.

Key Facts

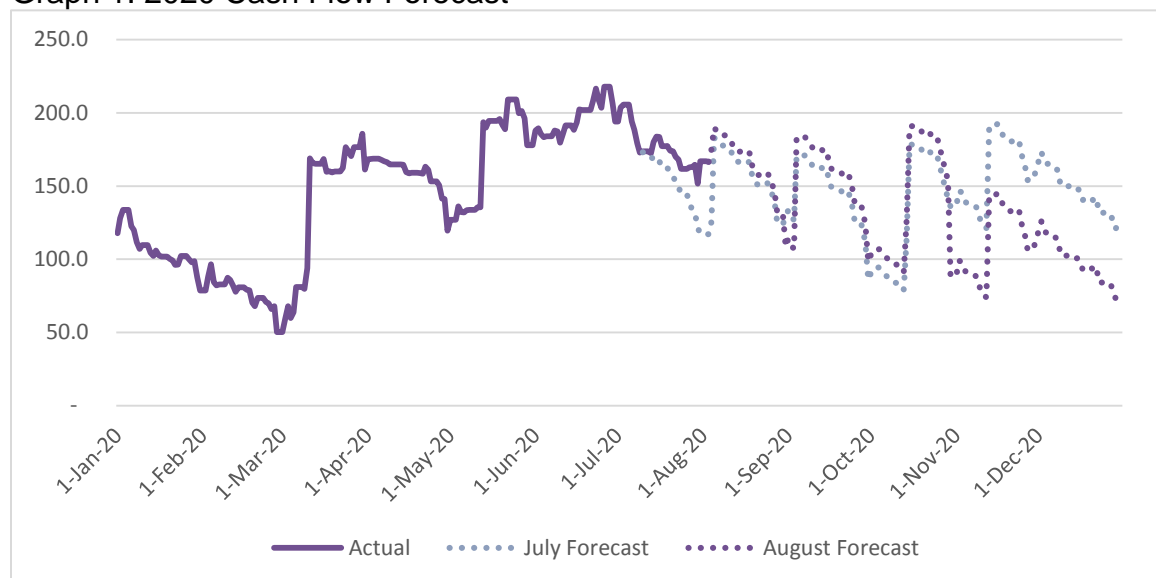
- The purpose of this report is to provide Council with an update on Niagara Region's cash flow position and forecast for August with specific reference to the impacts of concessions made to Local Area Municipalities (LAMs) to align with their concessions to the taxpayers in Niagara.
- Monthly cash flow updates will be provided to Council in response to report CSD 31-2020, which generally approved deferrals of LAM tax and water and wastewater remittances to the Region, as well as waiving interest charges on late payments.
- Overall the amount due from the LAMs for general and special purposes tax levies and water and wastewater payments in Q3 and Q4 are approximately \$148 million and \$146 million, respectively.
- There has been an improvement in water and wastewater arrears of \$0.2 million from the prior month.
- Cash flow forecasting is an important tool to ensure that sufficient funds are available to meet the Region's operating and capital payment obligations.

Financial Considerations

The COVID-19 pandemic continues to cause a strain on a number of financial resources. Niagara Region cash balances are impacted by increased spending for pandemic relief services, as well as by deferred and/or reduced revenue collections.

The Region's cash flows are monitored to ensure sufficient liquidity to provide for ongoing operations. Balances have increased compared to forecast; this is the result primarily of improved collection experienced by the LAMs and reduced outflows compared to forecast. Graph 1 provides an illustration of the updated cash flow forecast for the Niagara Region for the remainder of the year.

Graph 1: 2020 Cash Flow Forecast



The following are updates since the July cash flow report CSD 46-2020 – 2020 COVID-19 Cash Flow Update Report – July:

- Water and Wastewater remittances of \$8.1 million, versus the total billed \$10.6 million (for June flows, due July 31), represent 24% arrears (\$2.5 million)
 - This is impacted primarily by an outstanding payment of \$2.2 million
- Water and Wastewater February through May flows have remittances outstanding of \$1.4 million, which is an improvement from the last report of \$1.6 million.
- The forecast cashflow reflects a potential investment purchase in October if liquid cash available continues as per current collection trends. This represents the largest change in year-end forecast when compared to the July report.
- CSD 46-2020 reported a year-to-date water flow decline of 5.6% over the three-year average. At the time of finalizing this report, updated flow information was not available.
- Responsibility for managing the construction of the Canada Summer Games Park is being transitioned to the Niagara Region. Once all information is available updates to the cash flow forecast will be made.

Analysis

The Region conducts cash flow forecasts to ensure sufficient operating liquidity by estimating the available cash deposits, expected inflows, and required disbursements. Common inflows include tax and rate remittances from the LAMs, grant revenue from

other levels of government, debenture proceeds, interest revenue from investments and other revenue from fees and services. Outflows typically represent employee payroll and benefits, anticipated payments such as debt service and payments to vendors for goods and services for both operating and capital costs.

COVID-19 implications have had an adverse impact on the Region's cash flow forecast. Some measures taken by the Region include foregoing planned investments that would have enhanced investment income and delaying spending on previously approved capital projects. These are discussed in the cash flow impact section below.

Impacts on Niagara Region Cash Flows:

LAM remittances:

The largest impact to the Region's cash flow forecast is the implementation of the concessions approved through report CSD 31-2020, including partial payments for the general tax and special purpose levy amounts as well as amendments to the water and wastewater collections.

The third levy instalment has an initial due date of August 5th, with concessions allowing the waiving of interest charges to the LAMs until September 4th for partial or late payments. At the time of finalizing this report, August 5th, the initial due date has passed, remittances and notices of \$77.3 million have been received, \$38.2 million of the \$115.4 million billed was not collected which represents 33.1% of the amount billed.. Full or partial payments and notices have been received from ten municipalities, Some municipalities have extended the due date for their third and fourth levy instalments impacting their ability to remit to the Region on a timely basis however their changes are still within the interest and penalty waiver period approved by the Region.

Water and Wastewater billings are completed on the 15th of the following month and due by the end of that month; January through June have been billed and due dates passed. Nine municipalities have paid June billings in full, one municipality made a partial payment, and one payment is outstanding; this represents \$2.5 million outstanding or 24% in arrears of the total \$10.6 million. The total unpaid balance has increased to \$3.9 million from \$1.6 million, which includes the payment of \$0.2 million in prior arrears by one municipality. Billings for the July water and wastewater charges occurs mid August and is due at the end of August.

Conclusion: Cash flows from the remittances of LAM payments are providing support to the Region's cash flow position. With the levy collection experienced to date, there are no recommendations to change the treatment for the fourth levy instalment at this time.

Capital Project activity:

Subsequent to the capital project review done as a part of CSD 34-2020, the province has lifted restrictions on capital project works. As a result, capital projects continue to progress to the extent possible acknowledging any staff and industry constraints. Capital project spending has an impact on cash flows; it does not affect the operating budget, as the cost of capital has been previously approved in prior year budgets, either through contributions to capital reserves, debt issuances, or from external contributions. There are currently 572 approved capital projects with budget remaining as at the end of July of \$822 million.

Conclusion: Capital spending continues to be less than forecasted resulting in a positive impact on the cash flow to date; this has not affected strategy, however staff will continue to monitor cash flows and update the strategy if required. The capital projects that were deemed non-urgent previously continue to be delayed. Spending on these projects will extend into next year and possibly beyond based on the scope of the project.

Incremental COVID – 19 costs:

Incremental costs associated with COVID-19 are affecting the Region's cash flows. Staff have used cost analysis information from report CSD 51-2020 – 2020 COVID-19 Financial Impacts Report for August that captures and models financial impacts to the end of the year on the cost of COVID-19. Incremental payroll costs and the additional cost of the pandemic pay increase will affect the Region's cash flow until funding is received from the Province. There are also incremental costs associated with the procurement of supplies and services that would not have occurred outside of the pandemic that are being modeled in the cash flow forecast.

Conclusion: Incremental COVID-19 costs are negatively affecting the Region's cash flow. However, savings and mitigation efforts have been identified in CSD 51-2020 that will provide some relief to cash flows.

Treasury activities:

Since the pandemic started, the Niagara Region has seen no increase to the investment portfolio, to address uncertainty surrounding projected and outstanding collections, at the risk of reduced investment income. This strategy has been reviewed against current cash flow forecasts as of August and consideration is being given to the further investments later this year if cash flows continue to be better than forecast.

The Region has issued \$15.5 million in debentures during July through the Capital markets for an all-in rate of 1.43% and plans to issue an additional \$61.7 million in debentures through Infrastructure Ontario this fall to finance capital projects.

Conclusion: The delay on planned investments has provided cash flow relief in the short term, however it has negatively impacted investment income. An increase to the investment portfolio will be considered, dependent on market conditions and available options.

Summary:

Staff will continue to monitor the Region's cash flow position and will take action to ensure there is sufficient liquidity to fund operating and capital payment obligations. Based on the updated information, it is projected that the Region's cash flow will remain positive to the end of the year, however any changes in projected timing and collection could alter the forecast.

Alternatives Reviewed

No alternatives are offered for this report.

Relationship to Council Strategic Priorities

This report highlights how the Niagara Region is supporting the Council Priority of Sustainable and Engaging Government

Other Pertinent Reports

CSD 31-2020	Concessions to Local Area Municipalities regarding Taxes and Wastewater Billings
CSD 46-2020	COVID-19 Cash Flow Update Report - July
CSD 51-2020	COVID-19 Financial Impacts Report

Prepared by:

Margaret Murphy, CPA, CMA
Associate Director, Budget Planning &
Strategy
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner Corporate Services,
Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Helen Chamberlain, Director, Financial Management and Planning, Deputy Treasurer.

Subject: COVID-19 Financial Impacts Update

Report to: Regional Council

Report date: Thursday, August 13, 2020

Recommendations

1. That this report **BE RECEIVED** for information.

Key Facts

- The purpose of this report is to provide an update on the potential financial impacts of the COVID-19 pandemic in the Niagara Region.
- Staff expect that a budget adjustment related to the changes in services, incremental cost and lost revenue associated with the COVID-19 emergency response will be required. Staff will bring back a proposed budget adjustment for Council approval when more clarity around funding sources and full cost is available.
- All financial implications quantified in this report include estimates up to December 31, 2020 unless otherwise noted. Estimates in this report are fluid and changing on a weekly basis as new information becomes available. Some items have not yet been quantified and this is outlined in the report.
- The Niagara Region's current estimate of the 2020 total gross cost of COVID-19 pandemic is \$50 million. Total regional gross cost (including all Local Area Municipalities, LAMS) is estimated at \$79 million.
- The Region's current estimate of 2020 net deficit as a result of the COVID-19 pandemic is \$5.2 million. Total regional net deficit (including LAMS) is estimated at \$13.1 million.
- The Region has received confirmed 2020 funding announcements of \$10.6 million in specific program areas. Additional funding announcements are expected but not confirmed.
- 2021 budget pressures exist as a result of ongoing COVID-19 measures. To date limited 2021 funding announcements from upper levels of government have occurred and our estimates only include confirmed funding sources. Should additional funding sources be received this would reduce the pressure identified.
- The 2021 projected net budget pressure identified to date is \$10.7 million or 2.74% for levy programs, \$0.1 million or 0.04% for water/wastewater programs, and \$0.1 million or 0.14% for waste management and will continue to be refined as new information is received.

Financial Considerations

Given the uncertainty around timelines and availability of funding sources, it still remains difficult to quantify the full impact of individual items as well as the overall long term impact to the Region. That being said, based on estimates at this time the pandemic will result in a 2020 operating deficit at year-end. Ongoing discussions continue with respect to opportunities for cost savings and mitigations as well engaging of Provincial and Federal governments for financial assistance. Staff will continue to provide monthly updates to Council and any action that may be required as more details become known.

It is important to note that this report only contains financial estimates of the pandemic and does not attempt to quantify other non-COVID related pressures that may exist. A more fulsome forecast considering all regional activities as of the second quarter is being prepared now and will be presented to Council in September.

As the pandemic progresses, the Region continues to identify strategies to fund any projected deficit. The following strategies have been identified in order of preference.

1. Continue pursuing Provincial and Federal government financial assistance. The provincial and federal governments have announced \$4 billion in funding but details on the allocation to Niagara have not yet been outlined.
2. Leverage the Taxpayer Relief Reserve and Rate Stabilization reserves.
3. Should the above be insufficient, use of other specific reserves could be recommended through the yearend transfer report.
4. Deficit could be funded in the 2021 budget. In light of existing known pressures for 2021 this is least desirable.

As of December 31, 2019 the Taxpayer Relief Reserve balance was \$23.8 million which is 4.2% of gross budgeted expenditures excluding agency boards and commissions (our minimum reserve target per the reserve policy is 10% of gross budgeted operating expenses or \$56 million at December 31, 2019). Should the Region draw approx. \$5.2 million from this reserve in 2020, it would be further depleted to \$18.8 million or 3.3% of gross budget. The depletion of this reserve to extremely low levels would eliminate the option of leveraging it to fund one-time pressures in the 2021 budget process. Funds in the reserve would need to be maintained to address unknown/unbudgeted risks in 2021 and beyond.

Analysis

Staff have been monitoring and assessing the potential financial impacts to the Region since the onset of the pandemic. A variety of operating expenditures and revenues are expected to be impacted. While it is still too early to fully understand and quantify all of the potential impacts, staff update projections as new information becomes available.

The information available and estimated to date has been summarized into the following key categories.

1. **Total Gross Cost:** This category represents all cost tracked and associated with the emergency response including costs that can be accommodated within our approved 2020 budget. It is important to note that while the Region does have an established base budget to support some of these expenditures, it is not what was originally contemplated in the base budget and may result in delays in work plans and/or backlogs after the emergency is complete.
2. **Total Net Cost:** This category considers confirmed funding sources that have been matched to eligible expenditures.
3. **Total Deficit/(Surplus):** This category removes the costs that can be supported by our approved base budget. It also considers strategic and other mitigations the Region has been able to identify and put in place to help manage the cost of the emergency.

The following is the current summary of the financial impacts. All estimates in the analysis have been made up to December 31, 2020 unless otherwise noted in Appendix 1.

Table 1: 2020 COVID-19 Financial Impact Summary

2020 Financial Impacts	Levy	Water/ Wastewater	Waste Management	Total
Total Gross Cost	\$ 48,522,151	\$ 1,193,699	\$ 225,743	\$ 49,941,593
Less: Confirmed Funding Matched to Expenses	(9,719,281)	-	-	(9,719,281)
Net Cost to Region	38,802,870	1,193,699	225,743	40,222,312
Less: Strategic and Other Mitigations	(12,882,242)	(726,164)	(160,064)	(13,768,470)
Less: Cost supported by our approved base budget	(21,049,095)	(173,871)	(49,378)	(21,272,344)
Net budget deficit/(surplus)	\$ 4,871,533	\$ 293,664	\$ 16,301	\$ 5,181,498

Further detail on the corporate assumptions and cost categories can be found in Appendix 1. Also a more detailed breakdown by operating department can be found in Appendix 2.

The Region has also been coordinating with local area municipalities to consolidate the full impact to Niagara residents. While all municipalities have been reporting to their Council using different estimates, assumptions and reporting schedules, we have been able to consolidate the information available into similar categories to provide big picture context on the total regional impact.

Table 2: Total Regional Impact

	Region & Local Area Municipalities
Total Gross Cost	\$ 78,562,193
Funding Received	(9,719,281)
Net Cost to Region	68,842,912
Accommodated in the Budget	(25,643,075)
Strategic and other Mitigations	(30,106,184)
Net Deficit	\$ 13,093,653

Since our previous report CSD 47-2020 on July 23rd information has been received and assumptions have been updated. The change between the July report and the current analysis is fairly insignificant. The main driver of change in the projected net deficit is a result of actual trends in the use of additional staff and overtime which is the basis for our projection to December 31.

In general the Niagara Region deficit reported continues to be driven by the following significant cost and saving items:

- **Niagara Regional Transit:** fare revenue reduction due to reduced ridership and cancellation of Niagara College on-campus spring/summer classes;
- **POA Court:** Reduced POA revenue due to lower ticket volumes and court closure, with some related expenditure savings offsets;

- **Public Health:** Increased staffing and overtime, supplies (including personal protective equipment and vaccination supplies) and cleaning costs; additional staff to support higher call volumes;
- **Paramedic Services:** Increased staffing, overtime, supplies (including personal protective equipment), and cleaning;
- **Housing:** Increased cleaning costs in common spaces; lower tenant income levels would result in higher rent subsidies at community housing units and lower rent payments at NRH units;
- **Homelessness programs:** Increased costs to support homelessness agencies, housing allowances and expenses relating to the rent, staffing, cleaning, personal protective equipment and food for a self-isolation center;
- **Seniors' Services:** Increased cleaning, staffing, security and personal protective equipment costs;
- **Niagara Regional Police Service:** Lost revenue from OLG payments through the City of Niagara Falls due to the closure of Casino operations. Staff are in ongoing discussions with the City of Niagara Falls to confirm funding that may be received if the Casino re-opens;
- **Technology Services:** Additional costs relating to increased licenses to ensure sufficient capacity for staff working remotely;
- **Labour related savings:** not filling non-essential vacant positions;
- **Fuel savings:** Short/medium term savings due to significant drop in world oil and local fuel prices;
- **Niagara Regional Transit/Niagara Specialized Transit savings:** reduction in daily service schedules resulting from decreased demand will result in significant savings;
- **Non-emergency maintenance work savings:** limiting work at NRH owned units to emergencies and move-outs; and

- **Operational savings:** reduced travel, meeting expenses, and conferences due to travel restrictions and cancelled events.

2020 Funding announcements

The Region has also received announcements of confirmed funding sources of \$10.6 million identified below. Amounts where eligibility criteria have been confirmed have been matched to expenses in the analysis above. There is a remaining \$0.9 million yet to be allocated to eligible 2020 expenditures and this funding is expected to support costs that occur in Q1 2021.

Table 3: 2020 Confirmed Funding Announcements

Description	Funding Agency	Amount
Community Homelessness Prevention Initiative *	Ministry of Municipal Affairs and Housing	\$ 2,408,100
Reaching Home Funding *	Employment and Social Development Canada	1,253,271
Community Response Fund	Canadian Medical Association Foundation	62,500
Childrens Services Fees Subsidy Funding Reallocation	Ministry of Education	925,978
Long-term Care Emergency Funding	Ministry of Long-term Care	1,394,100
Pandemic Pay **	Province of Ontario	4,580,269
		<u>\$ 10,624,218</u>

* Incremental funding to cover full fiscal year of April 1, 2020 to March 31, 2021
 ** Estimate to support pandemic payments from April 24 to August 13. Final amount to be determined based on actual

In addition to the confirmed funding announcements above, the Region is monitoring the following announcements. The timing and allocation to Niagara Region of these funding announcements is uncertain at this time.

- An additional \$9.2 million of provincial funding for continued prevention and containment of COVID-19 (for example, screening staff, additional staff, PPE) in long-term care homes. The total funding originally announced was \$88.3 million and \$34.8 million and \$44.3 million were allocated in May and June respectively.
- The federal-provincial governments will provide \$4 billion to Ontario municipalities to help fund a "safe restart" of the economy.
 - This funding announcement includes a \$777 million contribution from the federal government and \$1.22 billion from the Province. The provincial amount includes the previously announced \$350 million social services and \$100 million public health funding. This investment amounts to \$2 billion directly supporting municipalities and addressing operating shortfalls and relief related to COVID-19.
 - A funding deal for public transit was reached as part of the federal-provincial agreement. It was announced that up to \$2 billion will be

shared equally between the Province and federal government. This funding will assist transit operators address revenue losses and help maintain operations in a safe manner as the economy restarts and begins its recovery.

- An additional \$150 million of provincial funding through its Social Services Relief Fund to protect vulnerable people from COVID-19 by improving homeless shelters and creating opportunities for longer-term housing announced in June. This funding doubles the funding made available earlier in the year where Niagara received an allocation of \$2.4 million.
- An additional \$129 million in emergency capacity funding in long-term care homes. This funding is to be used to increase bed capacity and ease pressures in hospitals as they battle COVID-19.
- Re-instated minor capital funding program for long-term care homes. This funding was not anticipated for 2020 as the Ministry had signaled it would be ending the program. We now have an indication that it will be re-instating the program. This funding was not anticipated in our 2020 budget and therefore will help support the 2020 budget pressures in long-term care when received.
- Ontario Works expects to see increased funding to support an increase in subsidy claim payments to Ontario Works clients.
- The Province has indicated that it plans to work with municipal service managers to support Children's Services operations to minimize shortfalls.
- The Province has announced it plans to defer further reductions to the public health funding formula in 2021.
- The Province has issued a memorandum to Public Health saying they plan to help support incremental costs but no details provided yet.

2021 Budget Pressures & Long-term Considerations

On June 25, Council endorsed a budget planning strategy for 2021. This strategy includes identifying and quantifying separately all COVID-19 related budget considerations. Additionally Council expressed interest in being informed on a more regular basis of the other base service delivery pressures so that the COVID-19 and these pressures could be understood collectively. To that end as the budget process has now begun we will provide in this report each month a brief summary of the status of the consolidated operating budget inclusive of normal business costs as well as COVID-19 beginning with the September report.

The staff focus to date has been on the 2021 Capital Budget and Forecast and integrating the Asset Management Office Corporate Asset Management Resource Allocation (CAMRA) model to assist with the allocation of limited capital funds to the prioritized projects in accordance with the established Capital Financing Strategy. Projects in excess of \$700 million are being evaluated and the proposed program will be presented to Budget Review Committee on October 15 following a Capital Budget Workshop on October 1. The largest consideration for the 2021 budget is the South Niagara Falls Wastewater Treatment Facility and this project will be the subject of a separate report to Council in September.

Regarding the operating budgets, at this time staff have only begun efforts to identify and quantify the COVID-19 pressures. While there is still lots of work to be done on these items, at the time of this report staff have identified 2021 net budget pressures related to COVID-19 as \$10.9 million and is summarized by program area below. It is important to note that no new funding sources (outside of the homelessness program which has identified funding until the end of its fiscal year of March 31st 2021) have been identified from other levels of government. Should additional funding sources be received this would reduce the pressure identified.

Table 4: 2021 Net COVID-19 Related Budget Pressure by Department

2021 Financial Implications	Amount	Increase %
General Government & Corporate	TBD	TBD
Corporate Services	\$ 1,102,000	0.28%
Niagara Regional Housing	\$ 300,000	0.08%
Transportation	\$ 59,000	0.02%
Public Health		
Public Health	\$ 1,410,000	0.36%
Emergency Medical Services	\$ 688,000	0.18%
Community Services		
Seniors Services	\$ 5,921,000	1.51%
Social Assistance & Employment Opportunities	\$ 50,000	0.01%
Homelessness	\$ 1,210,000	0.31%
Levy Budget Pressure	\$ 10,740,000	2.74%
Water & Wastewater Services Pressure	\$ 55,000	0.04%
Waste Management Pressure	\$ 56,000	0.14%

Recognizing the levy is most impacted and to better understand the components, a summary of levy items by category is provided below. The most significant pressure relates to required incremental staffing in public health for five contact tracing resources and in long-term care homes for one additional housekeeping, registered nurse and personal support worker per shift per home per day. It is anticipated these resources

would be secured on a temporary basis until long-term clarity on sustainable funding is received.

Table 5: 2021 Levy COVID Related Budget Pressure by Category

	Amount	Increase %
Staffing	\$ 6,014,000	
Personal Protective Equipment	906,000	
Cleaning & Sanitation	1,710,000	
Shelter	1,902,000	
Agency Support	214,000	
Vaccination Program	900,000	
Total Gross Levy Cost	11,646,000	
Confirmed Funding	906,000	
Net Levy Cost	\$ 10,740,000	2.74%

The following items have been identified as potential impacts but have not yet been quantified. Staff will continue to monitor these items and work towards setting assumptions and quantifying impacts in future monthly updates.

- **Cost of borrowing:** a lower cost of borrowing for planned 2020 debenture issues would lower the amount of debt servicing costs required in the 2021 budget which can be used to offset the ongoing funding pressure of the infrastructure deficit;
- **Investment returns:** lower investment rate could impact interest income and interest allocations to reserves;
- **Property taxes:** the economic disruption could lead to a material increase in tax write-offs and lower supplementary taxes collected in year that would then result in lower net assessment growth for 2022;
- **Building Activity:** as construction activity has declined, this would also lead to a reduced level of development charge collections, potentially impacting the Region's ability to fund growth-related capital projects, and potentially a reduction in development charge grant costs. A slow down similar to last recession in 2008/2009 could result in building activity of approximately 25% equating to reduced development charges collected of approximately \$7 million this year;
- **Incremental staffing models for Seniors Services & Public Health:** the Region is expecting the Province to mandate changes in the way long-term care

homes are staffed and managed. Staff have started to quantify these resources it believes are needed to support current COVID-19 measures but many assumptions remain unknown. These will continue to be refined as we work to finalize the 2021 budget and get clarity on directives from the province;

- **Replacement pay related to increased vacation carry-over:** the Region is seeing higher vacation balances owed to staff and as result of business needs not all staff can take vacation as planned. Increased vacation carry-over into 2021 is expected and may result in increased replacement pay costs and/or reduced work capacity in the future when the time off is taken. Staff will continue to monitor vacation balances and should this be significant it would be considered in the 2021 budget;
- **Contract costs:** the Region has received request to support suppliers with their increased COVID-19 related costs. Each request would be reviewed in alignment with contractual obligations and only quantified if deemed a contractual obligation of the Region;
- **Rent revenue & additional support to housing providers:** the economic disruption could lead to reduced collections of rents in NRH and/or housing providers seeking additional support from NRH. NRH continues to monitor the impact of COVID-19 on NRH rent and arrears balances. To date, NRH has been able to manage any rent and arrears impacts within its budget;
- **Recycling end markets:** the economic disruption could lead to volatility in prices for the sale of recyclables in waste management; and
- **Provincial gas tax:** the economic disruption could impact Niagara Regions gas tax allocation in 2021 and 2022 if we experience a greater decrease in ridership relative to other municipalities or if the total provincial gas tax collected declines due to less gas purchases.

In addition to the items above, the Region and local area municipalities have been monitoring water and wastewater flow data. Reduction in water usage does not change the total water/wastewater budget, however it can put increased pressure on the volumetric rates used by both the Region and the local area municipalities or it could result in a shortfall in revenues. The current decline in water usage is generally driven by the business/commercial sector due to mandatory COVID-19 closures therefore the increase in rates would create a shift in the burden to the residential sector if business

closures continue into 2021. The need to incorporate changes in water volumes into the 2021 budget will be assessed in alignment with the economic recovery permitted by the Provincial reopening orders.

Alternatives Reviewed

Staff are working with both the area municipality treasurers within Niagara Region and with colleagues across the province (through the Ontario Regional and Single-Tier Treasurers group) to share ideas and strategies to respond to the financial and operational impacts of this pandemic.

Staff will also work with Standard and Poor's (who provide the Region's credit rating) on potential implications to the ratings of the municipal sector and across the country.

Relationship to Council Strategic Priorities

Supporting the COVID-19 emergency response directly supports Council's strategic priority of a Healthy and Vibrant Community.

Other Pertinent Reports

- CSD 30-2020 COVID-19 Preliminary Overview of Financial Impacts (April 23, 2020)
- CSD 31-2020 Concessions to Local Area Municipalities regarding Taxes and Water Wastewater Billings (April 23, 2020)
- CSD 34-2020 COVID Cash Flow Update (May 21, 2020)
- CSD 35-2020 COVID-19 Financial Impact Update (May 21, 2020)
- CSD 39-2020 COVID Cash Flow Update (June 25, 2020)
- CSD 40-2020 COVID-19 Financial Impact Update (June 25, 2020)
- CSD 46-2020 COVID Cash Flow Update (July 23, 2020)
- CSD 47-2020 COVID-19 Financial Impact Update (July 23, 2020)

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This report was prepared in consultation with regional departments and EOC members, and reviewed by Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer.

Appendices

Appendix 1 COVID-19 2020 Financial Impact Summary

Appendix 2 COVID-19 2020 Financial Impact by Department

Appendix 1: COVID-19 2020 Financial Impact Summary

	Spent & Committed As of Date	Spent & committed	Projected to Dec 31	Total
Costs supported by our approved base budget				
EOC Dedicated Resources ¹	27-Jul	\$ 3,092,832	\$ 1,879,808	\$ 4,972,640
Lost Productivity – Staff Unable to Work ²	11-Jul	1,711,358	796,020	2,507,378
Redeployed Resources ³	11-Jul	4,935,921	8,254,219	13,190,140
Emergency Child Care Costs ⁴	27-Jul	602,186	-	602,186
Total costs supported by our approved base budget		10,342,297	10,930,047	21,272,344
Costs incremental to base budget				
Additional labour related costs ⁵	11-Jul	4,513,114	4,961,113	9,474,227
Pandemic Pay ⁶	27-Jun	2,539,940	2,040,329	4,580,269
Purchases made or committed ⁷	27-Jul	5,596,005	3,863,992	9,459,997
Total costs incremental to base budget		12,649,059	10,865,434	23,514,493
Lost Revenue ⁸			10,494,171	10,494,171
Cost Savings ⁹			(5,339,415)	(5,339,415)
Total Gross Cost		22,991,356	26,950,237	49,941,593
Confirmed Funding Matched to Expenses ¹⁰		(5,879,805)	(3,839,476)	(9,719,281)
Net Cost to Region		17,111,551	23,110,761	40,222,312
Strategic and Other Mitigations ¹¹			(13,768,470)	(13,768,470)
Cost supported by our approved base budget		(10,342,297)	(10,930,047)	(21,272,344)
Net Deficit/(Surplus)		\$ 6,769,254	\$ (1,587,756)	\$ 5,181,498

¹ Mar 13 to June 29 - Assumes 100% of salary and benefit costs to any staff member fully activated in the Regional EOC, Public Health EOC, and EMS EOC . As of June 30th all EOC members have estimated their ongoing time commitment and costs have been projected accordingly.

² Staff unable to work due to self-isolation, needing to care for family members or being sick directly associated with COVID-19

³ Corporate cost of redeployed resources.

⁴ Emergency child care services were provided as requested by the province. Cost include base staffing and supplies used while delivering emergency childcare in April through June.

⁵ Additional salary, benefits and overtime costs related to managing the emergency. Overtime (banked and paid) to date represent 30% of the additional labour related cost which averages to an additional 25 FTE each week of the pandemic.

⁶ Pandemic pay estimates from April 24 to August 13. Pandemic pay is allocated by department as follows and does not yet include amounts that will be flowed to third party agencies through the Homelessness program: Seniors Services \$3,533,300,

Homelessness Services \$23,635, Emergency Medical Services \$974,212, Public Health Programs \$49,122.

- ⁷ Additional purchase commitments made to directly support the emergency (e.g. cleaning supplies and services, personal protective equipment, emergency shelter, screening, advertising). Included in the purchases the Region has executed 32 special circumstance purchases over \$10,000 for a total value of \$3.8 million. These purchase consist mainly of personal protective equipment, cleaning supplies/services, emergency shelter, homelessness agency support and screening services. Staff will continue to rely on the special circumstance provisions in the procurement by-law on an as-required basis and report back to Council as needed.
- ⁸ Estimated loss of expected revenue sources (e.g. rental income on owned units, transit fare revenue, business licensing revenue, development applications, parental fees, POA infraction revenue, investment income).
- ⁹ Estimated cost savings directly related to the COVID measures (e.g. reduced travel costs, reduced electricity, cancelled events). Fuel savings in EMS and transportation estimated at \$297,000.
- ¹⁰ Funding received has been matched to eligible expenditures.
- ¹¹ Strategic mitigations put in place by the Region (e.g. gapping of vacant positions, reduced non-emergency repair work, reduced transit service costs, other non-COVID related savings).

Appendix 2: COVID-19 2020 Financial Impact by Department

	Costs supported by our approved base budget	Costs incremental to base budget	Lost Revenue	Cost savings	Total Gross Cost	Confirmed Funding Matched to Expenses	Net Cost to Region	Strategic & Other Mitigations	Costs supported by our base budget	Net Deficit/ (Surplus)
General Government & Corporate	\$ -	\$ 5,597	\$ 1,291,225	\$ (2,474,000)	\$ (1,177,178)		\$ (1,177,178)	\$ (850,000)	\$ -	\$ (2,027,178)
Corporate Administration	1,234,037	522,542	-	(68,230)	1,688,349		1,688,349	(961,548)	(1,234,037)	(507,236)
Corporate Services	941,775	1,156,511	240,500	(13,500)	2,325,286		2,325,286	(775,234)	(941,775)	608,277
Court Services	14,610	1,435	942,834	(292,995)	665,884		665,884	(147,072)	(14,610)	504,202
Planning	275,420	8,755	300,000	-	584,175		584,175	(435,019)	(275,420)	(126,264)
Niagara Regional Housing	833	224,556	-	(102,000)	123,389		123,389	(775,881)	(833)	(653,325)
NRPS *	1,244,362	466,862	3,624,861	(1,255,229)	4,080,856		4,080,856	(1,218,040)	(1,244,362)	1,618,454
Transportation	170,879	124,159	2,097,103	(269,009)	2,123,132		2,123,132	(6,754,178)	(170,879)	(4,801,925)
Public Health										
Public Health	8,482,149	2,750,687	162,185	(25,000)	11,370,021	(49,123)	11,320,898	-	(8,482,149)	2,838,749
EMS	2,088,959	3,122,487	33,016	(238,697)	5,005,765	(974,213)	4,031,552	(115,000)	(2,088,959)	1,827,593
Sub-total Public Health	10,571,108	5,873,174	195,201	(263,697)	16,375,786	(1,023,336)	15,352,450	(115,000)	(10,571,108)	4,666,342
Community Services										
Childrens Services **	930,097	585,978	340,000	-	1,856,075	(925,978)	930,097	-	(930,097)	-
Seniors Services ***	4,941,771	11,254,876	5,684	-	16,202,331	(4,927,399)	11,274,932	(850,270)	(4,941,771)	5,482,891
SAEO	140,035	107,295	-	-	247,330		247,330	-	(140,035)	107,295
Homelessness Services	584,168	2,842,568	-	-	3,426,736	(2,842,568)	584,168	-	(584,168)	-
Sub-total Community Services	6,596,071	14,790,717	345,684	-	21,732,472	(8,695,945)	13,036,527	(850,270)	(6,596,071)	5,590,186
Total Levy Supported	21,049,095	23,174,308	9,037,408	(4,738,660)	48,522,151	(9,719,281)	38,802,870	(12,882,242)	(21,049,095)	4,871,533
Waste Management	49,378	137,572	412,000	(373,207)	225,743		225,743	(160,064)	(49,378)	16,301
Water/Wastewater	173,871	202,613	1,044,763	(227,548)	1,193,699		1,193,699	(726,164)	(173,871)	293,664
Total Rate Supported	223,249	340,185	1,456,763	(600,755)	1,419,442	-	1,419,442	(886,228)	(223,249)	309,965
Total	\$ 21,272,344	\$ 23,514,493	\$ 10,494,171	\$ (5,339,415)	\$ 49,941,593	\$ (9,719,281)	\$ 40,222,312	\$ (13,768,470)	\$ (21,272,344)	\$ 5,181,498

*NRPS figures reflect amounts reported in May 7, 2020 report to the NRPS Board Report 91.2020 in addition to significant new lost revenue assumptions identified in June and labour related costs of members participating in the Regional EOC. NRPS will be updating their total projections to their board in July and we will align our reporting at that time.

** Confirmed funding matched to expense in Childrens Services is a reallocation of existing funding and not incremental funding. The MOE has advised service providers it will allow them to be flexible in how they apply their existing grants against their costs to minimize or eliminate any deficits. As a results, the division is confident it will be able to use its current grant to support COVID related items.

*** The incremental costs in seniors services is 43% labour related, 31% pandemic pay related and 26% supplies/PPE/screening related. While there has been incremental staffing needs in the long-term care homes, the hours per bed per day is 3.59 which remains under the recommended level of 4.

Subject: Niagara Falls Water Treatment Plant Phase II Upgrades – Contract Changes

Report to: Regional Council

Report date: Thursday, August 13, 2020

Recommendations

1. That the original contract amount of \$12,667,413.00 (including 13% HST) awarded to Maple Reinders Constructors Ltd. **BE INCREASED** by \$621,500.00 (including 13% HST), for a total revised contract amount of \$13,288,913.00 (including 13% HST).
2. That the gross budget for the Niagara Falls Water Treatment Plant Phase II Upgrades project **BE INCREASED** by \$200,000 and that the increase **BE FUNDED** from the Capital Variance Reserve – Water.

Key Facts

- The purpose of this report is to seek Council's approval for an increase to the gross budget for project 20000460 (Niagara Falls Water Treatment Plant Phase II Upgrades) and to increase Maple Reinders Constructors Ltd. (MRCL) original award amount to \$13,288,913.00 (including 13% HST) for the Niagara Falls Water Treatment Phase II Upgrades.
- In September 2019, Council approved Staff's recommendation to award the original contract to MRCL pursuant to a competitive public tendering process (2018-T-116) as well as to increase the project budget funded by the Capital Variance Reserve - Water by \$2,637,129 in order to accommodate the original contract award.
- As the requested increase in contract value proposed herein was not contemplated as part of the original tender (2018-T-116), Staff are requesting Council approval to single source award this work in accordance with Purchasing By-law section 18(a)(iv), specifically that an urgency exists to complete this work during active construction.
- As the cumulative value of the initial award and single source request identified herein exceeds \$5,000,000, Staff have prepared this consideration report for Council approval in accordance with Schedule B of the Procurement By-law 02-2016 as amended on February 28, 2018.
- As Council has already approved a budget increase through the Capital Variance Reserve – Water in excess of \$250,000, subsequent funding requests through the

Capital Variance Reserve - Water for this project require Council approval in accordance with the Budget Control By-law.

- Upgrades include structural rehabilitation and process and mechanical replacements of the interior of the filter buildings (plants 1 and 2), and structural rehabilitation of the exterior of high lift pumping station building and chemical storage building.
- Construction commenced in October 2019 and is anticipated to be complete by November 2020. The plant remains in operation during the construction.
- Given the age of the plant, the structural concrete repairs have far exceeded the estimated contract allowance. The extent was not able to be fully quantified until the existing layers of coatings were removed.
- Coordination with the Region's Operations team and construction team is continuous to ensure adequate performance of the upgraded filters for water demand in the City of Niagara Falls.
- This project is eligible for funding from the Clean Water and Wastewater Fund (CWWF) for a combined federal and provincial contribution of \$2,808,000.00. The Contract includes provision to ensure that the value of work required is completed to receive the full remaining eligible funding. All eligible funds must be spent by December 31, 2020 (achieved) and substantial performance must be achieved by June 30, 2021.

Financial Considerations

The Niagara Falls Water Treatment Plant Phase II Upgrades project (20000460) has a previously approved capital budget of \$12,752,129, with total expenditures and commitments as of July 27, 2020 of \$12,230,768. Federal and Provincial funding of \$2,808,000 has been awarded to this project through the Clean Water and Wastewater Fund (CWWF).

An increase to the project budget was previously approved by Council in PW 50-2019 in the amount of \$2,637,129 due to higher than estimated tender prices resulting from unknown risks associated with structural restoration and inspection costs, which was funded from the Capital Variance Reserve - Water. At this time, a further budget increase of \$200,000 (inclusive of 1.76% non-refundable HST) has been requested. This increase is required due to significant concrete repairs encountered during construction, underdrain condition and performance and additional curing time for high performance coatings. As well, consulting engineering services for WSP are expected to increase given the complexity of work, highly regulated environment and the unknown magnitude of risks.

The provisional items from the tender in the amount of \$396,000.00 were not awarded in PW 50-2019 as staff estimated that the original contingency would be sufficient to handle any unknowns. The items covered in the original tender do not represent the changes proposed in this report. Therefore, this request is separate from the provisional items and staff do not foresee awarding the tendered provisional items at any point in the contract.

The requested budget increase of \$200,000 is to be funded from the Capital Variance Reserve – Water, which has an uncommitted balance of \$916,722 as of July 29, 2020. This will result in a total project budget of \$12,952,129 and does not impact the previously approved CWWF funding. Any unspent surplus funds remaining upon project completion will be returned to the Water Capital Reserve so that these funds can be used to fund future capital projects

A full budget breakdown can be found in Appendix 2 – Total Estimated Project cost.

Analysis

Niagara Region owns and operates the NFWTP located at 3599 Macklem Street in the City of Niagara Falls. The NFWTP was originally constructed in 1932 (Plant 1) and expanded in 1950 (Plant 2) with further modifications in 1980 and in 2005. The plant is rated at 145.5 ML/d and services the City of Niagara Falls, and parts of the City of Thorold and the Town of Niagara-on-the-Lake via a water main network, pumping stations, and service reservoirs. The raw water intake draws from the Welland River at the mouth of the Niagara River. Appendix 1 includes a key plan of the NFWTP.

The proposed upgrades include structural rehabilitation and process and mechanical replacements of the interior of the filter buildings (plants 1 and 2), and structural rehabilitation of the exterior of high lift pumping station building and chemical storage building. The plant remains in operation and the work has been divided into 6 phases – Plant 1 (phase 1 and 2), Plant 2 (phase 3, 4 and 5) and exterior works (Phase 6). The exterior works are weather dependent and are occurring in parallel with the interior works.

The contract was awarded to MRCL pursuant to a competitive public tender process (2018-T-116) was ratified by Council (Report PW 50-2019) in September 2019. Construction commenced in October 2019 and in the time since, they along with their team of subcontractors have been actively and progressively advancing the project through cooperation and innovation despite challenges.

Several issues have been identified very recently which require an increase in contract award to MRCL. These include the following main issues:

- Extensive concrete repairs – Given the age of the plant and several layers of existing coatings, concrete repairs have proven to be significantly more than the consultant or contractor could have estimated prior to the removal of the existing coatings. The repairs include spalled concrete, cracking, rust spots and removal of original form ties from cast in place filter troughs.
- Cleaning and performance of the filter underdrain system – The underdrains were not included for removal and cleaning as part of the contract given the Region's knowledge about their performance. Phase 2 underdrains contained an unidentified film, even through lab analysis, that required additional time and effort in order to get the filters back in operation. Phase 1 and 3 are not appearing to have the same issue. Phase 4 is still unknown at this time.
- Water production of new filters, specifically when transitioning between plant 1 and 2 – In the transition of work between plants 1 and 2, there were operational considerations that had to be addressed with the plant 1 upgraded filters to ensure that the Region could continue to meet water demands.
- New high performance coatings – curing took longer than scheduled and the Region requested additional curing time for better results to ensure the risk to operations was minimized.

The changes noted above are integral to the current upgrades as partial concrete repairs and insufficient curing time of new coatings could jeopardize warranty and interrupt operations if any failures occur. Similarly, the condition and performance of the underdrains is being closely monitored and analyzed in each phase to ensure the upgraded filters can meet their rated capacity and water demands.

The labour, materials and delays associated with the above work is above the originally contemplated scope of work as issued in 2018-T-116 and will be awarded as a single source in accordance with Section 18(a)(iv).

Alternatives Reviewed

Staff duly considered two alternatives:

1. Proceed with all required changes in a financially responsible, negotiated manner to ensure the contract and products meet the full warranty terms

2. Do not proceed with significant concrete repairs and application of new coating system, which would result in further concrete degradation, and possible structural failure of the tanks and leakage to the surrounding plant infrastructure and the environment.

Following a comprehensive review, Staff are recommending to proceed with Alternative 1 under the current contract of MRCL.

Relationship to Council Strategic Priorities

This recommendation is related to the Fostering Growth strategic priority since the planned upgrades will ensure reliable infrastructure to support growth and economic development within the City of Niagara Falls.

Other Pertinent Reports

[PW 50-2019 Award of Tender 2018-T-116, Niagara Falls Water Treatment Plant Phase II Upgrades](#)

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Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Pamela Hamilton, Program Financial Specialist W-WW, and reviewed by Joseph Tonellato, P.Eng, Director W-WW, Dan Ane, CPA, CA, Manager, Program Financial Support and Bart Menage, CSCMP, CRM, C.P.M., Director, Procurement & Strategic Acquisitions, Corporate Services.

Appendices

Appendix 1	Key Plan
Appendix 2	Total Estimated Project Cost



Legend

WTP

Water Treatment Plant

1:1,000

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PW 36-2020 APPENDIX 2
TOTAL ESTIMATED PROJECT COST
Contract Increase and Capital Variance Reserve - Water Request

Contract 2018-T-116 Niagara Falls Water Treatment Plant Phase II Upgrades

	Total Council Approved Budget	Budget Increase / Reallocation	Revised Council Approved Budget	Expended & Committed as of July 27, 2020	Contract Revision/Forecast	Budget Remaining
	(A)	(B)	(C) = (A) + (B)	(D)	(E)	(F) = (C)-(D)-E
<u>Total Estimated Project Cost 20000460 *</u>						
(a) Construction (includes contract contingency)**	11,422,129	690,191	12,112,320	11,532,640	579,680	-
(b) Project Contingency	500,000	(500,000)	-			-
(c) Consulting Engineering Services (Design, Contract Administration, & Inspection)	580,000	103,790	683,790	623,790	60,000	-
(d) Project Management & Internal Costs	250,000	(93,981)	156,019	74,337	81,682	-
Total Estimated Project Cost	12,752,129	200,000	12,952,129	12,230,768	721,362	-
<u>Project Funding Sources</u>						
Regional Reserves	(9,944,129)	(200,000)	(10,144,129)	(9,944,129)	(200,000)	-
Federal Grants	(1,872,000)		(1,872,000)	(544,303)	(1,327,697)	-
Provincial Grants	(936,000)		(936,000)	(272,151)	(663,849)	-
	(12,752,129)	(200,000)	(12,952,129)	(10,760,583)	(2,191,546)	-

* All costs above include the non-refundable 1.76% portion of HST.

** Total Revised Contract Award is equal to i) \$11,760,100 before tax; ii) \$11,967,078 including 1.76% non-refundable HST; iii) \$13,288,913 including 13% HST.
The remainder of construction costs in the amount of \$145,242 are for inspection and fuel costs outside of the Maple Reinders contract.

Minute Item No. 5.1

PW 34-2020

Solid Waste Management By-law Update

That Report PW 34-2020, dated August 4, 2020, respecting Solid Waste Management By-law Update, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Solid Waste Management By-law No. 2017-56 as amended, **BE AMENDED** to reflect the by-law updates outlined in Appendix 1 to Report PW 34-2020;
2. That the proposed Short Form Offences and Set Fines Schedule, attached as Appendix 2 to Report PW 34-2020 as amended, **BE FORWARDED** to the Chief Justice of the Ontario Court (Provincial Division) for approval, as required under the Provincial Offences Act and upon approval including any changes by the Chief Justice, the Short Form Offences and Set Fines Schedule become enforceable under the updated By-law; and
3. That a copy of the amended By-law and Report PW 34-2020 **BE FORWARDED** to the local area municipalities for information.

Minute Item No. 5.2

PW 35-2020

Reprioritization of Capital Project Funds for Recycling Centre Facility Improvements

That Report PW 35-2020, dated August 4, 2020, respecting Reprioritization of Capital Project Funds for Recycling Centre Facility Improvements, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That a new capital project for a container line drum feeder in the amount of \$450,000 **BE APPROVED** and **BE FUNDED** from the Waste Management Capital Variance Project.

Minute Item No. 5.3

PW 7-2020

Mothers Against Drunk Driving (MADD) Memorial Signage

That Report PW 7-2020, dated August 4, 2020, respecting Mothers Against Drunk Driving (MADD) Memorial Signage, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Council **APPROVE** the installation of one MADD Canada Memorial sign as requested by the family of the victim at the location of Regional Road 70 (Taylor Road) and Regional Road 101 (Mountain Road) in the City of Niagara Falls, as a one time request; subject to the applicant providing all of the required supporting documentation outlined in the Ministry of Transportation, Ontario policy document;

2. That Council **APPROVE** the installation of the sign duration to a maximum of two years or until such time the sign needs to be removed; and
3. That Council **BE INFORMED** that staff, as part of the Vision Zero Road Safety Program, will be presenting a policy outlining operational guidelines for safety and educational platforms inclusive of future non-regulatory signage requests.

Minute Item No. 6.1

PWC-C 27-2020

COVID-19 Response and Business Continuity in Public Works

That Correspondence Item PWC-C 27-2020, being a memorandum from B. Zvaniga, Interim Commissioner, Public Works, dated August 4, 2020, respecting COVID-19 Response and Business Continuity in Public Works, **BE RECEIVED** for information.

**THE REGIONAL MUNICIPALITY OF NIAGARA
PUBLIC WORKS COMMITTEE
MINUTES**

**PWC 7-2020
Tuesday, August 4, 2020
Council Chamber/Teleconference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Committee Members Present in the Council Chamber: Rigby (Committee Chair)

Committee Members Present via Teleconference: Bradley (Regional Chair), Diodati, Disero, Edgar (Committee Vice-Chair), Fertich, Foster, Gale, Heit, Insinna, Ip, Junkin, Nicholson, Sendzik, Steele, Ugulini, Witteveen

Absent/Regrets: Chiocchio, Zalepa

Staff Present in the Council Chamber: S. Guglielmi, Technology Support Analyst, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer, B. Zvaniga, Interim Commissioner, Public Works

Staff Present via Teleconference: E. Amirault, Associate Director, Finance Operations & Systems, K. Ashbridge, Waste Management Contract Supervisor, T. Byrne, Procurement Manager, C. Habermebl, Director, Waste Management Services, T. Harrison, Commissioner/Treasurer, Corporate Services, M. Robinson, Director, GO Implementation Office, C. Ryall, Director, Transportation Services, S. Tait, Manager, Waste Collection & Diversion, J. Tonellato, Director, Water & Wastewater Services

1. CALL TO ORDER

Committee Chair Rigby called the meeting to order at 9:30 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. **DELEGATIONS**

There were no delegations.

5. **ITEMS FOR CONSIDERATION**

5.1 **PW 34-2020**

Solid Waste Management By-law Update

Kate Ashbridge, Contract Supervisor, Waste Management, provided information respecting Solid Waste Management By-law Update. Topics of the presentation included:

- Background
- Collection Changes - October 19
- Container Specifications and Collection Locations
- Additional Updates
- Definitions
- Education, Enforcement and Orders
- Next Steps

Moved by Councillor Witteveen

Seconded by Councillor Ip

That Report PW 34-2020, dated August 4, 2020, respecting Solid Waste Management By-law Update, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Solid Waste Management By-law No. 2017-56 as amended, **BE AMENDED** to reflect the by-law updates outlined in Appendix 1 to Report PW 34-2020;
2. That the proposed Short Form Offences and Set Fines Schedule, attached as Appendix 2 to Report PW 34-2020, **BE FORWARDED** to the Chief Justice of the Ontario Court (Provincial Division) for approval, as required under the Provincial Offences Act and upon approval, including any changes by the Chief Justice, the Short Form Offences and Set Fines Schedule become enforceable under the updated By-law; and
3. That a copy of the amended By-law and Report PW 34-2020 **BE FORWARDED** to the local area municipalities for information.

The following friendly **amendment** was accepted by the Committee Chair, and the mover and seconder of the motion:

That Appendix 2 of Report PW 34-2020 being the Proposed Revisions to Short Form Offences and Set Fines **BE AMENDED** to increase the set fine amount for illegal dumping from \$500.00 to \$1000.00 (Item #30).

The Committee Chair called the vote on the motion as amended, as follows:

That Report PW 34-2020, dated August 4, 2020, respecting Solid Waste Management By-law Update, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Solid Waste Management By-law No. 2017-56 as amended, **BE AMENDED** to reflect the by-law updates outlined in Appendix 1 to Report PW 34-2020;
2. That the proposed Short Form Offences and Set Fines Schedule, attached as Appendix 2 to Report PW 34-2020 as amended, **BE FORWARDED** to the Chief Justice of the Ontario Court (Provincial Division) for approval, as required under the Provincial Offences Act and upon approval including any changes by the Chief Justice, the Short Form Offences and Set Fines Schedule become enforceable under the updated By-law; and
3. That a copy of the amended By-law and Report PW 34-2020 **BE FORWARDED** to the local area municipalities for information.

Carried

5.2 PW 35-2020

Reprioritization of Capital Project Funds for Recycling Centre Facility Improvements

Moved by Councillor Diodati
Seconded by Councillor Steele

That Report PW 35-2020, dated August 4, 2020, respecting Reprioritization of Capital Project Funds for Recycling Centre Facility Improvements, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That a new capital project for a container line drum feeder in the amount of \$450,000 **BE APPROVED** and **BE FUNDED** from the Waste Management Capital Variance Project.

Recorded Vote:

Yes: (13) Bradley, Diodati, Disero, Edgar, Foster, Heit, Ip, Junkin, Rigby, Sendzik, Steele, Ugulini, Witteveen.

No: (4) Fertich, Gale, Insinna, Nicholson.

Carried

5.3 PW 7-2020

Mothers Against Drunk Driving (MADD) Memorial Signage

Moved by Councillor Foster

Seconded by Councillor Nicholson

That Report PW 7-2020, dated August 4, 2020, respecting Mothers Against Drunk Driving (MADD) Memorial Signage, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Council **APPROVE** the installation of one MADD Canada Memorial sign as requested by the family of the victim at the location of Regional Road 70 (Taylor Road) and Regional Road 101 (Mountain Road) in the City of Niagara Falls, as a one time request; subject to the applicant providing all of the required supporting documentation outlined in the Ministry of Transportation, Ontario policy document;
2. That Council **APPROVE** the installation of the sign duration to a maximum of two years or until such time the sign needs to be removed; and
3. That Council **BE INFORMED** that staff, as part of the Vision Zero Road Safety Program, will be presenting a policy outlining operational guidelines for safety and educational platforms inclusive of future non-regulatory signage requests.

Moved by Councillor Ip

Seconded by Councillor Fertich

That Clause 2 **BE AMENDED** to read as follows:

2. That Council **APPROVE** the installation of the sign duration to a maximum of ~~two~~ **five** years or until such time the sign needs to be removed.

Recorded Vote:

Yes: (5) Diodati, Fertich, Ip, Nicholson, Steele.

No: (10) Bradley, Disero, Foster, Gale, Heit, Insinna, Junkin, Rigby, Ugulini, Witteveen.

Defeated

The Committee Chair called the vote on the motion as follows:

That Report PW 7-2020, dated August 4, 2020, respecting Mothers Against Drunk Driving (MADD) Memorial Signage, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Council **APPROVE** the installation of one MADD Canada Memorial sign as requested by the family of the victim at the location of Regional Road 70 (Taylor Road) and Regional Road 101 (Mountain Road) in the City of Niagara Falls, as a one time request; subject to the applicant providing all of the required supporting documentation outlined in the Ministry of Transportation, Ontario policy document;
2. That Council **APPROVE** the installation of the sign duration to a maximum of two years or until such time the sign needs to be removed; and
3. That Council **BE INFORMED** that staff, as part of the Vision Zero Road Safety Program, will be presenting a policy outlining operational guidelines for safety and educational platforms inclusive of future non-regulatory signage requests.

Carried

6. CONSENT ITEMS FOR INFORMATION

6.1 PWC-C 27-2020

COVID-19 Response and Business Continuity in Public Works

Moved by Councillor Witteveen

Seconded by Councillor Steele

That Correspondence Item PWC-C 27-2020, being a memorandum from B. Zvaniga, Interim Commissioner, Public Works, dated August 4, 2020, respecting COVID-19 Response and Business Continuity in Public Works, **BE RECEIVED** for information.

Carried

7. OTHER BUSINESS

7.1 Waste Collection in Lincoln

Councillor Foster offered his thanks to Waste Management staff for the recent improvement in waste collection in Lincoln.

7.2 Closure of Regional Road 81 (King Street) Town of Lincoln

Councillor Foster raised concerns with respect to the closure of Regional Road 81 (King Street) in the Town of Lincoln east of Jordan Road and its impact on local businesses along this route. Carolyn Ryall, Director, Transportation Services, advised that the closure was necessary to facilitate the removal and construction of a new culvert structure crossing Eighteen Mile Creek. She noted the concerns with undertaking this work during the tourist season; however, that due to permit requirements and considerations for species in Eighteen Mile Creek, this was the only time the work could be completed. Ms. Ryall advised that access to businesses was being allowed and that staff were working extensively with affected businesses to communicate the road closure and provide detour route information.

7.3 On Demand Transit

Councillor Fertich enquired if there would be a formal ceremony to highlight the start of the On Demand Transit pilot on August 17, 2020. Matt Robinson, Director, GO Implementation Office, advised that the transit vehicles are due to be delivered the week of August 10 and that discussions are being undertaken with the municipalities of Grimsby, Lincoln, and Pelham to determine options for a kick-off to the pilot. He noted that once plans were finalized Regional Councillors of the respective municipalities would be notified and a memorandum issued to all of Regional Council on the Councillor Weekly Correspondence Distribution.

8. NEXT MEETING

The next meeting will be held on Tuesday, September 8, 2020, at 9:30 a.m. in the Council Chamber, Regional Headquarters.

9. **ADJOURNMENT**

There being no further business, the meeting adjourned at 11:20 a.m.

Councillor Rigby
Committee Chair

Ann-Marie Norio
Regional Clerk

Waste Management By-Law Update

Public Works Committee
PW 34-2020

August 4, 2020

Kate Ashbridge, Contract Supervisor

Background

- Purpose: regulate and control the use of Niagara Region's waste management system
- Last updated 2017
- An update to the Requirements of Waste Collection policy and procedures will be provided to Public Works Committee in September, 2020

Collection Changes – October 19

- Service levels changes taking place on October 19, 2020
- Farm exemptions
 - Residential farms can request commercial services or vice versa
- Private garbage collection
 - Properties using private garbage collection can also utilize Regional Garbage collection, provided they are also using diversion programs
- Cart collections outside the DBAs
 - Max 8 Blue/Grey Carts and 8 Green Carts for IC&I properties outside of DBAs

Container Specifications and Collection Locations

- Container measurements and lids
 - Container size restrictions are further defined to provide max width, height and depth of containers. All containers must have handles or indentations for collection and all lids must be readily separable from containers with the exception of Blue, Grey, and Green Carts and Green Bins.
- Enclosures
 - No collection from inside an enclosure unless otherwise approved by the Region. Collection personnel must be able to access materials from enclosures by opening the enclosure from the front not the top and must be able to remove materials from the enclosure without any obstruction.
- Communal collection points
 - Owners must ensure all collection containers are labelled with the Dwelling Unit address to clearly distinguish separation from neighbouring Premises

Container Specifications and Collection Locations

- Cardboard bundles
 - Loose cardboard must be flattened and tied using twine, packing tape or an approved alternative, into bundles with max dimensions of 3ft x 3ft x 3ft
- Garbage tag use
 - Tag must be around the neck of a garbage bag or on top of the materials placed in a garbage container
- Multi-purpose properties
 - Each individual Premises is subject to their respective eligibility requirements and collection limits.
- Uncontained Material
 - Owners must ensure material is contained and if not cleaned up, Region can issue Order for cleanup and charge back the Owner.

Additional Updates

- **Illegal Dumping - litter bins**
 - Illegal dumping into a litter bin now extends to a 1 metre radius around the litter bin
- **Inappropriate behaviour**
 - Region may cease collection from a premises as a result of inappropriate behaviour, violent, threatening or illegal conduct, or use of profane or abusive language until the behaviour is corrected to the satisfaction of the Region
- **Collection for investigation**
 - Region may authorize the collection of non-compliant or non-collectable material for the purpose of investigation or health, safety and welfare of the general public

Additional Updates

- HHW disposal containers
 - Must be in the original or clearly labelled container, indicating contents
 - All containers must be capped and sealed
 - Liquid wastes must not be larger than 20 litres each. Barrels and/or drums of liquid waste will not be accepted
 - Gasoline will not be decanted at depots. The container and the contents will be taken for safe disposal
 - No industrial, commercial or institutional hazardous waste will be accepted
 - Other acceptable containers As Designated.
- Anti-idling provision
 - No Person shall cause or permit a vehicle to idle for more than three (3) minutes

Definitions

Revised

- Amnesty week
- Bulky Goods
- Friendly reminders
- Garbage exemptions
- Garbage tag
- Green Bin container
- Leaf and yard material
- Pet waste
- Regional drop-off
- Set out service
- Sharps

New

- Care and control
- Communal collection point
- Construction, renovation and demolition
- Dwelling unit
- Illegal dumping
- Litter
- Liquid material
- Multi-purpose property

Education, Enforcement and Orders

- Obtaining compliance by way of an Order
 - Region may issue an Order for an Owner to cleanup material. If not completed within the timeframe the Region can charge back the Owner for cleanup actions taken by Region.
- Updated Short Form Offences and Set Fines Schedule
 - Failing to remove materials after collection was revised in Short Form Offences
 - \$75 set fine (only wording was revised, original wording only referenced containers and not material)
 - Failure to comply with an Order was added to Short Form Offences
 - \$500 proposed set fine (new set fine to be applied for)

Next Steps

- Upon approval from Council, the Short Form Offences and Set Fines Schedule (Appendix 2) will be forwarded, for approval, to the Chief Justice of the Ontario Court (Provincial Division) as required under the Provincial Offences Act.
- Upon approval including any changes by the Chief Justice, the Short Form Offences and Set Fines Schedule become enforceable under the updated By-law.

Questions?

Subject: Solid Waste Management By-law Update

Report to: Public Works Committee

Report date: Tuesday, August 4, 2020

Recommendations

1. That this Committee recommend to Regional Council that the Solid Waste Management By-law No. 2017-56, as amended **BE AMENDED** to reflect the By-law updates outlined in this report and attached as Appendix 1;
2. That this Committee recommend to Regional Council that the proposed Short Form Offences and Set Fines Schedule, attached as Appendix 2, **BE FORWARDED FOR APPROVAL** to the Chief Justice of the Ontario Court (Provincial Division) as required under the *Provincial Offences Act*. Upon approval including any changes by the Chief Justice, the Short Form Offences and Set Fines Schedule become enforceable under the updated By-law; and
3. That a copy of the amended By-law and the subject report **BE FORWARDED** to the local area municipalities, for information.

Key Facts

- The purpose of this report is to seek Committee's approval for the amendment of the Solid Waste Management By-law No.2017-56 (By-law), which was last updated in 2017.
- Several updates to the By-law are required due to service level changes which have previously been approved by Council, to be effective October 19, 2020.
- Additional updates to the By-law to include provisions on exemptions, container limits and set-out specifications, Acceptable Materials, inappropriate behaviour towards staff, Illegal Dumping and issuing Orders for clean-up of Non-Compliant Material.
- An update to the Short Form Offences and Set Fines Schedule is proposed to facilitate the enforcement of property owners' responsibility to remove Material deemed uncollectable (i.e. contaminated or does not otherwise meet By-law restrictions) by the collection contractors.
- Minor clarifications and clerical corrections to the existing By-law wording have been made to improve public understanding and administration.

Financial Considerations

There are no anticipated financial implications with the proposed update of the By-law.

Analysis

The purpose of the By-law is to regulate and control the use of Niagara Region's waste management system. Since coming into effect in October 1999, the By-law has regularly been revised to reflect changes to waste collection services and requirements. Amendments were adopted in 2001, 2002, 2003, 2008, 2010, 2011, 2012, 2015 and 2017.

The current update to the By-law is required to incorporate the waste collection service level changes approved by Council on October 17, 2019 (PW 61-2019), which take effect October 19, 2020. The update also includes improvements in wording to encourage increased waste diversion and provide clarification on existing conditions for enhanced enforcement and public understanding.

A coordinated update to the Requirements for Waste Collection policy and procedures is needed to ensure consistency with the By-law change. An update to the Requirements of Waste Collection policy and procedures will be provided to Public Works Committee in September, 2020.

Outlined below are the proposed By-law revisions which are contained in Appendix 1:

Service Level Changes

The By-law has been updated to reflect the waste, recyclables and organics service levels changes taking place on October 19, 2020.

Every-other-week Garbage collection

All properties outside of the Designated Business Areas (DBAs) and those residential properties inside specified DBAs, which receive Niagara Region's curbside Garbage collection, will receive every-other-week Garbage collection as a base service. Weekly collection of Blue/Grey Box/Cart and Green Bin/Cart Material will continue. Schedule A of the By-law has been revised to show the collection frequencies for each service.

Changes to Garbage Container limits

Garbage Container limits will also be changing on October 19, 2020. Schedule A has been updated with the following container limit changes:

- Garbage Container limits will double for all properties receiving every-other-week Garbage collection. (i.e. if current limit is one (1) Garbage Container per unit, per week, it will double to two (2) Garbage Containers every-other-week).
- Mixed-Use (MU) and Industrial, Commercial and Institutional (IC&I) properties outside DBAs will be permitted to set out eight (8) Garbage Containers, per property, every-other-week.
- MU and IC&I properties inside DBAs will change from a container limit of seven (7) containers per property, per week to four (4) containers, per property, per week as a base service.

Limit on Bulky Goods Collection – Low Density Residential Properties

Starting October 19, 2020, there will be a limit of four (4) Bulky Goods, per unit, per Garbage collection. Section 6.2 of the By-law has been updated to include this limit. There is no limit on the number of times a resident can schedule a pick up.

Discontinuation of Curbside Collection of White Goods

As curbside collection of White Goods will be discontinued effective October 19, these items have been removed from Section 3, Classes of Collectable Items and Section 12 under Collection Services in the By-law. Section 1.39, Non-Collectable Material, of the By-law has been updated to include White Goods.

Diaper Exemptions

As per the Public Works Committee recommendation on May 12, 2020, a garbage exemption program was approved to have diapers collected weekly with the start of the new collection contracts, for households with a child under the age of four in diapers. In addition, a weekly collection service was approved for residents who generate additional garbage due to a medical condition. Section 14.1 of the By-law has been changed to provide the appropriate criteria and guidelines for the updated exemptions.

Blue/Grey Cart and Green Cart Limits for IC&I Outside DBAs

Similar to other comparator municipalities, Niagara Region has placed a limit on the number of recycling and organics carts that can be collected weekly at IC&I properties outside the DBAs. This ensures that resources and capacity are sufficient to efficiently and effectively collect and process residential recycling and organics. The container limits in Schedule A of the By-law have been updated with a maximum limit of eight (8) Blue/Grey Carts and eight (8) Green Carts for IC&I properties outside of DBAs. Section 14 of the By-law has been updated to place a limit on the number of recycling and organics carts that can be collected weekly at IC&I properties outside the DBAs.

Container and Set-out Specifications

The size restrictions for Blue and Grey Boxes have been further defined to provide a maximum depth, in addition to the maximum height and width, and clarify how dimension should be measured. The By-law has also been updated to specify that containers must have handles or indentations to facilitate lifting.

In section 11.1, the acceptable methods for bundling flattened cardboard have been updated.

Section 14.1 has been updated to provide instructions on how to properly affix Garbage Tags to Garbage bags and on Garbage Material.

Clarifications have been made to improve public understanding and administration of the use of lids on collection containers. All lids must be readily separable from all collection containers with the exception of Blue, Grey, and Green Carts from As Designated properties, and Green Bins, available from the Region, or approved alternatives.

Acceptable Household Hazardous Waste Containers

Although guidelines for acceptable containers for Household Hazardous Waste are provided on the Region website, they have not previously been included in the By-law. Section 27 has been updated to outline the parameters for acceptable containers for disposing of Household Hazardous Waste at Region landfills and drop-off sites.

Farm Exemption

Section 14.9 of the By-law has been updated to reflect the Region's existing farm exemption parameters.

On a request basis, if a residential farm requests commercial services, the property will be categorized as an IC&I premise and will receive services as such and specifically will no longer be eligible for Bulky Good, Leaf and Yard Material and Brush collection, and cannot purchase Garbage Tags for additional Garbage.

If a commercial farm requests single family residential services, the property will be categorized as a low-density residential premise and receive services as such and specifically will not be eligible for the eight (8) bag/can per every-other-week Garbage limit.

Private Garbage Collection

Previously, IC&I and MU properties that used private garbage collection were not permitted to receive Regional Garbage collection. Section 14.5 of the By-law has been updated to allow properties using private garbage collection to receive Regional Garbage collection, provided they are also using Regional Blue/Grey Box/Cart and Green Bin/Cart collection and are able to stay within the applicable Garbage Container limits. The rationale for the elimination of the restriction was to improve service delivery to those IC&I and MU properties that would otherwise have been ineligible to receive curbside Regional Garbage collection.

Multi-Purpose Properties

Section 14.8 was modified to align with Niagara Region's "Requirements for Waste Collection" policy.

Inappropriate Behaviour

To enforce the safety of Niagara Region or contractors' staff, if the Owner of a Premises or a tenant indulges in any inappropriate behaviour, violent, threatening or illegal conduct, or uses profane or abusive language, as determined by Niagara Region, towards Region staff or contractors' staff, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice to the Owner, cease collection from the Premises until such time as the inappropriate

behaviour is corrected to the satisfaction of the Region. These changes are reflected in Section 15.3b of the By-law.

Material in Enclosures

A new section (16.6) has been added to the By-law to provide service users using enclosures to store Materials, with criteria for these enclosures. The purpose of establishing criteria is to ensure enclosures are constructed in a manner that does not pose a health and safety risk to the collector.

Communal Collection Points

Section 16.2 has been updated so that Premises that place their Material at a Communal Collection Point must ensure all collection containers are labelled with the Dwelling Unit address to clearly distinguish separation from neighbouring Premises.

Uncontained Material

In addition to the existing wording in Section 19, which requires that Owners of Premises ensure that Material set out for collection does not become uncontained and are responsible for immediate clean-up of all uncontained Material, the By-law has been updated to state that if the uncontained Material is not cleaned up, the Region may clean up the Material and charge the Owner for this work. Wording has also been added to outline a notification process for Premises with persistent issues of uncontained Material.

Notices and Orders for Clean-up

Where a Person or Owner is in Non-compliance with this By-law and if the Non-compliance continues despite the Region's attempts to obtain compliance, as outlined in Section 41.1, the Region may forthwith perform the work required to obtain compliance with this By-law, by way of an Order, as determined by Region staff as outlined in Section 49.

Section 49 has been expanded to facilitate the enforcement of Orders, which was previously not specified in By-law No.2017-56.

Authorize collection of Non-Compliant or Non-Collectable Material

Section 20.3 has been added to the By-law to authorize the collection of Non-Compliant or Non-Collectable Material by the Region or its Contractors for the purpose of investigation or health, safety and welfare of the general public.

The following changes have been made to the list of Acceptable Materials:

- Section 26.1 Acceptable Materials for Compositing: added (g) organic material which has decomposed under anaerobic conditions;
- Section 28.1 Acceptable Materials for Landfilling: Clarified (e) soil or dirt in acceptable quality and quantity, as determined by the Region.

Regional Drop-off Location Restrictions

Regional Drop-off Location restrictions have been updated to include an anti-idling provision. Section 33 specifies that no Person shall cause or permit a vehicle to idle for more than three (3) minutes.

Illegal Dumping

In addition to the current guidelines prohibiting a Person from dumping or depositing Material into public litter bins or on any public road or property, Section 38 now includes restrictions on dumping Material within a one (1) metre radius of a public litter bin.

Enforcement: Friendly Reminders

To encourage compliance, with this By-law, the Region may use Friendly Reminders and Final Friendly Reminders to inform Persons or Owners of Non-Compliance. Where a Person or Owner is in Non-Compliance with this By-law and if the Non-Compliance continues, despite the Region's attempts to obtain compliance, the Region may proceed with an Order requiring the Person or Owner to correct the contravention, as outlined in Sections 49.

Additions and Modifications to Definitions Section

The following definitions have been revised:

“Amnesty Week” has been updated from what was previously “Garbage Exemption Week”. It has also been updated to reflect the changes in garbage container limits related to every-other-week garbage collection.

“Bulky Goods” has been revised to reflect more examples of acceptable items, including large toys and water softening units.

“Friendly Reminder” has been updated to include “Final Friendly Reminders” in the definition of written notices used by the Region.

“Garbage Exemptions” has been simplified for clarity.

“Garbage Tag” has been updated to specify that tags must be untampered and affixed to the neck of a waterproof bag or on top of Materials placed in a Garbage container.

“Green Bin Container” has been updated to include that the container may be a container from the Region or other rigid reusable closed or open-top container clearly labelled with handles.

“Leaf and Yard Material” has been updated to add logs to the list of materials that are not considered “Leaf and Yard Material”.

“Pet Waste” has been broadened to include pet bedding to animal excrement generated by small household pets.

“Regional Drop-Off Location” has been simplified for clarity.

“Set Out Service” has been updated to specify that it does not include “Leaf and Yard Material”, “Bulky Good”, “Brush” or any other excluded items As Designated by the Region.

“Sharps” has been updated to include safety engineered needs, laboratory class or other Materials capable of causing punctures or cuts.

The following new definitions have been added to the By-law:

“Care and Control”: Material shall be deemed to have been within the care and control of a Person at a point in time if the Material included any Material typically associated

with or used by that Person and shall include but is not restricted to the following Materials:

- a) mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
- b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
- c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person is considered an Owner and during the time the Person was considered an Owner;
- d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the care and control of the Person.

“Communal Collection Point” means a Collection Point approved or as determined by the Region, that is authorized for the use of more than one Premises.

“Construction, Renovation and Demolition”: Material includes but is not limited to windows, drywall, wood, metal, PVC pipe and other building Materials.

"Dwelling Unit" means a place of residence designed or intended for habitation by one (1) or more persons with its own culinary and sanitary facilities which are provided for the exclusive use of the person or persons who reside therein. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of the Region, the limit for the Premises in question shall be as determined by the Region.

“Illegal Dumping” means the disposing of Material in non-designated areas, such as public roads or ditches, public property and public litter bins, as set out in Section 38 of this By-law. Illegal Dumping does not include Litter.

"Litter" means debris, refuse, or Material discarded outside the regular Collection Point or lying scattered about the area.

"Liquid Material" means Material which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained.

“Multi-Purpose Property” means a single property as defined by MPAC and/or contained in applicable Site Plan Conditions, housing multiple Premises types.

General revision and language updates

The new By-law is a result of a collaborative team approach involving several meetings between the Region’s Legal and Court Services Division, front line staff and managers from the Waste Management Services Division. Terminology usage has been standardized in the By-law to use commonly understood words and clearly phrased responsibilities and prohibitions so that residents can easily understand how to deal with Recyclables and Garbage, both in their curbside collection and at the Regional Drop-Off Locations. It should be noted that By-law enforcement staff’s first priority has been and will continue to be the education of residents rather than simply levying fines. However, staff will continue to actively pursue illegal dumping and will levy fines when appropriate. The proposed By-law enhancements will provide staff with the necessary tools to enforce the By-law and levy fines if verbal or written communication with residents is not sufficient to achieve compliance.

The amended By-law will be posted on the Region’s website for review by residents and businesses.

Alternatives Reviewed

Alternatives were not considered as the By-law required updates to align with previously approved program changes.

Relationship to Council Strategic Priorities

The amendment of the By-law will support Council’s Strategic Priority of Sustainable and Engaging Government, specifically the promotion of high quality, efficient and co-ordinated core services.

Other Pertinent Reports

WMPSC C-54-2017 Requirements for Waste Collection (C3.007)

WMPSC C-12-2017 Waste By-law Update

PW 61-2019 Base Level Service for Waste Management Collection Contract

Prepared by:

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Public Works

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Acting Chief Administrative Officer

This report was prepared in consultation with Patricia D'Souza, Legal Counsel and reviewed by Catherine Habermehl, Director Waste Management Services, Sherri Tait Manager Waste Collection & Diversion, Lydia Torbicki Manager Waste Policy & Planning and Emil Prpic, Associate Director Waste Disposal Operations and Engineering.

Appendices

Appendix 1 – Proposed Amendments to Solid Waste Management By-law.

Appendix 2 – Proposed Short Form Offences and Set Fines

Appendix 1 – Proposed Amendments to Waste Management By-Law

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-XX

A BY-LAW TO AMEND BY-LAW 2017-56, BEING A BYLAW TO REGULATE THE USE OF THE WASTE MANAGEMENT SYSTEM FOR THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS on May 15, 2017, Regional Council passed By-law No. 2017-56 being a by-law to regulate the use of the waste management system for the Regional Municipality of Niagara; and

WHEREAS Regional Council wish to amend the said By-Law to reflect changes in service levels and improvements in wording to encourage increased waste diversion and provide clarification on existing conditions for enhanced enforcement and public understanding.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA ENACTS AS FOLLOWS:

1. That the Waste Management By-law 2017-56 is amended as indicated in the following sections by deleting the text that is struck out and adding the text that is underlined:

PART I – DEFINITIONS

1. The following terms are defined for purposes of this By-law:

- 1.1 “Amnesty Week” means the five (5) Garbage Collection Days immediately following December 25 where, in addition to the regular Garbage limit, selected Premises can place additional Garbage to the curb for collection without a Garbage Tag;
 - 1.2 “Area Municipality” means any one of the municipality or corporation of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls,

Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, or Township of West Lincoln;

- 1.3 “As Designated” means as designated by the Region from time to time by the Commissioner of Public Works or his/her designate. It is anticipated that the Region’s recycling and other programs and related requirements will continue to evolve as new methods and Materials emerge. These changes will be implemented on an “As Designated” basis;
- 1.4 “Blue Box” means a container available from the Region or approved alternative as set out in Section 8 of this By-law or As Designated, used to set out Blue Box Material for collection;
- 1.5 “Blue Box Material” means recyclable Material that is collected under the Blue Box Program. The Material includes:
- (a) empty glass bottles, jars and lids/caps (lids/caps must be removed), including all glass containers which previously contained a food or beverage product;
 - (b) empty metal food and beverage cans, including all hard shell steel or aluminum containers which previously contained a food or beverage product;
 - (c) empty metal paint cans and lids (lids must be removed and a thin layer of dry residue are acceptable);
 - (d) clean aluminum foil meaning food wrap, food packaging and kitchenware such as pie plates made from a thin sheet of aluminum;
 - (e) empty plastic containers and packaging which previously contained a food or consumer product, including Polyethylene Terephthalate (PETE #1) bottles and containers; High Density Polyethylene (HDPE #2) tubs and lids, or bottles; Polyvinyl Chloride (PVC #3); Low Density Polyethylene (LDPE #4) plastic tubs and lids; Polypropylene (PP #5) plastic bottles, tubs and lids; Polystyrene (PS #6) containers and rigid foam packaging; and Polycarbonate mixed plastic (PC #7);
 - (f) empty gable-top cartons (e.g. milk and juice cartons) and aseptic packaging (e.g. juice boxes);
 - (g) empty spiral wound containers (e.g. frozen juice or potato chip containers) with metal lids bottoms and paper sides;
 - (h) empty metal aerosol cans (lids and caps must be removed); and
 - (i) other Material As Designated;
- 1.6 “Brush” means woody Material including twigs, tree limbs or branches;

- 1.7 ~~“Bulky Goods” means large household items (but not White Goods) and other Material As Designated, including but not limited to:~~
- ~~(a) artificial Christmas trees;~~
 - ~~(b) box springs and mattresses;~~
 - ~~(c) couches;~~
 - ~~(d) floor lamps;~~
 - ~~(e) furniture (e.g. chairs, tables);~~
 - ~~(f) glass shards packaged in cardboard box labelled “glass”;~~
 - ~~(g) microwave ovens;~~
 - ~~(h) pool covers and solar blankets;~~
 - ~~(i) carpets or rugs in compact rolls/bundles not exceeding 1.5 m (4.5 feet) in length and 0.76 m (2.5 feet) in diameter; and~~
 - ~~(j) other household items that cannot fit in a Garbage Container;~~

“Bulky Goods” means large household items which are Collectable Material that cannot fit into a normal Garbage Container and may be overweight (excluding construction/demolition Material). Some examples include, but are not limited to, the following:

- a) Artificial Christmas Trees;
- b) Box spring, mattress, and bed frame;
- c) Carpet or rugs in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
- d) Couches, sofa, chair;
- e) Floor lamps;
- f) Furniture (for example, tables, cabinets, dressers);
- g) Glass Shards packaged in cardboard box labelled “glass”;
- h) Large Toys;
- i) Pool cover and solar blankets in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
- j) Toilets or sinks that are individual and not part of construction and demolition;
- k) Other Collectable Material that cannot fit in a Garbage Container;
- l) Water softening units; and
- m) Other household items, As Designated the Region;

- 1.8 “Cart” means a container available from the Region or approved alternative as set out in Section 8, 10 and 11 of this By-law or As Designated, used to set out Blue Box, Grey Box or Green Bin Material for Types B-F Premises as set out in Schedule A to this By-law;

- 1.9 “Care and Control” means Material shall be deemed to have been within the care and control of a Person at a point in time if the Material included any

Material typically associated with or used by that Person and shall include but is not restricted to the following Materials:

- (a) Mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
- (b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
- (c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person is considered an Owner and during the time the Person was considered an Owner; or
- (d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the Care and Control of the Person.

- 1.10 “Christmas ~~trees~~ Trees” means naturally grown evergreen trees without tinsel, decorations, ornaments or tree lights;
- 1.11 “Christmas ~~trees~~ Trees, Artificial” means trees manufactured from manmade Material;
- 1.12 “Collectable” means Material which may be collected at Curbside or a collection point approved by the Region pursuant to this By-law;
- 1.13 “Communal Collection Point” means a collection point approved or as determined by the Region, that is authorized for the use of more than one Premises;
- 1.14 “Composter” means a container available from the Region or any enclosure with a lid for the purpose of decomposing Leaf and Yard Material and/or Green Bin Material by aerobic decay or bacterial action;
- 1.15 “Construction, Renovation and Demolition” Material includes but is not limited to windows, drywall, wood, doors, metal, PVC pipe and other building Materials As Designated by the Region;
- 1.16 “Council” means the Council of The Regional Municipality of Niagara;
- 1.17 “Curbside” means the area directly in front of an Owner’s Premises as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk. It normally extends 1.2 m (four (4) feet) rearward from the travelled portion of the road;

- 1.18 “Designated Business Area” means an area designated by the local municipality to receive alternate collection services compared to residential or other industrial, commercial and institutional services;
- 1.19 "Dwelling Unit" means a place of residence designed or intended for habitation by one (1) or more persons with its own culinary and sanitary facilities which are provided for the exclusive use of the person or persons who reside therein. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of the Region, the limit for the Premises in question shall be as determined by the Region;
- 1.20 “Eligible Property” means a Premises of Types A, B, C, D, E or F as set out in Section 14 and Schedule A to this By-law where:
- (a) container limits set out in Schedule A can be abided by in the normal course of waste generation activity; and
 - (b) the Owner of the Premises are in compliance with this By-law; and
 - (c) the only Material set out for collection is Material generated on that Premises;
- 1.21 ~~“Friendly Reminder” means a written notice by the Region, in a form similar to that set out in Schedule C to this By-law or As Designated, which is delivered to an Owner, or left in a visible location which can be readily seen at the Premises, to address Non-compliance;~~
- “Friendly Reminder” and “Final Friendly Reminder” means a written notice by the Region, in a form similar to that set out in Schedule B to this By-law or As Designated, which is delivered to an Owner, or left in a visible location, which can be readily seen at the Premises, or in a mailbox, to address Non-compliance;
- 1.22 “Garbage” means all non-hazardous, solid, residual waste which, for purposes of collection or drop-off at a Regional Drop-Off Location, does not fall within a recyclable class of Material as set out in Subsection 3.1(a) or elsewhere in this By-law and such other Material As Designated. It does not include grass;
- 1.23 “Garbage Container” means a waterproof opaque bag, receptacle, can, bin, or such other container As Designated, for the storing and setting out of Garbage. It does not include cardboard boxes;

~~1.24 “Garbage Exemption Week” means the five (5) collection days immediately following December 25 each year where residents of Type A, B, D and F Premises as shown in Schedule A are permitted to set out double their Garbage Container Limit for collection;~~

~~1.24 “Garbage Exemptions” mean exemptions as set out in Section 14 to the approved Garbage Container limits as shown in Schedule A. Type A,B,D and F Premises as defined in Schedule A of this By-law can receive a Garbage Exemption.~~

“Garbage Exemptions” mean exemptions as set out in Section 14 to the approved Garbage Container limits as shown in Schedule A;

~~1.25 “Garbage Tag” means a tag that can be purchased from the Region or authorized vendor and affixed to Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule A of this By-law can use a Garbage Tag;~~

“Garbage Tag” means a tag that can be purchased from the Region or authorized vendor and affixed and untampered (i.e. torn in half) to the neck of a waterproof bag or on top of the Materials placed in a Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule A of this By-law can use a Garbage Tag;

~~1.26 “Green Bin Container” means a container such as the Green Bin, Carts or the smaller kitchen catcher available from the Region, or approved alternative, used for the storing and/or setting out of Green Bin Material~~

“Green Bin Container” means a container such as a Green Bin, Carts or the smaller Kitchen Catcher available from the Region, or other rigid reusable closed or open-top container clearly labelled with handles used for storing and setting out Green Bin/Cart Material;

1.27 “Green Bin Material” means compostable organic Material collected under the Green Bin program As Designated by the Region, including but not limited to food waste (such as meat, bones, shells, tea bags), pumpkins, tissue paper, paper towels and napkins, paper egg cartons, 100% compostable paper cups and plates, dryer lint, soiled newspaper, cold fireplace ashes, brown paper bags, saw dust, wood shavings, paper take-out trays, kitty litter and Pet Waste. It does not include grass or Liquid Material;

- 1.28 “Grey Box” means a container available from the Region or approved alternative as set out in Section 11 of this By-law or As Designated, used to set out Grey Box Material;
- 1.29 “Grey Box Material” means recyclable Material that is collected as part of the Grey Box Program. The Material includes:
- (a) soft-covered books and hard-covered books with the covers removed;
 - (b) boxboard (non-waxed, such as cereal and cracker boxes);
 - (c) cardboard (non-waxed);
 - (d) fine paper and paper envelopes;
 - (e) newspapers and unaddressed ad mail and flyers;
 - (f) plastic bags and stretchy plastic outer-wrap including but not limited to plastic grocery and retail bags, outer-wrap from such things as clean food wrap, empty bread bags, empty produce bags, toilet paper and paper towel packaging, empty and clean milk bags dry cleaner bags. Plastic bags and stretchy plastic outer-wrap must be stuffed into one bag and securely tied;
 - (g) shredded paper placed in a securely-tied, transparent plastic bag;
 - (h) telephone books and magazines, including catalogues and all glossy publications; and
 - (i) other Material As Designated;
- 1.30 “Illegal Dumping” means the disposing of Material in non-designated areas, such as public roads, ditches, public property, rural areas, and public Litter bins, as set out in Section 38 of this By-Law. Illegal Dumping does not include Litter;
- 1.31 “Large Rigid Plastic” means hard plastic items that do not fit into a Blue Box for Curbside Collection such as but not limited to buckets, pails, pots, crates, trays, baskets, totes, toys, pools, furniture, chairs and car seats with no other parts, metal or Material attached. Large plastic items does not include plastic coolers, piping, siding or any plastic that also contain or have attached any wood, metal, insulation, rubber and non-plastic components;
- 1.32 ~~“Leaf and Yard Material” means leaves, weeds, trimmings, flowers, small twigs less than 1.5 cm in diameter and other Material As Designated, but does not include grass, Brush, soil, dirt, roots, rocks, stumps or sod;~~
- “Leaf and Yard Material” means leaves, weeds, trimmings, flowers, small twigs less than 1.5 cm in diameter and other Material As Designated, but does not include grass, Brush, soil, dirt, roots, rocks, logs, stumps or sod;

- 1.33 "Leaf and Yard Container" means reusable, rigid, open-top containers, paper bags or certified plastic compostable plastic bags As Designated by the Region. It does not include cardboard boxes or non-compostable plastic bags;
- 1.34 "Litter" means debris, refuse, or Material discarded outside the regular Collection Point or lying scattered about the area;
- 1.35 "Liquid Material" means Material which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained;
- 1.36 "MPAC" means the Municipal Property Assessment Corporation;
- 1.37 "Material" is the broadest categorization of all that a Person or Owner wishes to dispose or recycle either through public collection or at a Regional Drop-Off Location. Subcategories of Material for collection are Collectable Material, including Recyclables and Non-Recyclables, to be prepared according to the class instructions in this By-law, and excluded Non-Collectable Material. Any Material may also be Non-Compliant because of its content or preparation. Subcategories of Material for drop-off at Regional Drop-Off Locations are Acceptable Material, to be prepared according to the category instructions in this By-law, and excluded Unacceptable Material;
- 1.38 "Multi-Purpose Property" means a single property as defined by MPAC and/or contained in applicable Site Plan Conditions, housing multiple Premises types;
- 1.39 "Non-Collectable Material" means Material forbidden, prohibited and not acceptable for Curbside collection pursuant to this By-law including:
- (a) hazardous waste which is corrosive, flammable, toxic, explosive or biomedical or as defined in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
 - (b) prohibited Material as defined under the *Transportation of Dangerous Goods Act, 1992*, or any successor legislation;
 - (c) pathological waste, as defined and regulated in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
 - (d) solid and liquid waste Material or substances which contain or could contain pathogen bacteria or micro-organisms that may be hazardous or dangerous;

- (e) motor vehicles or automotive parts;
- (f) live animals or fowl or carcasses or part of an animal or other creature, save for normal and bona fide Green Bin Material, which has been drained of all liquids;
- (g) septic or holding tank pumping's or raw sewage;
- (h) Material of any kind or nature that may be explosive or combustible or may cause fire including hot coals, ashes, oil-soaked or gasoline-soaked rags, papers, cloths or similar Material;
- (i) gaseous, semi-liquid or liquid waste including liquid industrial waste as defined in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
- (j) sealed metal drums or barrels;
- (k) other Material as prohibited in any relevant Certificate of Approval issued by the Ministry of the Environment under the relevant legislation;
- (l) Sharps;
- (m) Construction, Renovation or Demolition Material including windows;
- (n) grass clippings;
- (o) Waste Electrical and Electronic Equipment (WEEE);
- (p) batteries (all types);
- (q) White Goods; and
- (r) other Material As Designated;

1.40 "Non-Compliant" means Material not prepared for collection or Regional Drop-Off Location deposit in accordance with the requirements set out in this By-law. "Non-Compliance" has the related meaning;

1.41 "Owner" includes but is not limited to:

- (a) a Person who is the registered owner and or the beneficial owner of Premises which is subject to this By-Law;
- (b) the Person for the time being managing or receiving the rent of from Premises, which is subject to this By-Law, whether on the Person's own account or as agent or trustee of any other Person or who would receive the rent if the Eligible Property was let; and
- (c) a Person who is a lessee or occupant or tenant of the Premises who in their capacity as lessee or occupant manages or is in charge or control Premises, which is subject to this By-Law;

There may be more than one Owner within the forgoing definition with respect to a particular Premises;

1.42 "Person" includes a partnership, an unincorporated association, a corporation, a cooperative society or a cooperative organization, the

successors of a partnership, of an association, of a corporation, of a society or of an organization and the heirs, executors, liquidators of the succession, administrators or other legal representatives of a Person;

1.43 ~~“Pet Waste” means animal excrement generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, but excluding horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals;~~

“Pet Waste” means animal excrement generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, and including pet bedding, whether separate or intermingled with such excrement, but excluding animal excrement generated by horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals;

1.44 “Premises” means land and buildings combined in the geographic area of Niagara region or a part of such land and buildings combined in the case of land and buildings which contain multiple self-contained units with respect to which a Person is considered an Owner. Premises shall be categorized by type in accordance with the definitions contained in Schedule A;

1.45 “Region” or “the Region” means The Regional Municipality of Niagara or an authorized representative of The Regional Municipality of Niagara, including a Regional Drop-Off Location site attendant, a contractor or its employee, or a by-law enforcement officer, as appropriate in the context;

1.46 ~~“Regional Drop-Off Location” means a temporary or permanent location set up by the Region for drop-off of Material including but not limited to a location where Drop-off/Recycling, composting, Household Hazardous Waste Collection or Landfilling occurs;~~

“Regional Drop-Off Location” means a temporary or permanent location set up by the Region for drop-off of Material including but not limited to waste, recyclables, compost, or household hazardous waste;

1.47 “Registered Charities” are charitable organizations, public foundations, or private foundations that are created and resident in Canada and have been issued a charitable registration number by the Canada Revenue Agency (CRA). They must use their resources for charitable activities and have charitable purposes in one or more of the following: the relief of poverty, the advancement of education, the advancement of religion or other purposes that benefit the community. To receive exemption under Section 14.7 the

Registered Charities must be the direct generators of Blue Box Material, Grey Box Material, Green Bin Material or Garbage;

1.48 “Scavenge” means to search through, pick over or remove objects or Material set out for Curbside collection or deposited at a Regional Drop-Off Location;

1.49 ~~“Set Out Service” means the provision of onsite service for residents living in Type A Premises as listed in Schedule A to this By-law and who are unable to physically carry their Blue/Grey Box Materials and Green Bin Material to the curb for collection;~~

“Set Out Service” means the provision of onsite service, as approved by the Region, for Owners living in Type A Premises as listed in Schedule A to this By-law and who are unable to physically carry their Garbage, Blue/Grey Box Materials and Green Bin Material to the curb for collection. Set Out Service only includes Garbage, Blue/Grey Box and Green Bin Material. Set Out Service does not include Leaf and Yard Material, Bulky Goods, Brush, or any other excluded items, As Designated by the Region;

1.50 ~~“Sharps” means medical or veterinary equipment intended for the purpose of cutting or piercing and includes medical needles or syringes;~~
“Sharps” means blades, needles, syringes, including safety engineered needles, laboratory glass, or other Materials capable of causing punctures or cuts;

1.51 “Site Plan Conditions” means comments and conditions provided by the Region during the site plan application process pursuant to the Region’s Policy “Requirements for Waste Collection”;

1.52 “Waste Disposal Site” means as defined in the Environmental Protection Act, R.S.O. 1990, Ch. E.19, or any successor legislation (“Environmental Protection Act”);

1.53 “Waste Electrical and Electronic Equipment (WEEE)” means equipment ~~accepted through the WEEE Program Plan operated by a stewardship program as defined by O.Reg. 389/16 under the Waste Diversion and Transition Act, 2016, or any successor legislation,~~ including but not limited to the following:

- (a) Desktop computers;
- (b) Portable computers;

- (c) Computer peripherals (keyboards, mice, hard drives, optical drives – CD Blu-ray, DVD, HD-DVD);
- (d) Monitors;
- (e) Televisions;
- (f) Desktop printing devices, including copiers and multi-function devices;
- (g) Floor standing devices, including printers, photocopiers and multi-function devices;
- (h) Scanners and typewriters;
- (i) Telephones and answering machines;
- (j) Cellular phones, PDA's and pagers;
- (k) Audio and video players/recorders (MP3, cassette, digital);
- (l) Cameras;
- (m) Radios;
- (n) Receivers;
- (o) Speakers;
- (p) Turntables;
- (q) Video players/projectors, digital frames;
- (r) Video recorders; and
- (s) Personal handheld computers, tablets.

1.54 “White Goods” means major household appliances or items such as stoves, washers, dryers, dishwashers, dehumidifiers, water tanks, barbeques, swing sets, bicycles, air-conditioning units, heat-pumps, refrigeration units or freezer units and other Material As Designated.

PART II –COLLECTION SERVICES

2. General Collection Provision

- 2.1 The Region provides collection of all Collectable Material from Eligible Properties in the Region according to the terms of this By-law and subject to other terms As Designated.
- 2.2 The Region also provides enhanced services as requested, approved and funded by local municipalities.
- 2.3 No Owner shall be eligible for collection unless the Owner complies with this By-law and other terms As Designated.
- 2.4 The Region may retain a contractor or contractors to fulfill the Region's responsibilities under this By-Law.

2.5 If, due to breakdown of equipment, strike, inclement weather, or any other cause, waste collection is not provided to an Eligible Property, the Region shall not be liable to any Person for any damages, costs, loss or expenses of any kind due to the failure of such waste collection to take place.

3. Classes of Collectable Material

3.1 The Classes of Collectable Material are:

- (a) Recyclable Material:
 - i. Blue Box Material;
 - ii. Brush;
 - iii. Christmas Trees;
 - iv. Green Bin Material;
 - v. Grey Box Material;
 - vi. Leaf and Yard Material; and
 - vii. ~~White Goods; and~~
 - viii. Other recyclable Material As Designated.
- (b) Non-Recyclable Material:
 - i. Bulky Goods;
 - ii. Garbage; and
 - iii. Other non-recyclable Material As Designated

3.2 All other Material is Non-Collectable Material and is not to be placed out for collection.

4. Separate According to Class and Class Provisions

- 4.1 If collection service is available to an Eligible Property for any of the above Classes, then the Material which an Owner sets out for collection must be separated according to Class.
- 4.2 Every Owner shall prepare Collectable Material according to the provisions in Sections 5 through 14 of this By-law relevant to each Class of Material.

5. Brush

- 5.1 ~~Brush set out for Curbside collection:~~
Brush shall be set out for collection in accordance with the schedule of collection days As Designated and

- (a) shall be packaged in bundles where each individual piece of Material shall not exceed 7 cm (2.8 inches) in diameter and where each bundle shall not exceed:
 - i. a size of 1.5 m (5 feet) in length by 0.5 m (1.6 feet) in diameter; and
 - ii. a weight of 22.7 kg (50 pounds); and
- (b) if collected on the same day as other Material, shall be clearly separated from any other class of Material set out for collection.

5.2 Brush is only collectable from a Type A Premises as defined in Schedule A to this By-law. Further information on the collection of Brush is available from sources noted in Section ~~53~~ 54 of this By-law.

6. Bulky Goods

6.1 Bulky Goods are only collectable from a Type A Premises as defined in Schedule A to this By-law. Further information on the collection of Bulky Goods is available from the sources noted in Section ~~53~~ 54 of this By-law.

6.2 Bulky Goods set out for Curbside collection:

- (a) shall be in a contained state neatly placed at the Curbside; and
- ~~(b) shall be dismantled if possible; and~~
- ~~(b) shall not be stacked; and~~
- ~~(c) shall not include construction, demolition or renovation Material.~~
- ~~(c) shall not have Material stacked or loose set on top of Bulky Goods; and~~
- ~~(d) shall be dismantled if possible; and~~
- ~~(e) shall not include Construction, Renovation and Demolition Material; and~~
- ~~(f) must be of a weight and dimension to be able to fit into the collection vehicle in a safe and efficient manner, As Designated by the Region; and~~
- ~~(g) limit of four (4) items per collection per Eligible Property.~~

6.3 The Owner must arrange in advance with the Region's collection contractor for the scheduled collection of Bulky Goods As Designated. Information on how to schedule collection is available from the sources noted in Section ~~53~~ 54 of this By-law.

~~6.4 Contaminated (i.e. bed bugs) mattresses or box springs must be wrapped in plastic to be eligible for pick-up.~~

- 6.4 Contaminated items (e.g. mattresses with bed bugs), as determined by the Region, must be wrapped in plastic to be eligible for pick up.
- 6.5 Artificial Christmas trees Trees shall be set out for scheduled collection as Bulky Goods.
- 6.6 Collectable Material which can fit within a regular Garbage Container should not be disposed of as Bulky Goods, but as Garbage.
- ~~6.7 Bulky Goods collection is available on occasion to dispose of a reasonable amount of normal household items created in the normal course of waste generation activity and is not to be used to dispose of entire dwelling unit contents or for move outs.~~
- [INTENTIONALLY OMITTED].
- 6.8 Glass shards resulting from broken mirrors, dishes, picture frames or other household glass, not including windows, are collectable as Bulky Goods if:
- (a) placed in a separate, sturdy, walled container to be collected with its glass shard contents, and secured so as to remain closed and to protect the safety of collection personnel;
 - (b) labelled appropriately (i.e. "Broken Glass"); and
 - (c) Large glass pieces (greater than 1.5ft by 1.5ft) must be removed from any bulky item, packaged or wrapped separately in a cardboard, bubble wrap or another approved packaging Material, and appropriately labelled (i.e. "Glass") to protect the safety of collection personnel.

7. Christmas Trees

- 7.1 Christmas Trees ~~trees~~ shall be set out for Curbside collection without wrapping, bagging, tinsel, lights or any other decorations, in accordance with the schedule of collection days and times As Designated. Further information on the collection of Christmas Trees ~~trees~~ is available from the sources noted in Section ~~53~~ 54 of this By-law.
- 7.2 Christmas Trees ~~trees~~ are only collectable from Type A Premises, as defined in Schedule A to this By-law.
- 7.3 No Owner shall set out a Christmas Tree unless it, or segments cut from it, are less than 3 metres (10 feet) in length and free of all accessories, decorations and plastic wrap. No Artificial Christmas Trees, wrapped or

bagged trees, will be collected for this purpose. Refer to Section 6, Bulky Goods, for the collection of Artificial Christmas Trees.

8. Blue Box Material

8.1 Blue Box Material shall be set out for collection according to the following requirements:

(a) Blue Box Material must be packaged as follows:

- i. in designated recyclable containers (Blue Box) available from the Region; or
- ii. in a Cart only for Type B-F Premises as set out in Schedule A to this By-law for; or
- iii. in clearly marked, reusable, solid-walled, rigid containers with handles or indentations on two (2) sides; ~~or to facilitate the lifting and emptying of the said receptacle; or~~
- iv. in transparent plastic bags; or
- v. in a sturdy non-waxed cardboard box (box will be recycled); and

(b) Blue Box containers shall meet the following requirements:

- ~~i. not exceeding a size of up to 91 cm (3 feet) in height by 61 cm (2 feet) in width; and~~
- i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61 cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and
- ii. not exceeding a weight (of container and Material together) of 22.7 kg (50 pounds); and
- iii. Carts for Type B-F Premises are exempt from 8.1 (b) (i) and (b) (ii); and
- iv. be of sufficient quality to withstand normal collection activities and use; and
- v. for Blue Box containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and

(c) contents shall not exceed the limits of the top of the Blue Box container; and

- (d) must be clearly separated from any other class of Material set out for collection on the same Premises.

8.2 Blue Box Material that is loose or not packaged as outlined above may not be collected.

8.3 Further information on the collection of Blue Box Materials is available from the sources noted in Section ~~53~~ 54 if this By-law.

9. Leaf and Yard Material

9.1 Leaf and Yard Material shall be set out for Curbside collection:

- (a) packaged in rigid, reusable, open-top containers or compostable paper bags or certified compostable plastic bags As Designated:
 - i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
 - ii. not exceeding a total weight (of container and Leaf and Yard Material together) of 22.7 kg (50 pounds.); and
 - iii. for Leaf and Yard Containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and
- (b) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.

9.2 Non-compostable plastic bags (without a 'Biodegradable Products Institute' or '100% Compostable' logo) or cardboard boxes are not permitted.

9.3 Leaf and Yard Material is only Collectable from Type A Premises as defined in Schedule A to this By-law.

9.4 Further information on the collection of Leaf and Yard Material is available from the sources noted in Section ~~53~~ 54 ~~if~~ of this By-law.

10. Green Bin Material

10.1 Green Bin Material shall be set out for Curbside collection packaged:

- (a) in a Green Bin Container available from the Region or other suitable containers in accordance with 10.1 (c) packaged in:

- ~~i. using certified compostable plastic bags As Designated; or~~
- ~~ii. in paper bags; or~~
- ~~iii. wrapped securely in newspaper; or~~
- ~~iv. loosely.~~

- i. Compostable plastic bags with BPI logo;
- ii. Paper bags;
- iii. Wrapped in newspaper; and/or
- iv. Placed directly into the Green Bin container in a loose fashion.

(b) in a Cart only for Type B-F Premises as set out in Schedule A to this By-law for; or

(c) in other containers labelled "Organics":

- i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
- ii. not exceeding a total weight (of container and Green Bin Material together) of 22.7 kg (50 pounds); and
- iii. which are equipped with handles; and
- iv. Carts are exempt from 10.1 (c) i-iii; or

(d) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.

10.2 Small amounts of Leaf and Yard Material including weeds, garden Material, trimmings, and twigs smaller than 1.5 cm (0.5 inches) in diameter and no longer than 30.5 cm (12 inches), excluding grass, are permitted as Green Bin Material.

10.3 Pet Waste and kitty litter shall be either bagged using small certified compostable plastic bags As Designated, paper bags or completely wrapped in newspaper before being placed in the Green Bin/Cart or other labelled container as above.

~~10.4 Green Bin Material that has a tendency to turn into liquid shall be packaged and not be loose so the liquid does not leak or spill during collection. Liquid Material is not permitted in the Green Bin/Cart. The collection service is designed for solid Material.~~

10.4 Green Bin Material that has a tendency to turn into liquid, as determined by the Region, shall be packaged and not be loose so the liquid does not leak or spill during collection. Liquid Material or Material that exhibits evidence

of free water, or other liquids, whether or not contained is not permitted in the Green Bin/Cart. The collection service is designed for solid Material.

10.5 Further information on the collection of Green Bin Material is available from sources noted in Section ~~53~~ 54 of this By-law.

11. Grey Box Material

11.1 Grey Box Material shall be set out for collection according to the following requirements:

(a) Grey Box Material must be packaged as follows:

- i. in designated recycling containers (Grey Box) available from the Region; or
- ii. in clearly marked, reusable, solid-walled, rigid containers with handles or indentations on two (2) sides to facilitate the lifting and emptying of the said receptacle; or
- iii. in a Cart only for Type B-F Premises as set out in Schedule A to this By-law; or
- iv. in transparent plastic bags; or
- v. in a sturdy non-wax cardboard box (box will be recycled); or
- vi. in case of cardboard, must bundle together in bundles not exceeding a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); or
- vii. in the case of flattened cardboard placed inside another cardboard box, which cardboard box must not exceed a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); ~~or~~ Loose cardboard must be flattened and tied using twine, packing tape or an approved alternative, in bundles no larger than 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet), and not exceeding a weight of 22.7 kg (50 pounds); or
- viii. in the case of plastic bags and stretchy plastic outer-wrap, by placing all loose plastic bags or plastic film in one securely tied Plastic Bag (not loose in the Grey Box); and

(b) Grey Box containers must meet the following requirements:

- i. not exceed a size of up to 91 cm (3 feet) in height by 61 cm (2 feet) in width; and
- ii. not exceed a weight (of container and Material together) of 22.7 kg (50 pounds); and

- iii. Carts for Type B-F Premises are exempt from 11.1 (b) i – ii;
- iv. be of sufficient quality to withstand normal collection activities and use; and
- v. For Grey Box containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and

~~(c) contents shall not exceed the limits of the top of the Grey Box container; and~~

(c) contents placed within a Grey Box container shall not exceed 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet); and

(d) clearly separated from any other class of Collectable Material on the same Premises.

11.2 Grey Box Material that is loose or not packaged as outlined above may not be collected.

11.3 Further information on the collection of Grey Box Material is available from sources noted in Section ~~53~~ 54 of this By-law.

~~12. White Goods~~

~~12.1 White Goods are only collectable from Type A Premises as defined in Schedule A of this By-law.~~

~~12.2 White Goods with moving doors, in particular, refrigerators, stoves and freezers, shall be set out for collection with their doors removed or secured in such a fashion that they cannot be opened, to address safety concerns about children or animals becoming trapped inside.~~

~~12.3 Any device bearing Refrigerant/Freon/CFC (chlorofluorocarbon) including but not limited to an air conditioning, dehumidifier, water cooler, refrigeration or freezer unit shall be set out for collection only with the relevant CFC removal sticker. The Owner of the Premises shall pay to the Region or its authorized vendor the applicable fee as set by the Region, together with applicable Provincial and Federal taxes.~~

~~12.4 The Owner must arrange in advance with the Region for the scheduled collection of White Goods As Designated. Information on how to schedule collection is available from the sources noted in Section 53 of this By-law.~~

[INTENTIONALLY OMITTED]

13. Garbage

13.1 Material not included in the other Classes of Collectable Material of this By-law shall be set out for collection as Garbage, and

(a) packaged in a Garbage Container:

- i. not exceeding a size of 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
- ii. not exceeding a weight (of container and waste) of 22.7 kg (50 pounds); and
- iii. receptacle, can, bin or other container As Designated must be equipped with handles on two (2) sides; and
- iv. be of sufficient quality to withstand normal collection activities and use; and

(b) such that the contents shall not exceed the limits of the top of the Garbage Container; and

(c) in such a way as to clearly separate it from any other classes of Collectable Material on the same Premises; and

(d) if required by this By-law, with the relevant Garbage Tag affixed, refer to Section 14.1 (a); and

(e) containing no other Classes of Collectable Material including but not limited to Leaf and Yard Material, Green Bin Material, Blue Box Material and Grey Box Material and Non-Collectable Material.

13.2 For Garbage Containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection.

13.3 Garbage that is Non-Compliant, or which contains other classes of Collectable Material and/or Non-Collectable Material, may not be collected.

14. Collection Limits and Procedure for Garbage Exemptions

~~14.1 The maximum number of Garbage Containers per week which may be collected from different types of Premises shall be as set out in Schedule A to this By-law as follows:~~

14.1 The maximum number of Garbage Containers set out every-other-week for Type A, B, E, F Premises and every week for Type C and D Premises shall be as set out in Schedule A to this By-law as follows:

- (a) An Owner of a Type A self-contained unit may set out additional Garbage Containers provided that each extra Garbage Container has the appropriate Garbage Tag affixed, which Garbage Tag has been purchased from the Region or its authorized vendor; and
- (b) the Garbage Tag shall be affixed:
 - i. untampered to a Garbage Container: (i.e. torn in half) to the neck of a waterproof bag or on top of the Materials placed in a Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule A of this By-law are eligible to use a Garbage Tag; Any tampered Garbage Tags will not be accepted and Material will not be collected; and
 - ii. in a clearly visible location readily seen upon removal of the container's lid for a non-disposable Garbage Container such as a Garbage can, bin or receptacle. The Garbage Tag shall not be placed directly on the can, bin, handle or receptacle.
 - iii. Information on Garbage Tags is available from the sources noted in Section 53 54 of this By-law.
- (c) an Owner of Premises may be allowed a Garbage Exemption, subject to application and approval by the Region for the following reasons; if they do not also have private Garbage collection services, and subject to application and approval by the Region for the following reasons:
 - i. A medical condition that results in the generation of additional Garbage for Type A Premises and group homes, homes for adults with disabilities and homes for assisted living;
 - ii. for Type A Premises with two or more children under the age of four in diapers one (1) additional transparent plastic bag of diapers combined with no other Collectable material; two (2) additional transparent plastic bags of diapers with no other Collectable material for three or more children under the age of four (4) in diapers;
 - ii. Type A Premises with one child under the age of four in diapers can apply for collection of one (1) transparent plastic bag of diapers combined with no other collectable material, to be collected on the week alternate to their regularly scheduled Garbage collection day. These properties are restricted to two Garbage Containers and no additional bag of diapers on their regularly scheduled Garbage collection day.

- iii. ~~for a Type A Premises operating as an in-home child care provider, two (2) additional transparent plastic bags of diapers with no other Collectable Material.~~
 - iii. Type A Premises with two children under the age of four in diapers can apply for weekly collection of one (1) transparent plastic bag of diapers combined with no other Collectable Material;
 - iv. Type A Premises with three or more children under the age of four in diapers can apply for weekly collection of two (2) transparent plastic bag of diapers combined with no other Collectable Material;
 - v. Type A Premises operating as an in-home child care provider can apply for weekly collection of two (2) additional transparent plastic bag of diapers combined with no other Collectable Material;
- (d) an Owner of a Type A Premises may set out ~~one (1)~~ two (2) additional Garbage Containers during ~~Garbage Exemption~~ Amnesty Week;
- (e) an Owner of Type B Premises may set out for collection a maximum of ~~one (1)~~ two (2) containers per unit up to a maximum of ~~twelve (12)~~ containers twenty-four (24) Garbage Containers every-other-week per Premises;
- (f) an Owner of Type B Premises may set out a maximum of ~~one (1)~~ two (2) additional Garbage Containers per unit up to a maximum of ~~twelve (12)~~ twenty-four (24) additional Garbage Containers per Premises during Garbage Exemption Amnesty Week;
- (g) an Owner of Type C-D Premises may set out for collection a maximum of ~~seven (7) containers~~ four (4) Garbage Containers weekly;
- (h) an Owner of Type D Premises may set out ~~seven (7)~~ four (4) additional Garbage Containers during ~~Garbage Exemption~~ Amnesty Week to assist in disposing of extra Garbage generated;
- (i) an Owner of Type E and F Premises may set out for collection a maximum of ~~four (4) containers~~ eight (8) Garbage Containers every-other-week;

- (j) an Owner of Type F Premises may set out ~~six (6)~~ eight (8) additional Garbage Containers during ~~Garbage Exemption~~ Amnesty Week to ~~assist in disposing of extra Garbage generated~~;
 - (k) an Owner of Type F Premises may set out ~~six (6)~~ eight (8) additional Garbage Containers during ~~Garbage Exemption~~ Amnesty Week to ~~assist in disposing of extra Garbage generated~~.
- 14.2 The number of Blue Box, Grey Box or Carts which may be collected from different types of Premises shall be as set out in Schedule A to this By-law, that is:
- (a) for Type A Premises, an Owner may set out for collection unlimited Blue and Grey Boxes;
 - (b) for Type B Premises, an Owner may set out for collection unlimited Carts with a guideline of one (1) Cart for every twenty (20) units for Blue Box Material and one (1) Cart for every eleven (11) units for Grey Box Material;
 - (c) for Type ~~C-F~~ C, D and F Premises, an Owner may set out for collection unlimited Blue and Grey Boxes or Carts, but will be subject to review by the Region to ensure that efficient and cost effective services are maintained;
 - (d) for Type E Premises, an Owner may set out for collection up to a combined total of eight (8) Blue and Grey Carts or the equivalent number of units as determined solely by the Region. Type E Premises that consistently exceed the eight (8) Cart equivalent limit with Boxes, bundles or bags, as solely determined by the Region, will be encouraged to use Carts. If the Owner of a Premises fails to switch to Cart collection, despite the Region's attempts to encourage the switch, the Region may, at their discretion, and upon written notice to the Owner, cease collection from the Premises until such time as the property switches to adequate Cart collection, to the satisfaction of the Region.
- 14.3 The number of Green Bin Containers or Carts which may be collected from different types of Premises shall be as set out in Schedule A to this By-law, that is:
- (a) for Type A Premises, an Owner may set out for collection unlimited Green Bins;

- (b) for Type B Premises, an Owner may set out for collection Green Bins or Green Carts on a request only basis in the quantity determined by the Region;
 - (c) for Type ~~G-F~~ C, D and F Premises, an Owner may set out for collection unlimited Green Bins or Carts, but will be subject to review by the Region to ensure that efficient and cost effective services are maintained;
 - (d) for Type E Premises, an Owner may set out for collection up to eight (8) Green Carts or the equivalent number of Green Bins as determined solely by the Region. Type E Premises that consistently exceed the eight (8) Cart equivalent limit with Green Bins, as solely determined by the Region, will be encouraged to use Carts. If the Owner of a Premises fails to switch to Cart collection, despite the Region's attempts to encourage the switch, the Region may, at their discretion, and upon written notice to the Owner, cease collection from the Premises until such time as the property switches to adequate Cart collection, to the satisfaction of the Region.
- 14.4 In all cases, the Material collected during collection must be Material generated at the self-contained unit for Type A Premises or on the Premises for Type B - F Premises.
- 14.5 ~~Any Type E and F Premises, as shown in Schedule A, that use private Garbage services or are not able to stay within the Garbage limit are not eligible for Garbage collection services.~~
- (a) Type A Premises that use private Garbage collection services or are not able to stay within the Garbage limit, as determined by the Region, are subject to review by the Region and may not be eligible for Garbage and/or Bulky collection services as Designated.
 - (b) To be eligible for Garbage collection services, Type C-F Premises must utilize the Region's recycling and organics collection services.
 - (c) Subsections (a) and (b) apply to both base and enhanced service, where applicable.
- 14.6 Any Type C or E Premises, as shown in Schedule A with a building greater than three (3) storeys, as determined by the Region, excluding municipal or Region owned buildings are not eligible for any collection services.

- 14.7 Any Type B - F Premises, as shown in Schedule A, that retain private service for Blue or Grey Box Material collection will not be eligible for ~~curbside collection of any other Material~~ Regional collection services. An exemption to this clause applies for regional and municipal facilities, Regional Agencies, Boards and Commissions, as well as Registered Charities and schools, subject to application and approval by the Region.
- 14.8 Collection limits for types of Premises are determined by the Region in accordance with Schedule A using the property classifications designated by MPAC and/or contained in applicable Site Plan Conditions. In the event of discrepancy, the Region's designation of the Premises type will prevail. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of Niagara Region, the limit for the Premises in question shall be as determined by the Region. In the event of a Multi-Purpose Property, each individual Premises is subject to their respective eligibility requirements and collection limits.
- 14.9 On a request basis, residential farms, as determined by the Region using the property classification identified by MPAC, can receive either Type A or Type E collection limits. If a residential farm does not request a farm exemption, the premises will be serviced, as per their property classification identified by MPAC, as set out in Schedule A to this By-law.

PART III – COLLECTION RESTRICTIONS AND RESPONSIBILITIES

15. Collection Restrictions and Responsibilities

15.1 No Person or Owner shall set out nor permit to be set out:

- (a) Non-Collectable Material; or
- (b) Non-Compliant Material.

15.2 The Owner of Premises shall set out for collection the Classes of Collectable Material at the locations as shown in Section 16, in the manner, and in accordance with the schedules of collection days As Designated. See Section ~~53~~ 54 of this By-law for further sources of schedule and Material preparation information.

15.3 (a) If the Owner of a Premises fails to comply with the responsibilities and requirements as set out in this By-law, the Region may, at the discretion of

the Commissioner of Public Works or his/her designate, and upon written notice, either by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail or hand delivered, to the Owner, cease collection from the Premises until such time as the non-compliance is corrected to the satisfaction of the Region.

- 15.3 (b) If the Owner of a Premises or a tenant engages in any inappropriate behaviour, riotous, violent, threatening or illegal conduct, or uses profane or abusive language, as determined by the Region, towards Region staff or contractors' staff, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice to the Owner, cease collection from the Premises until such time as the inappropriate behaviour, conduct and/or language is corrected to the satisfaction of the Region.
- 15.4 The Owner of any Premises receiving collection shall be responsible to ensure that all Persons on the Premises who use or expect to use the Region's collection service receive and follow the instructional information relating to the service provided by the Region.
- 15.5 The Owner of any Premises receiving collection shall be responsible to ensure that animals such as dogs are secured or tied to ensure safety of collection workers and uninterrupted collection.
- 15.6 The Owner of a Premises shall not interfere with collection vehicles or personnel.
- 15.7 The Owner of a Premises shall not deposit any Material into a collection vehicle.
- 15.8 In the event a change is made to the schedules of collection day As Designated, the Region shall make reasonable efforts to advise all affected persons by publication or service of notice upon the Owner of the affected Premises as provided for in this section. Publication for purposes of this section means notice placed on the Region's website at least fourteen (14) days prior to any As Designated changes to collection schedule or area being implemented. Service of notice by the Region for purposes of this section means notices given to the Owner of affected Premises either mailed by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail, or hand delivered to the address of the Owner according to the last revised assessment roll of the subject property or by posting the notice at the subject property, and such service shall be deemed good and sufficient notice effective upon delivery. Information posters and media releases may be used, in addition to the above publication or service methods. In the event of an emergency

situation, as determined by the Region, involving a matter of public health and safety or a legal or regulatory requirement which requires As Designated changes to be implemented faster than on fourteen (14) days' notice, the Region may in its discretion provide less than fourteen (14) days' prior notice but will endeavour to provide as much notice as reasonably practicable.

16. Collection Location

- 16.1 Except as set out in 16.2 the Owner of Premises shall set out Material for collection by placing it at Curbside in front of the Premises in a location to clearly distinguish separation from a neighbouring Premises and as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk.
- 16.2 The Owner of Premises shall set out Material at a collection point or Communal Collection point approved or as determined by the Region. Dwelling Units that place their Material at a Communal Collection point must ensure all collection containers are labelled with the Dwelling Unit address to clearly distinguish separation from neighbouring Dwelling Units.
- 16.3 No Owner shall place Material out for collection at any Premises except at their own Premises.
- 16.4 No Owner shall permit Material at any time in the eCare and cControl of that Owner to be located otherwise than on their Premises or in a Collection location permitted by Section 16 of this By-law.
- 16.5 No Owner shall place Material out for collection on top or behind snow banks. This will ensure the Material can safely be collected and prevent containers from falling behind the snow bank or onto the roadway before or after collection. During winter weather, when snow or snow banks may alter the normal set out location, the Owner shall place the Material:
- (a) at the end of the driveway next to the snow bank; or
 - (b) in a spot cleared out in the side of the snow bank near the travelled portion of the road.
- 16.6 Material shall not be collected from inside an enclosure, shed or other structures As Designated, unless otherwise approved by the Region. Enclosures must be placed as close as possible to the travelled

portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk, unless otherwise approved by the Region. Collection personnel must be able to access Materials from enclosures by opening the enclosure from the front not the top and must be able to remove Materials from the enclosure without any obstruction.

17. Collection Times

- 17.1 Collectable Material shall be set out not earlier than 5:00 p.m. on the day before the designated collection day and not later than 7:00 a.m. on the designated collection day.
- 17.2 The Owner shall remove all containers, together with any Material that was not collected for any reason, from the Curbside as soon as possible after collection, but not later than 7:00 p.m. on the designated collection day.
- 17.3 Material left Curbside before and after collection times will be the responsibility of the Owner of the Premises.
- 17.4 From time to time, the Region may define specific collection times other than those ~~referenced in as shown in~~ Section 17.1 and 17.2 for As Designated areas. The Owner of a Premises in an As Designated area shall set out Collectable Material for collection at the prescribed times and schedule As Designated which will be published or communicated by the Region for the As Designated areas. Publication for purposes of this Section ~~and Section 42~~ means notice placed on the Region's website at least ~~thirty (30)~~ fourteen (14) days prior to any As Designated changes to collection schedule or area being implemented. Communication by the Region for purposes of this Section ~~and Section 41~~ means notices given to Owner of affected Premises either mailed by ordinary mail (where receipt is deemed to be three (3) days after mailing) ~~or collection schedule or area being implemented (effective on delivery)~~, registered mail or hand delivered to the address of the Owner according to the last revised assessment roll of the subject property or the notice may be posted at the subject property, and such service shall be deemed good and sufficient service, effective upon delivery. Information posters and media releases may be used, in addition to the above publication or communication methods. In the event of an emergency situation, as determined by the Region, involving a matter of public health and safety or a legal or regulatory requirement which requires As Designated changes to be implemented faster than on fourteen (14) days' notice, the Region may in its discretion provide less than fourteen (14) days' prior notice but will endeavour to provide as much notice as reasonably practicable.

Acceptable Containers

18.1 The Owner of Premises shall set out for collection only containers which are:

- (a) each container shall be maintained in a safe and efficient condition for collection and have handles or indentations to facilitate the lifting and emptying of the said receptacle; and
- (b) intact, as required, to prevent spillage or breakage during collection; and
- (c) sealed contained as required, to prevent the attraction of animals (including insects) and the release of odours; and
- (d) free of excess water, ice and snow or other substances which may interfere with collection. Any Material which has become frozen or stuck to the collection container and cannot be easily discharged will not be collected; or
- (e) Approved alternative, as determined by the Region.

18. Uncontained Material

19.1 The Owner of a Premises shall not permit any Material set out for collection to become uncontained or otherwise escape in for any reason, including weather or animals.

19.2 The Owner of a Premises shall be responsible for the immediate clean up or re-securing of uncontained Material.

19.3 Where Material that has been set out for collection has blown away or otherwise escaped in any manner, the Owner of a Premises from which the Material originated shall clean up the Material.

19. Ownership

20.1 All properly prepared and separated Collectable Material set out within the designated times becomes the property of the Region upon pick-up or other receipt by authorized employees or contractors of the Region.

20.2 Material set out which is Non-Collectable or Non-Compliant remains the property and responsibility of the Owner.

20.3 At the Region's discretion, the Region may authorize the collection by the Region or Contractors, of Non-Compliant or Non-Collectable Material for the purpose of investigation or health, safety and welfare of the general public.

20. Requirements for Waste Collection

21.1 The Region may enter a private property for collection purposes provided that:

- a. the Region has determined from time to time that the roadways to be used by collection vehicles on behalf of the Region:
 - i. have been approved for on-site collection during the site plan approval process; and
 - ii. have widths, turning radii, means of access, and means of egress meeting or exceeding the requirements of the Region's Policy on *Requirements for Waste Collection*, as amended from time to time; and
 - iii. have overhead clearance meeting or exceeding the standards prescribed in the *Highway Traffic Act*, R.S.O 1990, Ch. H.8, or any successor legislation; and
 - iv. are clear of snow and ice; and
 - v. provide unobstructed access to the Material to be collected; and
- b. the Owner of the private property and/or development has entered into a written agreement with the Region in the form As Designated and in accordance with policies set by the Region.

21.2 Wherever practical, in accordance with the approved site plan and Region's *Requirements for Waste Collection* Policy as determined by the Region, Material from each unit shall be sufficiently separated to allow identification of the unit generating the Material for purposes of the enforcement of this By-Law.

PART IV – REGIONAL DROP-OFF LOCATIONS

22. Drop-off of Acceptable Material

22.1 The Region may establish Regional Drop-Off Locations for the drop-off of Acceptable Material as set out in Sections 25 to 28 of this By-law.

23. Unacceptable Material

23.1 No Person shall drop off, or permit to be dropped off, unacceptable Material at a Regional Drop-Off Location.

23.2 Unacceptable Material includes the following:

- (a) any dangerous and hazardous Material such as poisons, hot live ashes, caustics, acids, pesticides, herbicides, radioactive Material, industrial process sludge, biomedical waste, or substances which may cause personal or environmental problems with the exception of the Household Hazardous Waste categories as set out in Section 27;
- (b) ammunition;
- (c) reactive chemical waste;
- (d) liquid waste with the exception of certain Household Hazardous Waste categories as set out in Section 27;
- (e) pathological waste with the exception of Sharps;
- (f) sludge from septic tanks or seepage;
- (g) highly flammable, volatile, explosive, reactive or radioactive Materials with the exception of certain Household Hazardous Waste categories as set out in Section 27;
- (h) leachate toxic waste;
- (i) PCB waste;
- (j) carcasses of dogs, cats, fowl and other such creatures, or parts thereof;
- (k) live animals or birds;
- (l) human excrement;
- (m) steel and plastic barrels, unless the lid is removed and the barrel is empty and dry;
- (n) automotive parts, not including automobile tires or small automotive parts;
- (o) waste with excess liquid accumulated in the load or Material that fails a slump test;
- (p) ~~other Material As Designated.~~ asbestos not prepared as set out in Section 29; and
- (q) other Material As Designated.

24. Acceptable Material

24.1 Not all Regional Drop-Off Locations will receive all types of Acceptable Material and receipt will depend on whether any of the following activities occur at any given Regional Drop-Off Location:

- (a) Drop-off/Recycling;
- (b) Compost;
- (c) Household Hazardous Waste Collection;
- (d) Landfilling.

25. Acceptable Drop-off/Recycling Material

25.1 Acceptable Material for Drop-off includes the following:

- (a) automobile tires separated from the rims and free of foreign Material and excessive moisture;
- (b) asphalt and concrete
- (c) batteries, either single use alkaline or rechargeable;
- (d) Blue Box Material;
- (e) Bulky Goods;
- (f) clothing for re-use;
- (g) Collectable Material;
- (h) ~~e~~Construction, ~~r~~Renovation and ~~d~~Demolition Material, including drywall, wood, metal, PVC pipe and other building Materials;
- (i) Garbage;
- (j) Grey Box Material;
- (k) Household items for re-use including small appliances and toys and other such goods;
- (l) Large Rigid Plastic
- (m) Mattresses up to a maximum of four (4) per load, with the exception of loads delivered by the Region's Collection Contractor
- (n) shingles
- (o) Waste Electrical and Electronic Equipment with personal information removed:
- (p) White Goods, and
- (q) other Material As Designated.

25.2 There may be locations where less than this full list may be Acceptable. Consult the sources listed in Section ~~53~~ 54 for further information.

26. Acceptable Compost Material

26.1 Acceptable Material for composting includes the following:

- (a) Brush;

- (b) Christmas Trees;
- (c) Green Bin Material;
- (d) Leaf and Yard Material;
- (e) Grass clippings;
- (f) ~~other Material As Designated.~~
Organic Material which has decomposed under anaerobic conditions; and
- (g) other Material As Designated.

26.2 There may be locations where less than this full list may be Acceptable. Consult the sources listed in Section 53 54 for further information.

27. Acceptable Household Hazardous Waste Material

27.1 Acceptable Material for Household Hazardous Waste is:

- (a) aerosol cans with contents remaining;
- (b) antifreeze;
- (c) batteries (all types);
- (d) barbeque propane tanks;
- (e) corrosive cleaners including inorganic acids, bases and oxidizers;
- (f) fertilizers and other inorganic oxidizers;
- (g) fire extinguishers
- (h) flammable liquids such as solvents and thinners;
- (i) fluorescent light tubes;
- (j) gasoline and fuels;
- (k) medications;
- (l) mercury switches and thermometers
- (m) motor oil;
- (n) oil filters;
- (o) pesticides and herbicides;
- (p) paint;
- (q) paint sludge;
- (r) pharmaceuticals;
- (s) pool chemicals;
- (t) small gas cylinders such as propane, oxygen, carbon dioxide, helium, expanding foam;
- (u) Sharps in puncture-proof containers; and
- (v) other Material As Designated.

27.2 All Household Hazardous Waste Material must be in acceptable containers, which conform to the following requirements:

- (a) Must be in the original or clearly labelled container, indicating contents;
- (b) All containers must be capped and sealed;
- (c) Liquid wastes must not be larger than 20 litres each. Barrels and/or drums of liquid waste will not be accepted;
- (d) Gasoline will not be decanted at depots. The container and the contents will be taken for safe disposal;
- (e) No industrial, commercial or institutional hazardous waste will be accepted; and
- (f) Other acceptable containers As Designated.

28. Acceptable Landfilling Material

28.1 Acceptable Material for Landfilling is:

- (a) asbestos if prepared as set out in Section 29;
- (b) Bulky Goods, with the exception of those items which can be re-used or recycled;
- (c) ~~e~~Construction, ~~r~~Renovation and ~~d~~Demolition Material with wood, drywall, metal and other recyclable Material separated;
- (d) Garbage;
- (e) soil or dirt in ~~quantities acceptable by~~ acceptable quality and quantity, as determined by the Region; and
- (f) other Material As Designated.

29. Acceptable Asbestos Preparation and Acceptance Procedures

- 29.1 No Person shall unload or dispose of asbestos at a Regional Drop-Off Location unless such unloading or disposal is in accordance with the conditions set out in this Section.
- 29.2 Any Person dropping off asbestos shall contact the Region at least twenty-four (24) hours prior to delivery of the asbestos to allow for preparation of the Regional Drop-Off Location designated area.
- 29.3 All asbestos must be contained in a rigid, impermeable, sealed container of sufficient strength to accommodate the weight and nature of the asbestos, or the asbestos Material must be double bagged in two (2) six millimetre polyethylene bags. The container must be free from punctures, tears or leaks and shall be clearly labelled to indicate the nature of the contents. The external surface of the container and the vehicle used for the transport of the asbestos must be free of asbestos.
- 29.4 During unloading, the packaged asbestos shall be handled individually and care taken to place the packages in the designated area to avoid spillage.

This unloading shall be the responsibility of the Person dropping off the asbestos.

29.5 The unloading shall only be done in the presence of the Region to ensure that no loose asbestos or broken containers are unloaded and that no airborne particulate is generated.

29.6 In the event that loose asbestos or broken containers are found, the Person dropping off the asbestos shall repackage the Material with additional containers or bags provided in his/her vehicle.

29.7 The asbestos containers shall be placed directly in the designated area which has been prepared by the Region.

30. Material Requiring Special Handling

30.1 Any Person dropping off Material requiring special handling (such as dusty material) shall contact the Region at least 24 hours prior to delivery to a Regional Drop-Off Location to receive handling instructions from the Region and to allow for preparation of the Regional Drop-Off Location designated area.

30.2 The unloading of the Material requiring special handling shall be the responsibility of the Person dropping it off.

30.3 The Material requiring special handling shall be placed directly in the designated area by the Person dropping it off.

30.4 Material requiring special handling is only accepted Mondays to Fridays, between the hours of 8:30 a.m. and 3:00 p.m.

31. Fees

31.1 The Region shall set fees to be paid by Persons for the drop-off of Material at Regional Drop-Off Locations.

31.2 The fees are set out in the Region's Fees and Charges By-Law as amended from time to time.

32. Access

- 32.1 Access to a Regional Drop-Off Location shall be limited to the days and times As Designated by the Region. Days and hours of operation are posted at each permanent location.
- 32.2 Access to a Regional Drop-Off Location shall be limited to Persons who are:
- (a) commercial haulers who have provided a copy of their Ministry of the Environment and ~~Climate Change~~, Conservation and Parks Waste Management System Certificate and, when requested by the Region, proof satisfactory to the Region that the Material they bring for drop-off has been generated from within the Region; or
 - (b) non-commercial haulers who, upon request, have provided proof of their residency in the Region satisfactory to the Region.
- 32.3 The Region may further limit access to certain Regional Drop-Off Locations As Designated.
- 32.4 The Region may specify time schedules and pre-deposit conditions for Persons seeking access to a Regional Drop-Off Location.
- 32.5 The Region may refuse access to a Person at the Region's discretion if:
- (a) the Person has violated this By-law;
 - (b) the Person is likely to violate this By-law;
 - (c) the Person owes money to the Region pursuant to this By-law;
 - (d) the Person is transporting Material which is unacceptable for deposit at the Regional Drop-Off Location;
 - (e) the Person's vehicle load is not fully covered and/or secured;
 - (f) the Person's vehicle appears to be unsafe; or
 - (g) the Person uses abusive or offensive language or behaviour toward workers or other Persons at the Regional Drop-Off Location.

PART V - REGIONAL DROP-OFF LOCATION RESTRICTIONS AND RESPONSIBILITIES

33. Drop-off Restrictions

33.1 The following restrictions apply at Regional Drop-Off Locations:

- (a) all drivers shall ensure the vehicle load is fully covered and/or secured and the vehicle is not over loaded;

- (b) all drivers shall bring vehicles to a complete stop and await the direction of the Region's site attendant before entering or leaving the weigh scale;
 - (c) all drivers shall identify the Material type and source to the Region's site attendant;
 - (d) all vehicles shall weigh inbound and outbound unless instructed otherwise by the Region's site attendant ~~or site design~~;
 - (e) no Material originating from outside the Region shall be dropped off;
 - (f) all Material deposited shall become the property of the Region and may be salvaged, recycled, reclaimed, disposed of and otherwise dealt with as the Region may deem fit;
 - (g) no Person, while at a Regional Drop-Off Location, shall operate a vehicle or do any other thing without exercising due care and attention or in a manner that causes or is likely to cause injury or harm to any Person or damage to any property;
 - (h) no Person, while at a Regional Drop-Off Location, shall:
 - i. indulge in any riotous, violent, threatening or illegal conduct, or use profane or abusive language as determined by the Region; or
 - ii. create a nuisance or in any way interfere with the use of a Regional Drop-Off Location by any other Person; and
 - iii. Any person deemed by staff to be engaging in these behaviours may be refused service and/or requested to leave the premises.
 - (i) no Person shall deposit or allow or cause to be deposited Materials except in bins or disposal areas for such purposes;
 - (j) all Persons shall at all times obey all signs and directions of the Region, its site attendants or staff or contractors' staff;
 - (k) all Persons shall enter or exit a Regional Drop-Off Location by the designated access and exit routes;
 - (l) no Person shall deposit or permit to be deposited Garbage into recycling bins or composting areas;
 - (m) no Person shall deposit Recyclable Material including Leaf and Yard Material, Green Bin Material, Blue Box Material, Grey Box Material and/or other Material As Designated into the Garbage area located at the Drop-off/Recycling Depot or in the area designated for Landfilling;
 - (n) no Person shall cause or permit a vehicle to idle for more than three (3) minutes in a sixty (60) minute period.
- 33.2 (a) On the first occasion of violation of any of the restrictions in Section 33.1 above, a written warning notifying the Person of his/her violation may be issued by the Region; or
- (b) on the first or any subsequent occasion of violation of any of the restrictions in Section 33.1 above, the Person may be charged with an offence of having violated this By-law and may also be subject to being refused access to Regional Drop-Off Locations.

34. No Trespassing

- 34.1 No Person shall unlawfully enter a Regional Drop-Off Location at any time.
- 34.2 No Person shall unlawfully enter the land strip around the perimeter of a Regional Drop-Off Location (buffer lands) or a Regional Drop-Off Location property during the time that the Regional Drop-Off Location is closed.
- 34.3 No Person shall enter with or operate an off-road vehicle or bike of any type on any part of a Regional Drop-Off Location and/or the land strip around the perimeter of a Regional Drop-Off Location (buffer lands).

35. Drop-off Responsibilities

35.1 Every Person dropping off Material at a Regional Drop-Off Location shall:

- (a) drop off only Material acceptable for deposit As Designated;
- (b) comply with all orders or directions given by the Region's site attendants or contractors' staff;
- (c) obey all speed limit signs and other signs posted at a Regional Drop-Off Location;
- (d) separate each type of Material and deposit in areas designated for such Material by the Region;
- (e) unload Material in a safe manner and use extreme caution while unloading;
- (f) remove covers/tarpaulins and/or release turnbuckles on vehicles only in the unloading area and at the direction of the Site Attendants or contractor's staff;
- (g) remove any remaining loose Material from vehicles before leaving the unloading areas;
- (h) close and secure, in a manner acceptable to the Region, all unloading doors with chains or acceptable alternatives before departure from the unloading areas;
- (i) ensure that any child under the age of 12 remain inside the vehicle at all times;
- (j) ensure that children act responsibly at all times when outside the vehicle;
- (k) ensure that animals remain inside the vehicle at all times;
- (l) acknowledge and accept that any Person entering a Regional Drop-Off Location does so at their own risk. The Person and the Owner of any vehicle brought upon a Regional Drop-Off Location agrees to save the Region, its contractors, agents and employees, harmless from any damages or claims whatsoever to themselves or their property, or to

any other Person or property whatsoever, arising from such Person's negligence or failure to comply with their responsibilities as set out in this By-law, As Designated or otherwise;

- (m) not depart from the Regional Drop-Off Location until the relevant fees as set by the Region from time to time are paid in full, whether by cash, debit, or charged to an authorized account;
- (n) conform strictly to all legislative requirements including, in particular, the *Environmental Protection Act*, the *Occupational Health and Safety Act*, R.S.O. 1990, Ch. 0.1, and any other relevant successor legislation, any relevant regulations there under, any relevant Certificates of Approval and any relevant Regional By-laws, Policies, and Procedures; and
- (o) not smoke anywhere on a Regional Drop-Off Location.

36. Refusal

- 36.1 The Region reserves the right to refuse to accept for drop-off any Material of a questionable nature or origin.

37. Safe Loads

- 37.1 Persons entering a Regional Drop-Off Location shall ensure that all Material transported is secure, covered, tied, or enclosed to prevent any Material from falling onto any roadway or public property.

PART VI – FURTHER RESTRICTIONS

38. Illegal Dumping

- 38.1 No Person shall dump, drop, sweep, throw, cast or otherwise deposit; or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump, drop, sweep, throw, cast or otherwise deposit; or permit a vehicle owned by an Owner to be used by any Person for the purpose of dumping, dropping, sweeping, throwing, casting or otherwise depositing any Material whatsoever on or in any road or public property, or at the entrance to or around the perimeter of a Regional Drop-Off Location.
- 38.2 No Person shall dump or deposit, or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump or deposit any Material generated on a Premises owned or occupied by that Person into or within a one (1) metre radius of a ~~L~~itter bins on any road or public property.

- 38.3 No Person shall permit Material at any time in the eCare and eControl of that Person to be dumped, dropped, swept, thrown, cast or otherwise deposited by any other Person in contravention of Section 38.1 or 38.2 of this By-law.
- 38.4 For the purpose of Subsections 16.4 and 38.3 Material shall be deemed to have been within the eCare and eControl of a Person at a point in time if the Material included any Material typically associated with or used by that Person and shall include but is not restricted to the following Materials:
- (a) mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
 - (b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
 - (c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person is considered an Owner and during the time the Person was considered an Owner;
 - (d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the cCare and eControl of the Person.
39. Scavenging
- 39.1 No Person shall, without the written approval of the Region, Scavenge, interfere with, pick over, disturb, remove or scatter any Material set out for collection.
- 39.2 No Person shall Scavenge, interfere with, pick over, disturb, remove or scatter any Material at a Regional Drop-Off Location unless the Material has been designated for re-use by the Region and the Person has received permission from the Region.
40. Saving Provisions
- 40.1 A Person shall be liable under Section 38.3 if they can establish on the basis of a balance of probabilities that such Material, deemed by Section 38.4 to have been within the eCare and eControl of that Person was in fact never in that Person's care or control.
- 40.2 A Person or Owner shall not be liable for breach of either Section 16.4 or 38.3 of this By-law if they establish on a balance of probabilities that they took all reasonable precautions to prevent occurrence of the offence.

PART VII – ENFORCEMENT

41. Friendly Reminders

41.1 To encourage compliance with this By-law, the Region may use Friendly Reminders and Final Friendly Reminders to identify or inform Persons or Owners of Non-compliance. Where a Person or Owner is in Non-compliance with this By-law and if the Non-compliance continues, despite the Region's attempts to obtain voluntary compliance, the Region may issue an Order as outlined in Section 49.

~~41.2 Any Eligible Property or Person who is offered the Region's recycling and organics collection services and does not participate in these services, and who, after receiving at least one (1) friendly reminder notice and at least one (1) warning letter, still does not participate (as evidenced by the Person setting out only garbage containers for a period of two (2) consecutive garbage collection weeks, and such garbage is found to contain recyclable or organic Material), may be charged with an offence for setting out non-complaint garbage that contains Green Bin, Grey Box or Blue Box Material.~~

42. Notifications

42.1 Notwithstanding any other provision of this By-law, no Person or Owner shall be charged with an offence for setting out, or permitting to be set out contrary to this By-law (included specific As Designated areas or collection times or schedules), any Collectable Material for collection where the As Designated provisions have not been published or communicated as set out in Section 17.4 of this By-law.

42.2 In addition to the publication and communication of As Designated changes set out in Section 17.4, the Region will ~~communicate to the Owner of a Premises in an As Designated area verbally~~ and issue a minimum of one (1) written notification to inform the Owner of the As Designated alternate schedule for the As Designated area before any such Owner is charged with an offence as set out above.

43. Enhanced Services

43.1 Offences under this By-law apply to all enhanced services as may be applicable.

44. Maximum Fines

- 44.1 Every Person, including a corporation, who contravenes a provision of this By-law, is guilty of an offence and upon conviction thereof is liable to pay a maximum fine of not more than \$100,000 for each and every offence, subject to the exception in Section 45 below.
- 44.2 A director or officer of a corporation who knowingly concurs in the contravention of a provision of this By-law is also guilty of an offence under this By-law.
45. Special Fines
- 45.1 In addition to a fine under Section 44, a special fine is also chargeable and may exceed \$100,000, where an offence of this By-law has been committed and there is evidence that the Person who has committed the offence has achieved an economic advantage or gain from contravening this By-law. The intent of this section is to eliminate or reduce such economic advantage or gain or to deter the Person from further Non-compliance with this By-law.
46. Continuing Offences
- 46.1 In the case of a continuing offence, for each day or part of a day that the offence occurs or continues, the maximum fine shall be \$10,000.
47. Alternative Set Fine Procedure
- 47.1 In the discretion of the Region, charges may be laid for offences committed in contravention of this By-law using the certificate of offence set fine procedure set out under Part I of the *Provincial Offences Act*, R.S.O. 1990, Ch. P.33, or any successor legislation.
- ~~47.2 Schedule B offences shall not be utilized until the amounts of the fines in Schedule B have been set by the Chief Judge of the Ontario Court (Provincial Division).~~
48. Order Prohibiting Continuation
- 48.1 When a Person or Owner has been convicted of an offence under this By-law, and in addition to any other remedy and to any penalty imposed by the By-law including a fine and a remedial action fee as set out in Section 49 50, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person or Owner convicted.
49. ~~Remedial Action~~ Work Order

- 49.1 ~~Where a Person or Owner is in Non-compliance with this By-law and if the Non-compliance continues despite the Region's attempts to obtain compliance, and where the Person or Owner is made aware of the requirement that a matter or thing related to compliance with this By-law is required to be done by the Person or Owner, the Region may forthwith perform the work required to obtain compliance with this By-law.~~

Where the Region is satisfied that a Person or Owner has failed to comply with any provision of this By-law, the Region may, by written notice, issue an Order requiring the Person or Owner to correct the contravention.

- 49.2 ~~The Region may invoice the Person or Owner for all costs associated with the clean-up work done pursuant to Section 49.1 including, but not limited to, court costs, Regional and/or local government administrative and legal fees, contractors' invoices, disposal fees or interest at a rate of fifteen (15%) per cent per annum from the day the Region incurs such costs. The Region may include a minimum disposal charge of fifty (\$50.00) dollars in the event the Material cleaned up is not separately weighed.~~

The Order shall set out:

- (a) The municipal address and/ or the legal description of the property;
- (b) Reasonable particulars of the contravention adequate to identify the contravention;
- (c) The work to be done and the date by which there must be compliance with the Order.

- 49.3 ~~Such costs may be charged and enforced separately or in addition to any By-law enforcement offence charges, not as an alternative to same.~~

Every a Person or Owner who contravenes an Order is guilty of an offence.

- 49.4 ~~If an invoice is not paid by the Person or Owner within 60 days of issuance, recovery of such costs may be by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.~~

Any Order issued under this by-law may be given by ordinary mail, registered mail or hand delivered to the address of the Person or Owner according to the last revised assessment roll of the subject property or the notice may be posted at the subject property, and such service shall be deemed to be good and sufficient service.

49.5 ~~The amount of the costs constitutes a lien on the land or premises involved upon the registration in the proper land registry office of a notice of lien.~~

Where an Order has been served on an Owner/ Occupant by personal service or posting a copy on the property, it is deemed to be received and effective immediately.

49.6 Where an Order is given by: ordinary mail it is deemed to have been received three (3) days after mailing; and by registered mail, it is deemed to have been received on date of delivery.

49.7 Every Person or Owner shall comply with any Order issued under the authority of this by-law.

50. Remedial Action

50.1 Where a Person or Owner is in default of an Order, the Region may, without notice and in addition to any other action, cause the work to be done at the Person or Owner's expense. Without limitation, the Region, its employees, agents or contractors may access and remove such Material or carry out the work required to make the property comply with this By-law.

50.2 Any Material removed may be immediately disposed of.

50.3 The Region may invoice the Person or Owner for all costs associated with the work done pursuant to Section 50 including, but not limited to, court costs, Regional and/or local government administrative and legal fees, contractors' invoices, disposal fees and interest at a rate of fifteen (15%) per cent per annum from the day the Region incurs such costs. The Region may include a minimum disposal charge of one hundred and fifteen (\$115.00) dollars in the event the Material cleaned up is not separately weighed.

50.4 Such costs may be charged and enforced separately or in addition to any other enforcement action undertaken pursuant to to this By-law, not as an alternative to same.

50.5 In the event that a Person or Owner was provided an invoice for costs in accordance with Section 50, and the invoice is not paid by the Person or Owner within sixty (60) days of issuance, the costs may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes in accordance with section 446 of the *Municipal Act S.O 2001, c.25*, as may be amended from time to time.

50.6 The amount of the costs constitutes a lien on the land or Premises involved upon the registration in the proper land registry office of a notice of lien.

501. Entry for Enforcement

501.1 By-law enforcement officers may enter on private properties or new and redeveloped roadways on private or public properties for the purpose of enforcing this By-law but may not enter a residential dwelling without the occupant's permission or unless so authorized by order of a court of competent jurisdiction.

PART VIII – GENERAL

542. Conflict of Laws

542.1 Where a provision of this By-law conflicts with a provision of another By-law in force in the Region, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

523. Schedules

523.1 The Schedules to this By-law form an integral part of this By-law.

534. Further Information on Material Preparation

534.1 More detailed instructions on preparation of Material for collection or drop-off at Regional Drop-Off Location are available on the Region's website at www.niagararegion.ca or in publications updated and distributed by the Region from time to time or by contacting the Waste Info-line at 905-356-4141 or 1-800-594-5542.

545. Delegation of Powers to Commissioner of Public Works

545.1 The Commissioner of Public Works or his/her designate is delegated the administrative power by Council to implement minor program changes which have no negative financial impact and/or minimal service level implications to the Waste Management system of the Region under this By-law, including but not limited to:

- (a) alteration to the classes and lists of Material in this By-law requiring specific treatment or preparation for collection or drop-off at Regional Drop-Off Locations;

- (b) appoint By-law Enforcement Officers for the purpose of the enforcement of this By-law;
- (c) changes to the forms in use for notification to the public, such as Friendly Reminders;
- (d) changes to the requirements for Material preparation for collection or drop-off at a Regional Drop-Off Location;
- (e) changes to the procedure for scheduling collection of specialty items such as Bulky Goods or White Goods;
- (f) changes to the agreements as set out in Section 21;
- (g) temporary changes to access, time schedules or opening hours at Regional Drop-Off Locations; and
- (h) establishment of such other matters as are necessary for the proper administration of this By-law.

556. Severability

556.1 If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of the By-law shall still continue in force.

567 ~~Certificates of Approval~~ Environmental Compliance Approvals

567.1 The provisions of this By-law shall be subject to the terms of the ~~Certificates of Approval~~ Environmental Compliance Approvals for any Regional Drop-Off Location or any other waste management facilities or systems operated by or on behalf of the Region, and any relevant statutes and regulations.

578. References

578.1 Any reference to a statute is to such statute and to the regulations made pursuant to it, as such statute and regulations may at any time be amended or modified and in effect, and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations.

589. Short Title of By-law

589.1 The short title of this By-law is the "Waste Management By-law".

59.60. Force and Effect Date

~~59.1~~ 60.1 Except as otherwise specified in this By-law, this By-law shall come into force and effect on the date passed by Regional Council.

61 Interpretation

61.1 The necessary grammatical changes required to make the provisions of this By-law applicable to corporations, partnerships, trusts and persons, and to include the singular or plural meaning where the context so requires, shall in all cases be assumed as though fully expressed.

61.2 The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

61.3 The insertion of headings and the division of this By-law into sections and subsections are for convenience of reference only and shall not affect the interpretation thereof.

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60. 62.Repeal of Prior By-laws

602.1 By-law No. 63-2015 of the Region previously providing for waste management are hereby revoked and repealed.

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Garbage Container Limits		
Type of Premises (as Assessed by MPAC)	Container Limit	<u>Collection Frequency</u>
A. Low Density Residential (<u>LDR</u>) Premises including: <ul style="list-style-type: none"> • single-family detached with one self-contained unit, • semi-detached residential with 2 residential homes, both self-contained units; • duplex residential structure with 2 self-contained units; • multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered horizontal, row or townhouses or condominium housing on ground level • <u>residential buildings with three (3) to six (6) units;</u> • <u>cottage properties with up to six (6) cottages;</u> • Bed and Breakfast <u>establishments</u> with three (3) <u>bedrooms</u> or less; • <u>structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing;</u> • Vertical structures where all units have a primary exterior door directly accessing ground level that is visible from the collection point (including stacked townhouse structures) • <u>trailer parks (only those classified as LDR in MPAC).</u> 	4 <u>2</u> per self-contained unit	<u>Every-other-week</u>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Garbage Container Limits		
Type of Premises (as Assessed by MPAC)	Container Limit	<u>Collection Frequency</u>
<ul style="list-style-type: none"> • <u>boarding homes; and</u> • <u>residential farms.</u> 		
<p>Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes, boarding houses and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A premise.</p> <p><u>B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).</u></p>	<p>4 <u>2</u> per self-contained unit up to a maximum 12 <u>24</u> per Premises building</p>	<u>Every-other-week</u>
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business	Maximum 7 <u>4</u> per Premises	<u>Weekly</u>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Garbage Container Limits		
Type of Premises (as Assessed by MPAC)	Container Limit	<u>Collection Frequency</u>
<u>Area and Bed and Breakfasts with four (4) or more bedrooms inside Designated Business Areas</u>		
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Maximum 7 <u>4</u> per Premises	<u>Weekly</u>
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area <u>and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premises.</u>	Maximum 4 <u>8</u> per Premises	<u>Every-other-week</u>
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Maximum 6 <u>8</u> per Premises	<u>Every-other-week</u>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Recycling Container Limits		
Type of Premises (as Assessed by MPAC)	Container Limit	<u>Collection Frequency</u>
<p>A. Low Density Residential (<u>LDR</u>) Premises including:</p> <ul style="list-style-type: none"> • single-family detached with one self-contained unit, • semi-detached residential with 2 residential homes, both self-contained units; • duplex residential structure with 2 self-contained units; • multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered horizontal, row or townhouses or condominium housing on ground level • <u>residential buildings with three (3) to six (6) units;</u> • <u>cottage properties with up to six (6) cottages;</u> • Bed and Breakfast <u>establishments</u> with three (3) <u>bedrooms</u> or less; • <u>structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing;</u> • Vertical structures where all units have a primary exterior door directly accessing ground level that is visible from the collection point (including stacked townhouse structures) 	Unlimited per self-contained unit	<u>Weekly</u>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Recycling Container Limits		
Type of Premises (as Assessed by MPAC)	Container Limit	<u>Collection Frequency</u>
<ul style="list-style-type: none"> • <u>trailer parks (only those classified as LDR in MPAC),</u> • <u>boarding homes; and</u> <u>residential farms.</u> 		
<p>Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes, boarding houses and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A premise.</p> <p><u>B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rezntals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).</u></p>	<p>Unlimited with guideline for 1 Cart for every 20 units for Blue Box Material and 1 Cart for every 11 units for Grey Box Material or to be determined by the Region</p>	<u>Weekly</u>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Recycling Container Limits		
Type of Premises (as Assessed by MPAC)	Container Limit	<u>Collection Frequency</u>
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area <u>and Breakfasts with four (4) or more bedrooms inside Designated Business Areas are Type C Premises.</u>	Unlimited	<u>Weekly</u>
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Unlimited	<u>Weekly</u>
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area <u>and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premises.</u>	Unlimited <u>Combined limit of the eight (8) Blue and Grey Carts or the equivalent in Blue and Grey Boxes as determined solely by the Region.</u>	<u>Weekly</u>
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Unlimited	<u>Weekly</u>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Green Bin Container Limits		
Type of Premises (as Assessed by MPAC)	Container Limit	<u>Collection Frequency</u>
<p>A. Low Density Residential (<u>LDR</u>) Premises including:</p> <ul style="list-style-type: none"> • single-family detached with one self-contained unit, • semi-detached residential with 2 residential homes, both self-contained units; • duplex residential structure with 2 self-contained units; • multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered horizontal, row or townhouses or condominium housing on ground level • <u>residential buildings with three (3) to six (6) units;</u> • <u>cottage properties with up to six (6) cottages;</u> • <u>Bed and Breakfast establishments with three (3) bedrooms or less;</u> • <u>structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing;</u> • Vertical structures where all units have a primary exterior door directly accessing ground level that is visible from the collection point (including stacked townhouse structures) 	Unlimited per self-contained unit	<u>Weekly</u>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Green Bin Container Limits		
Type of Premises (as Assessed by MPAC)	Container Limit	<u>Collection Frequency</u>
<ul style="list-style-type: none"> • <u>trailer parks (only those classified as LDR in MPAC),</u> • <u>boarding homes; and</u> <u>residential farms.</u> 		
<p>Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes, boarding houses and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A premise.</p> <p><u>B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).</u></p>	Quantity as determined by the Region on a request only basis for Green Bins or Carts	<u>Weekly</u>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Green Bin Container Limits		
Type of Premises (as Assessed by MPAC)	Container Limit	<u>Collection Frequency</u>
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area and Bed and Breakfasts with <u>four (4) or more bedrooms inside Designated Business Areas</u>	Unlimited	<u>Weekly</u>
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Unlimited	<u>Weekly</u>
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area and Bed and Breakfasts with <u>four (4) or more bedrooms outside Designated Business Areas are Type E Premises.</u>	Unlimited <u>Limit of eight (8) Green Carts or the equivalent number of Green Bins as determined solely by Niagara Region.</u>	<u>Weekly</u>
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Unlimited	<u>Weekly</u>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

~~Part 1 – Provincial Offences Act~~
~~Short Form Offences and Set Fines~~

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.—	Set-out of Non-Collectable Material	s. 15.1 (a)	\$100
2.—	Set-out of Non-Compliant Material	s. 15.1 (b)	\$100
3.—	Setting out hazardous or pathological Material for collection	s. 15.1 (a)	\$500
4.—	Not securing animal to ensure collection worker safety	s. 15.5	\$100
5.—	Depositing Material into a collection vehicle	s. 15.7	\$100
6.—	Obstructing road or sidewalk with Material	s. 16.1	\$250
7.—	Setting out Material at premises other than your own	s. 16.3	\$100
8.—	Permitting Material at any time in the eCare and eControl of an Owner to be located otherwise than on their own Premises or in a permitted Collection location	16.4	\$100
9.—	Setting out waste contrary to specified times	s. 17.1	\$75
10.—	Failing to remove containers and Material after collection	s. 17.2	\$75
11.—	Failing to set out an acceptable container	s. 18.1	\$75
12.—	Failing to ensure containment of Material set out for collection	s. 19.1	\$100
13.—	Dropping off unacceptable Material at Regional Drop-Off Location	s. 23.1	\$500
14.—	Depositing Garbage into recycling bins or composting areas at Regional Drop-Off Location	s. 33.1 (l)	\$200
15.—	Depositing recyclable Material in Garbage bin or landfill areas at Regional Drop-Off Location	s. 33.1 (m)	\$100

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

~~Part 1 – Provincial Offences Act~~
~~Short Form Offences and Set Fines~~

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
16.	Trespassing at Regional Drop-Off Location by illegal entry	s. 34.1	\$500
17.	Trespassing at Regional Drop-Off Location or closed landfill or perimeter when closed	s. 34.2	\$500
18.	Trespassing at Regional Drop-Off Location or perimeter with vehicle	s. 34.3	\$500
19.	Failing to drop off only acceptable Material at RDOL	s. 35.1 (a)	\$200
20.	Failing to comply with Regional Drop-Off Location staff directions	s. 35.1 (b)	\$200
21.	Failing to obey signs at Regional Drop-Off Location	s. 35.1 (c)	\$200
22.	Failing to separate and deposit Material properly at Regional Drop-Off Location	s. 35.1 (d)	\$200
23.	Failing to remove covers as directed at Regional Drop-Off Location	s. 35.1 (f)	\$200
24.	Failing to remove loose Material after unloading at Regional Drop-Off Location	s. 35.1 (g)	\$200
25.	Failing to secure vehicle after unloading at Regional Drop-Off Location	s. 35.1 (h)	\$200
26.	Failing to ensure child or animal stays in vehicle at Regional Drop-Off Location	s. 35.1 (i) (j) (k)	\$200
27.	Failing to pay fees before departing Regional Drop-Off Location	s. 35.1 (m)	\$200
28.	Failing to refrain from smoking on Regional Drop-Off Location	s. 35.1 (o)	\$200
29.	Transporting insecure load	s. 37.1	\$100
30.	Illegal dumping	s. 38.1	\$500
31.	Dumping privately generated Material into public Litter bin	s. 38.2	\$150
32.	Illegal dumping Care and Control	s. 38.3	\$250

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW




~~Part 1 – Provincial Offences Act~~
~~Short Form Offences and Set Fines~~

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
33.	Scavenging Material set out for collection	s. 39.1	\$100
34.	Scavenging at a Regional Drop-Off Location	s. 39.2	\$250
35.	Failure to comply with an Order	s. 49.3	\$500

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

EXAMPLE OF A FRIENDLY REMINDER NOTICE

<div style="background-color: black; color: white; padding: 5px; text-align: center;"> FRIENDLY REMINDER Curbside Collection Services </div> <p>Dear Property Owner/Tenant: <i>Failure to comply with the following may result in charges under Niagara Region's Waste Management By-law No. 63-2015</i></p> <p><i>To ensure compliance with guidelines noted below, Enforcement Staff will return to the property on:_____</i></p> <div style="background-color: black; color: white; padding: 5px; text-align: center;"> NON-COMPLIANT SETOUT </div> <ul style="list-style-type: none"> <input type="checkbox"/> Materials (garbage, recycling, Green Bin, large household items, etc.) must NOT be set out before 5 p.m. on the evening before scheduled collection and must be at the curb by 7 a.m., the day of collection <input type="checkbox"/> Containers and any material not collected MUST be removed from the curbside no later than 7 p.m. on your collection day <input type="checkbox"/> Garbage or Leaf & Yard Materials must NOT be placed out in cardboard boxes for collection <input type="checkbox"/> Materials must NOT be placed at the curbside in an uncontained pile <input type="checkbox"/> Containers or bundles weighed more than 22.7 kg (50 lbs) <input type="checkbox"/> Containers or bags are more than 90 cm (36 in.) in height by 60 cm (24 in.) in diameter <input type="checkbox"/> Materials must be removed immediately from the curbside <div style="background-color: black; color: white; padding: 5px; text-align: center;"> OVER LIMIT </div> <ul style="list-style-type: none"> <input type="checkbox"/> Your property is over the maximum garbage container/bag limit of ____ per week <div style="background-color: black; color: white; padding: 5px; text-align: center;"> BULKY GOODS (LARGE ITEMS/APPLIANCES) </div> <ul style="list-style-type: none"> <input type="checkbox"/> Residents of single-family, semi-detached or properties with 6 units or less are required to: <ul style="list-style-type: none"> • Call Emterra Environmental at 905-227-7771 (Toll Free: 1-855-227-7771) or complete the online booking form at niagararegion.ca/waste at least 2 BUSINESS DAYS IN ADVANCE of your regular collection day to arrange a FREE pick up <input type="checkbox"/> All items must be booked for collection <input type="checkbox"/> Bulky Goods service is not available for: <ul style="list-style-type: none"> • apartments with 7 or more units. • commercial, industrial, institutional or multi-use properties <input type="checkbox"/> CFC removal sticker required <p style="text-align: center;">PLEASE READ REVERSE SIDE</p> <div style="background-color: black; color: white; padding: 5px; text-align: center;">  </div>	<div style="background-color: black; color: white; padding: 5px; text-align: center;"> FRIENDLY REMINDER Curbside Collection Services </div> <div style="background-color: black; color: white; padding: 5px; text-align: center;"> UNACCEPTABLE MATERIALS </div> <ul style="list-style-type: none"> <input type="checkbox"/> Household Hazardous Waste (HHW). Accepted FREE of charge at HHW depots <input type="checkbox"/> Syringes and sharps <input type="checkbox"/> Automotive parts and tires <input type="checkbox"/> Electronics <input type="checkbox"/> Construction, renovation or demolition materials <input type="checkbox"/> Sod, soil, stumps, gravel <input type="checkbox"/> Materials can be taken directly to the landfill. Disposal fees will apply. <input type="checkbox"/> Garbage containing recyclables, Green Bin or Leaf & Yard materials <input type="checkbox"/> Grass clippings <div style="background-color: black; color: white; padding: 5px; text-align: center;"> BLUE/GREY BOX </div> <ul style="list-style-type: none"> <input type="checkbox"/> Mixed Blue and Grey Box materials are NOT acceptable <input type="checkbox"/> Material not accepted in recycling program <input type="checkbox"/> All plastic bags and recyclable plastic film and outer-wrap must be placed inside one plastic bag (not loose) in the Grey Box <input type="checkbox"/> Cardboard must be bundled together and no larger than 91 cm (3 ft) x 91 cm (3 ft) x 91 cm (3 ft) <div style="background-color: black; color: white; padding: 5px; text-align: center;"> GREEN BIN/LEAF & YARD/BRANCHES </div> <ul style="list-style-type: none"> <input type="checkbox"/> Material must NOT be placed in plastic bags or cardboard boxes for collection <input type="checkbox"/> LOOSE materials including leaves and branches are not accepted <input type="checkbox"/> Grass is not collected curbside <input type="checkbox"/> Branches are only collected on designated collection weeks. The next collection week in your area is: _____ <hr/> <ul style="list-style-type: none"> <input type="checkbox"/> Branches MUST be tied in bundles no longer than 1.5 m (5 ft) and no wider than 0.5 m (1.5 ft). Individual branches cannot exceed 7 cm (3 in) in diameter. <div style="background-color: black; color: white; padding: 5px; text-align: center;"> NOTES/COMMENTS </div> <hr/> <div style="background-color: black; color: white; padding: 5px;"> FOR MORE INFORMATION Visit the Region's website niagararegion.ca/waste Refer to your Collection Guide Call the Waste Info-Line 905-356-4141 or 1-800-594-5542 </div> <div style="text-align: right; padding-top: 20px;">  </div> <div style="background-color: black; color: white; padding: 5px; text-align: center;">  </div>
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2. This By-law comes into force on October 19, 2020.

PASSED this __ day of ____, 2020.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Appendix 2: Proposed Revisions to Short Form Offences and Set Fines

Part 1 Provincial Offences Act Short Form Offences and Set Fines

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Set-out of Non-Collectable Material	s. 15.1 (a)	\$100
2.	Set-out of Non-Compliant Material	s. 15.1 (b)	\$100
3.	Setting out hazardous or pathological Material for collection	s. 15.1 (a)	\$500
4.	Not securing animal to ensure collection worker safety	s. 15.5	\$100
5.	Depositing Material into a collection vehicle	s. 15.7	\$100
6.	Obstructing road or sidewalk with Material	s. 16.1	\$250
7.	Setting out Material at premises other than your own	s. 16.3	\$100
8.	Permitting Material at any time in the Care and Control of an Owner to be located otherwise than on their own Premises or in a permitted Collection location	16.4	\$100
9.	Setting out waste contrary to specified times	s. 17.1	\$75
10.*	Failing to remove containers and Material after collection	s. 17.2	\$75
11.	Failing to set out an acceptable container	s. 18.1	\$75
12.	Failing to ensure containment of Material set out for collection	s. 19.1	\$100
13.	Dropping off unacceptable Material at Regional Drop-Off Location	s. 23.1	\$500
14.	Depositing Garbage into recycling bins or composting areas at Regional Drop-Off Location	s. 33.1 (l)	\$200
15.	Depositing recyclable Material in Garbage bin or landfill areas at Regional Drop-Off Location	s. 33.1 (m)	\$100
16.	Trespassing at Regional Drop-Off Location by illegal entry	s. 34.1	\$500
17.	Trespassing at Regional Drop-Off Location or closed landfill or perimeter when closed	s. 34.2	\$500

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
18.	Trespassing at Regional Drop-Off Location or perimeter with vehicle	s. 34.3	\$500
19.	Failing to drop off only acceptable Material at RDOL	s. 35.1 (a)	\$200
20.	Failing to comply with Regional Drop-Off Location staff directions	s. 35.1 (b)	\$200
21.	Failing to obey signs at Regional Drop-Off Location	s. 35.1 (c)	\$200
22.	Failing to separate and deposit Material properly at Regional Drop-Off Location	s. 35.1 (d)	\$200
23.	Failing to remove covers as directed at Regional Drop-Off Location	s. 35.1 (f)	\$200
24.	Failing to remove loose Material after unloading at Regional Drop-Off Location	s. 35.1 (g)	\$200
25.	Failing to secure vehicle after unloading at Regional Drop-Off Location	s. 35.1 (h)	\$200
26.	Failing to ensure child or animal stays in vehicle at Regional Drop-Off Location	s. 35.1 (i) (j) (k)	\$200
27.	Failing to pay fees before departing Regional Drop-Off Location	s. 35.1 (m)	\$200
28.	Failing to refrain from smoking on Regional Drop-Off Location	s. 35.1 (o)	\$200
29.	Transporting insecure load	s. 37.1	\$100
30.	Illegal dumping	s. 38.1	\$500
31.	Dumping privately generated Material into public Litter bin	s. 38.2	\$150
32.	Illegal dumping Care and Control	s. 38.3	\$250
33.	Scavenging Material set out for collection	s. 39.1	\$100
34.	Scavenging at a Regional Drop-Off Location	s. 39.2	\$250
35.*	Failure to comply with an Order	s. 49.3	\$500

*Item #10 – Proposed change is adding “Materials”; Item #35 – proposed addition of this item

Note: The general penalty provision for the offences listed above is Section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

Subject: Reprioritization of Capital Project Funds for Recycling Centre Facility Improvements

Report to: Public Works Committee

Report date: Tuesday, August 4, 2020

Recommendations

1. That a new capital project for a container line drum feeder in the amount of \$450,000 **BE APPROVED** and **BE FUNDED** from the Waste Management Capital Variance Project.

Key Facts

- The current Council approved capital budget for the 2020 Recycling Facility Improvement project (20001178) is \$834,900, which is funded 98% by Waste Management Capital Reserves (\$819,330) and 2% by Waste Management Development Charges (\$15,570). The project is an annual program for the replacement or upgrade of equipment at the Material Recycling Facility (MRF) to ensure the facility continues to operate efficiently and to improve the marketability of the recyclable products; it typically includes specific equipment requests. The 2020 approved capital budget included funds for the replacement of a baler horizontal feed conveyor, glass breaker screen and perforator and a commercial vehicle (Shred Truck).
- This report is asking for council approval to create a new project in 2020 to build, supply and install a container line drum feeder to improve the overall throughput of material through the MRF from reprioritized funds from project 20001178 in lieu of the glass breaker screen and perforator replacement not moving forward at this time.
- An amount of \$450,000 will be reduced from the capital budget of project 20001178 and returned to the Waste Management Capital Variance Project. This returned funding to the Waste Management Capital Variance Project will then be used to fund the new container line drum feeder capital project.
- The glass breaker screen and perforator replacement will not move forward this year as there has been an increase in the number of transparent bags (i.e. blue or clear bags) used by residents to contain recyclable material and this has further increased with the COVID-19 pandemic. In order for the glass breaker screen and perforator to

work efficiently and effectively, the recyclable material needs to be removed from the plastic bags.

- It is anticipated that a drum feeder on the container line will result in approximately \$100,000 more in revenue per year based on current market pricing, primarily due to higher recovery rates for plastics and aluminum beverage cans. The decrease in overtime (\$30,000) and residue (\$15,000) will result in a cost avoidance of approximately \$45,000 per year.
- Staff recognize that we are also going through a process to identify a potential new ownership structure for the Recycling Centre facility, however, in order to operate efficiently and ensure continued marketability of our recyclables, investments such as the one being recommended in this report are needed.
- The Budget Control by-law Section 6.3(b) permits an approval of an individual Capital Project if it is deemed a priority by Council in advance of the general Capital Budget by-law.

Financial Considerations

This report seeks approval of the creation of a new capital project for the design, build and install of a container line drum feeder at the MRF at an estimated cost of \$450,000.

The funding for this project will be returned from project 20001178 – 2020 Recycling Facility Improvements to the Waste Management Capital Variance Project in the amount of \$450,000. In turn, this \$450,000 returned to the Capital Variance Project will be used to fund this new container line drum feeder project. Project 20001178 was approved in the 2020 capital budget for a total gross cost of \$834,900 funded by Waste Management Capital Reserves (\$819,330) and Waste Management Development Charges (\$15,570). It is anticipated that a drum feeder on the container line will result in approximately \$100,000 more in revenue per year based on current market pricing, primarily due to higher recovery rates for plastics and aluminum beverage cans. The decrease in overtime (\$30,000) and residue (\$15,000) will result in a cost avoidance of approximately \$45,000 per year. By minimizing air space utilization at the landfill that would be attributed to MRF residue, there is potential to generate an additional \$34,500 in revenue through tip fee recovery. Payback is approximately 2.1 years. In the event that the MRF is sold as part of the MRF Opportunity Review which in the best case scenario would be in Fall 2021, the drum feeder would be sold as part of the MRF.

The impact of not making the facility improvements to the MRF would result in an anticipated budget shortfall in end market revenues for containers for the 2020 operating budget year of approximately \$473,000 as a result of higher residue rates and lower revenues due to the loss of marketable material. Provided that the container line drum feeder is installed by November 2020, it is estimated that the budget shortfall for 2020 can be reduced by approximately \$30,000.

Analysis

Background

The glass breaker screen and perforator replacement will not move forward this year as there has been an increase in the number of transparent bags (i.e. blue or clear bags) used by residents to contain recyclable material and this has further increased with the COVID-19 pandemic. Based on visual observations, it is estimated that the use of transparent bags has doubled since the start of the COVID-19 pandemic. In order for these to work efficiently and effectively, the recyclable material needs to be removed from the plastic bags. Niagara Region does not currently promote the use of clear plastic bags although does accept them if placed curbside. Currently plastic bags are being manually opened; however, due to the increased volume of bagged material, not all plastic bags can be opened.

The project funds requested to be reprioritized will be utilized to design, build and install a drum feeder at the front end of the MRF operations on the container side at a cost of approximately \$275,000 US excluding net HST.

If approved, staff will single source the procurement of the container line drum feeder to Van Dyk Recycling Solutions (VDRS) in accordance with the Procurement By-Law. Niagara Region issued two separate Request for Proposals (RFP) in December 2019 and March 2020 to install a drum feeder on the fibre line at the Recycling Centre. The first RFP was cancelled without award due to non-compliant bid submissions and the second closed without any bid submissions. As a result, the fibre line drum feeder was single sourced, in accordance with the Procurement By-Law, to VDRS as they were able to meet the required specifications and were also able to manufacture and install the equipment within the timeframe to meet operational needs. VDRS is a supplier of equipment to many MRF's across Canada and is familiar with all applicable Canadian rules and regulations such as ESA approvals. They will also be able to manufacture and supply the container line drum feeder by November 2020. The container line drum

feeder will have similar specifications as the fibre line drum feeder. By single sourcing this piece of equipment to the same manufacturer of the fibre line drum feeder, any third party maintenance required can be done at the same time, staff will be familiar with the software and operating specifications, the equipment can be integrated into the PLC (programmable logistics control) program, installation will be simplified as Van Dyk will have completed installation on one side already and they are very familiar with our MRF.

Facility Improvements – Container Line Drum Feeder

The installation of a drum feeder on the fibre line was approved in 2019 via PW 48-2019, (August 6, 2019) and at the time that this report was written was being procured. Similar to the rationale provided in PW 48-2019 for the fibre line drum feeder, a drum feeder on the container line will improve the metering of the container stream materials onto the processing line to allow for a more consistent flow of materials. In addition, the drum feeder is equipped with teeth that rip open bags. This will reduce the amount of operational downtime that is a direct result of material jamming due to material fluctuations on the container line and will increase the number of bags being opened. The drum feeder can eliminate “black belts” (where no material is on the processing line) as the loader can load more material into the drum feeder, than it can, by pushing material directly onto a conveyor.

Drum feeders have been successful in increasing throughput of material at MRFs by up to 20%. Higher throughput will reduce the amount of overtime hours worked per year to process material, improve the quality and volume of material being marketed.

With the new collection contract commencing in October 2020, the Region is anticipating an increase in recycling container volume of approximately 5-10% based on experience from Waterloo after switching to every other week collection. In order to minimize unloading delays for curbside collection vehicles at the MRF and to ensure vehicles can return to their routes in a timely fashion to complete their daily collection routes, the purchase of this drum feeder will assist in providing vehicles with more frequent access at both service doors to unload at the MRF. It is not uncommon for the MRF to have only one access door open for unloading due to material backlogs on the tipping floor. By having both access doors open, two vehicles can offload at once or one vehicle can offload during periods when third party material is being offloaded. In addition, at least one vehicle will be able to offload while the loader operator is loading material into the drum feeder instead of having to wait for the loader to finish loading material onto the line. This drum feeder will provide up to 20% higher throughput. The

end result will be more time spent by collection vehicles at the curb, resulting in better service delivery to the residents of Niagara.

Alternatives Reviewed

Alternatives reviewed were to add to the staff complement at the MRF to open the increased volume of plastic bags. Space within the pre-sort room to add more staff to open bags is limited due to the degree of sorting already taking place in this area. Adding two (2) more staff would cost approximately \$80,000 per year. However, this would not provide the key benefit of higher throughput. It takes each sorter 5 to 10 seconds to open one bag of containers. The drum feeder will open more than 50% of the bags prior to the pre-sort room. By eliminating the bag opening function performed by staff, it will reduce handling time by 50% as staff will only have to shake the contents of the open bags onto the line.

The other option reviewed is a policy change to no longer permit the use of clear plastic bags for the placement of material curbside by residents and businesses who utilize the Niagara Region's recycling collection services. Some residents prefer the use of clear plastic bags to contain material, in particular those in rural areas with longer driveways or in high wind areas. If bags were completely eliminated, the Region would see a financial benefit of well over \$179,500 due to other benefits such as labour savings, reduced equipment downtime and maintenance costs. It should be noted that a policy change, such as no longer permitting the use of clear plastic bags, would take time to properly implement and therefore the benefits would not be recognized immediately.

If the Region were to do nothing, there is the potential that the Region will be unable to process all of the container stream volumes during peak periods (i.e. January, May, June, July and August) and have to pay significant processing and freight fees to transport unprocessed material to other recycling facilities (MRF's) in Ontario. In order to prevent unloading delays for collection vehicles, the Region would have no alternative but to transfer material to other Ontario MRF's during peak periods on a regular basis or landfill if the Region is unable to find other MRF's to transport unprocessed material to due to limited capacity. Most recently in July, due to the increase of the container stream volume, the Region has had to transport unprocessed material to another MRF in Ontario in order to free up space on the tipping floor and continue to receive curbside collected material. Estimated costs for transporting and processing our surplus material can range from \$150/MT to \$180/MT and does not include the loss of revenue from marketable material. For those reasons, the aforementioned alternative reviewed is not being recommended.

Relationship to Council Strategic Priorities

This recommendation aligns with Council's strategic priority of Responsible Growth and Infrastructure Planning, specifically around Environmental Sustainability and Stewardship. By investing in the MRF, the Region will reduce downtime, increase throughput of recycling material, and allow the Region to improve quality of recyclable material, making it more desirable for the end markets.

Other Pertinent Reports

- WMPSC-C 15-2019
- WMPSC-C 23-2019
- PW 48-2019

Prepared by:

Jennifer Wilson
Supervisor
Waste Management Services

Recommended by:

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Sherri Tait, Acting Manager, Waste Management, Norm Kraft, CEO, Niagara Recycling, Tracie Byrne, Procurement Manager and reviewed by Catherine Habermebl, Director, Waste Management.

Subject: Mothers Against Drunk Driving (MADD) Memorial Signage

Report to: Public Works Committee

Report date: Tuesday, August 4, 2020

Recommendations

1. That Council **APPROVE** the installation of one MADD Canada Memorial sign as requested by the family of the victim at the location of Regional Road 70 (Taylor Road) and Regional Road 101 (Mountain Road) in the City of Niagara Falls, as a one time request; subject to the applicant providing all of the required supporting documentation outlined in the Ministry of Transportation, Ontario policy document.
2. That Council **APPROVE** the installation of the sign duration to a maximum of two years or until such time the sign needs to be removed.
3. That Council **BE INFORMED** that staff, as part of the Vision Zero Road Safety Program, will be presenting a policy outlining operational guidelines for safety and educational platforms inclusive of future non-regulatory signage requests.

Key Facts

- The purpose of this report is to inform Regional Council of the request received by Transportation Services on the proposed memorial signage program offered by MADD Canada and seek approval for a one time installation.
- This program offered by MADD is different from roadside memorials erected by families or friends at certain locations along roadways, where someone has been killed as a result of a road crash.
- This MADD program involves the placement of a sign within the right-of-way where a victim has been killed as a result of an impaired driver, identifying the name(s) of the victim(s), and the collision date.
- Victim criteria is an internal process by MADD Canada; not approved by the Province of Ontario, Area Municipalities or any other Road Safety entity in Ontario.
- The MADD memorial signage program applies only to fatal collisions that have been caused by an impaired driver who was convicted in the Provincial Court.

- Regulatory and Warning signage as proposed in Ontario Traffic Manuals, are in place to guide and regulate driver behavior to ensure safety and efficiency.
- Few municipalities in Ontario at this time are permitting the implementation of MADD signage on their roadways; recently the City of Niagara Falls has adapted the signage on their roadways.

Financial Considerations

Any funds required to administer, manufacture the signs and implement roadside signage are the responsibility of MADD Canada. Financial costs associated with the actual installation of the signs would be the responsibility of Niagara Region and would be accommodated with existing, approved operating budget.

Analysis

Staff's experience throughout Niagara Region is that, roadside memorials have been placed within the right-of-way at locations where fatal collisions have occurred. These memorials are typically placed by family and friends of victims and range from floral tributes to handmade signs, marking the location of a fatal collision. Niagara Region's current practice is to leave those memorials in place if they are not a distraction or causing a safety hazard. In most instances, staff do not have contact information when the memorials are required to be removed.

Transportation Services received a request in 2019 from families of the victims, wanting to place MADD Canada signage at the locations of the fatal collisions; indicating the victim's name and date. The one location was under the jurisdiction of the City of Niagara Falls, which has been approved for installation, (Appendix 2 - City of Niagara Falls Letter of Support re: MADD Canada Memorial Sign Request). The other location is under the Region's jurisdiction; at the location of Regional Road 70 (Taylor Road) and Regional Road 101 (Mountain Road) in the City of Niagara Falls.

MADD Canada is a National registered charitable volunteer organization with established chapters in many communities throughout the country; made up of a cross-section of concerned volunteers. MADD advocates for the fight against impaired driving and support to victims of impaired driving. One such program is the MADD Memorial Signage program as outlined in this report.

MADD Canada Memorial signage applies only to fatal collisions where a victim has been killed caused by an impaired driver and who also has been convicted in a Provincial Court. The program consists of:

- Initiate the request and fund the cost for the memorial sign.
- Responsible for ascertaining that the driver involved in the fatal collision has been convicted of a Criminal Code driving offence for impaired driving.
- Provide location and details of the collision.
- Obtain written consent from the next of kin confirming the name and the incident date to be placed on the memorial sign.

MADD Canada memorial signage program has the following status in Ontario:

Jurisdiction	Program Status
MTO	Policy initiated in 2004 to permit MADD Memorial signs in Provincial highways. (Appendix 1 - MADD Canada Memorial Signs on Provincial Highways Policy).
Hamilton	Staff recommendation to City Council on February 2020 part of Vision Zero Road safety plan, decision pending.
Durham Region	MADD signage not approved, "Safe Road" sign instead. Allowance is given to roadside memorial on an informal basis.
Peel Region	Allowance is given to roadside memorial on an informal basis for 12 months only.
407 ETR	No policy in place, permit roadside memorial signs for 6 months only including MADD Memorial sign.
Toronto	Policy in place, temporary memorial permitted for 30 days. No MADD signs.
York Region	MADD Victim signage Program not adopted by Regional Council.

Jurisdiction	Program Status
Halton Hills	No policy in place. Utilizes Variable Message Board signs for general education to prevent impaired driving.
Niagara Falls	Niagara Falls Council approved MADD memorial sign installation at one location.

Transportation staff as part of the Vision Zero program to be implemented later in 2020 are reviewing the following:

- Limiting the placement of non-regulatory signs on Regional roads, with the focus on reducing driver distractions to focus on safe driving practices.
- Best Practices throughout the province and other municipalities related to safety and educational programs with the inclusion of non-charitable organizations and advocacy groups.

Transportation staff are recommending a one time installation of the MADD Canada Memorial signage. Staff will also monitor any feedback received from the general public. Staff support, as part of the Vision Zero Road Safety Program, different safety educational campaigns and awareness programs to alter driver's behaviour which will be forthcoming in the policy.

Alternatives Reviewed

Transportation Staff undertook a jurisdictional scan of the MADD Canada Memorial program across similar Municipalities.

Relationship to Council Strategic Priorities

This report is being brought forth by staff, as the result of a request received by staff through members of Council. By educating drivers about and potentially improving public safety, it aligns with Regional Council's strategic priority in the safer Movement of People and Goods and Enhancing Community Wellbeing.

Other Pertinent Reports

PW 64-2019, Vision Zero Road Safety Program, November 5, 2019.

Prepared by:

Petar Vujic
Road Safety and Permits Program
Manager, Transportation Services

Recommended by:

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Recommended and Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Sulaf Alkarawi Associate Director, Transportation Planning and Carolyn Ryall Director, Transportation Services and reviewed by Donna Gibbs Director, Legal and Court Services.

Appendices

- Appendix 1: MADD Canada Memorial Signs on Provincial Highways Policy
- Appendix 2: City of Niagara Falls Letter of Support re: MADD Canada Memorial Sign Request

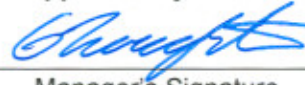
MADD Canada Memorial Signs on Provincial Highways



POLICY NUMBER: 2006-01

Effective Date: April 15, 2004

Approved by: Gord Troughton, Manager



29-Nov-2006

Manager's Signature

Date

Traffic OfficeEngineering Standards Branch
Ministry of Transportation
301 St. Paul Street, 2nd Floor
St. Catharines, ON L2R 7R4General Inquiries: (905) 704-2960
Fax: (905) 704-2888

Purpose and Background

MADD Canada is a non-profit organization that is committed to stopping impaired driving and supporting the victims resulting from collisions caused by impaired drivers. It is composed of volunteers who include not only mothers, but also fathers, friends, business professionals, experts in the anti-impaired driving field and concerned citizens.

The purpose of this policy is to permit the installation of small roadside memorial signs for MADD Canada at locations on provincial highways where fatal collisions have occurred and an impaired driver is alleged to be at fault.

The Ministry has entered into a Memorandum of Understanding (MOU) with MADD Canada that lays out the guidelines, process, qualification criteria and implementation of signing as identified in this policy. In the event of a discrepancy between the MOU and this policy, the MOU will govern.

Guidelines

This policy is specific to MADD Canada memorial signs only and does not govern the placement of other memorials or signs.

The policy applies to fatal collisions on provincial highways that occurred after April 15, 2004 and the fatal collision shall have been caused by an impaired driver with the victim(s) death occurring within thirty (30) days of the collision.

Process and Qualification Criteria

MADD Canada will initiate the request for the memorial sign and will be responsible to obtain the following qualification information:

- Proof that the driver involved in the fatal collision has been convicted of one or more of the following *Criminal Code* offences:
 - a) Impaired Driving (S.253(a))
 - b) Driving with a Blood Alcohol Concentration above 0.08% (S.253(b))
 - c) Impaired Driving causing Death (S.255(3))

- Letter of permission from an immediate family member (spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather) of the deceased. If another immediate member of the family objects (in writing) to the placement of a sign, they should be referred back to MADD and MADD may decide if they want to proceed with the installation of the sign. In the event that a local resident objects to the placement of the sign near their property, MADD can give consideration to moving the sign to another nearby location. If the sign has already been installed and an objection is received, there will no additional charge for the relocation of the sign.

Once the above criteria has been met, the following information and documentation in support of a memorial sign request shall be provided by MADD Canada to the Ministry of Transportation, Head Office Traffic:

- 1) Location of the collision, including:
 - Highway number
 - Direction of travel
 - Distance from the nearest intersection/interchange, population centre, etc.
- 2) Date and time of the collision.
- 3) Letter from an immediate family member of the deceased confirming the name(s) of the deceased (first/common name and last name only – no nicknames allowed, such as John “Bubba” Smith). Memorial signs without a name will not be permitted. Names of pet animals will not be permitted on the memorial sign.
- 4) Death certificate of the victim(s).

The information and documentation to be provided by MADD to the Ministry shall not be provided before ninety (90) days have elapsed following the date of conviction of a driver in order to allow the convicted driver an opportunity to appeal the conviction. No memorial shall be placed until all appeal rights of a convicted driver are exhausted.

Ceremonies

Ceremonies will not be permitted on highways with posted speeds of 100 km/h.

Ceremonies on other highways may be arranged by MADD Canada following the installation of the sign, based on the following criteria:

-
- MADD Canada shall give the Ministry sufficient notice if a ceremony is planned and shall provide the following information:
 - 1) Preferred location;
 - 2) Preferred date; and
 - 3) Documentation proving police support will be present.
 - Ceremonies shall be:
 - 1) Held in a safe location identified by MADD Canada and approved by the Ministry;
 - 2) Limited to a maximum of 15 minutes;
 - 3) Held at an approved time/day (i.e. off-peak hours, daylight hours, on a weekend);
 - 4) Accompanied by police and have the required traffic control shoulder operation, as outlined in OTM Book 7, Figure TL-6, for the duration of the ceremony;
 - 5) A maximum of 3 passenger vehicles shall be allowed to park on the right shoulder (unless prohibited) in addition to the police cruiser that will be parked with its warning flashers activated.

If the Ministry of Transportation deems that a public ceremony poses a threat to motorist safety, permission to have a ceremony will be denied.

Other than the initial ceremony following the installation of a memorial sign, additional ceremonies (i.e. anniversary of the collision, birthday of the deceased, etc.) are not permitted.



Plantings or Landscaping

Planting or landscaping at the sign site is prohibited. Flowers and/or other small items may be placed at the sign site.

Implementation

Sign Design and Installation

Signs shall conform to the following design:

	MADD Canada Memorial Sign Sign Size: 600mm round (2') 600 x 600mm tab (2' x 2') Retroreflective Sheeting: Type 1
	MADD Canada Memorial Sign (Bilingual) Sign Size: 600mm round (2') 600 x 600mm tab (2' x 2') Retroreflective Sheeting: Type 1

Multiple victims' names from one incident can appear on the sign. The tab size can be increased to accommodate the additional names to a maximum of four names on one tab. If there are more names, a separate memorial sign and tab shall be installed at the same location under the same MADD Memorial Sign Permit.

If there is more than one collision at the same location, the tab on the existing sign(s) will be modified to accommodate the additional name(s). An additional MADD Memorial Sign Permit shall not be required.

Bilingual signs will be placed in areas designated by the French Language Services Act (FLSA).

The sign will be manufactured and installed by the Ministry of Transportation.

Only one sign will be installed in one direction of travel on the right side of the highway at the right edge of the shoulder, at or near the location of the collision.

The sign shall not obstruct other signs and may not be placed exactly where the collision occurred.

While the ministry will endeavour to have the sign placed shortly after receipt of the required information and documentation, weather conditions or operations with higher priority may preclude manufacturing or installation of the sign for several months.

The Ministry of Transportation will not permit signs to be installed in the median of any provincial highway.

If the signs are to be installed in an active construction zone, the installation can be coordinated such that the signs are installed by the contractor, but delays in the installation may occur depending on whether work is being done in the area where the sign is to be placed.

On highways with a core/collector system, the signs will only be placed on the right shoulder of the collector.

Signs must be maintained in good condition.

Fees

MADD Canada shall be responsible for all fees associated with the manufacturing, installation and ongoing maintenance of the sign. The fee charged to MADD (\$565 per sign) will include the cost of the Encroachment Permit provided by the Ministry.

If a ceremony is held, MADD Canada shall also be responsible for the cost of police presence.

****In the event that there are any discrepancies between this policy and the Memorandum of Understanding (MOU) between MADD Canada and the Ministry of Transportation, the MOU shall govern.***

Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Ms. Ann-Marie Norio:

Sent via E-mail

Re: MADD Canada Memorial Sign Request

City Council, at its last meeting held on June 4, 2019, passed the following recommendation:

1. That Council approve the installation of the MADD Canada Memorial Sign on Biggar Road, following the applicant providing all of the required supporting documentation outlined in the Ministry of Transportation, Ontario policy document.
2. That Council approve the sign to be installed for duration no greater than 5-years or until such time that the sign is in poor condition and needs to be removed.
3. That a letter of support be sent to the Niagara Region regarding the request for a sign at the Regional intersection of Mountain Road and Taylor Road.

A copy of the approved staff report is attached. Please consider this letter as being the letter of support regarding the request for the installation of a sign at the intersection of Mountain Road and Taylor Road in the City of Niagara Falls.

Sincerely,

Bill Matson
City Clerk



REPORT TO: Mayor James M. Diodati
and Members of Municipal Council
City of Niagara Falls, Ontario

SUBMITTED BY: Transportation Services Department

SUBJECT: TS-2019-20 MADD Canada Memorial Sign Request

RECOMMENDATION

1. That Council approve the installation of the MADD Canada Memorial Sign on Biggar Road, following the applicant providing all of the required supporting documentation outlined in the Ministry of Transportation, Ontario policy document.
2. That Council approve the sign to be installed for duration no greater than 5-years or until such time that the sign is in poor condition and needs to be removed.

EXECUTIVE SUMMARY

Staff have received a request for the installation of memorial signs from the families of the individuals who were involved in fatal collisions in 2017. The Ministry of Transportation, Ontario, has entered into a Memorandum of Understanding (MOU) with MADD Canada that lays out the guidelines, process, qualification criteria and implementation of signing as identified in the attached policy. Staff is recommending that the same process is adhered to with respect to requests pertaining to the local road network. MADD Canada will be covering the costs for the sign production and installation.

BACKGROUND

Staff have received a request for the installation of memorial signs from the families of the individuals who were involved in fatal collisions in 2017. In both cases, the persons responsible have been convicted of Impaired Driving causing Death. The families are working with Mother's Against Drunk Driving (MADD) to facilitate the memorial sign installations.

The collisions occurred near the intersections of Mountain Road at Taylor Road and Biggar Road at Montrose Road, the latter is under the jurisdiction of the City of Niagara Falls. The families will have to coordinate through Niagara Region Staff to obtain consent to have memorial signs installed on regional right-of-way.

Over 1000 people are killed and over 60,000 people are injured by an impaired driver every year in Canada. After all these years and the promotions to stop drinking and driving, this problem persists. Since 2010, only the subject collision resulted in a fatal injury involving an impaired driver on City roads.

MADD Canada was given permission by the Ministry of Transportation to erect signs on provincial highways where people have been killed by an impaired driver. MADD will also install signs if a municipality gives them permission. It is believed that these signs help in discouraging people from committing this crime. People see the sign and it reminds them of the terrible tragedy. It makes people think and realize that impaired driving is real and that it is preventable.

ANALYSIS/RATIONALE

MADD Canada is a non-profit organization that is committed to stopping impaired driving and supporting the victims resulting from collisions caused by impaired drivers. It is composed of volunteers who include not only mothers, but also fathers, friends, business professionals, experts in the anti-impaired driving field and concerned citizens.

The purpose of this report is to permit the installation of small roadside memorial signs for MADD Canada at locations on local road network where fatal collisions have occurred and an impaired driver is alleged to be at fault.

The Ministry of Transportation, Ontario, has entered into a Memorandum of Understanding (MOU) with MADD Canada that lays out the guidelines, process, qualification criteria and implementation of signing as identified in the attached policy. Staff is recommending that the same process is adhered to with respect to requests pertaining to the local road network.

In addition to the criteria outlined in the attached policy document, Staff is also recommending that the sign be installed for a duration no greater than 5-years or until such time that the sign is in poor condition and needs to be removed. Typically, traffic signs have a life span of 5 years at which time; they begin to fade, crack and deteriorate in condition and need to be removed / replaced.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

There are no financial, staffing or legal implications with Staff's recommendations. MADD Canada will be covering the costs for the sign production and installation.

CITY'S STRATEGIC COMMITMENT

Encourage multi-modal travel and active transportation initiatives, and enhance motorist, cyclist and pedestrian safety.

LIST OF ATTACHMENTS

- 1) Ministry of Transportation, Ontario - MADD Memorial Sign Policy
- 2) Ministry of Transportation, Ontario - Sign Specifications

Recommended by:

Karl Dren, Director of Transportation Services

Respectfully submitted:

Ken Todd, Chief Administrative Officer

MADD Memorial Sign

**NON-STANDARD
UNIFORM SIGN**



45

485

70

95

50 @ 95%

55

75

100

155

70

IN MEMORY OF
Deceased

MADD 
Mothers Against Drunk Driving™
Les mères contre l'alcool au volant™

Support: Wood - 10cm x10cm (4"x4")

Horizontal Mounting Offset: 2m to 4m from the outside edge of the outer traffic lane (per OTM Book 1B)

Vertical Mounting Offset: 1.5m to 2.5m from outer edge of the outer lane to bottom of the sign (per OTM Book 1B)

Sign No.		Blank #	Special Notes	
600mm x 600mm (round) 600mm x 600mm (square)		Special Order B-18		
Sign Element	Colour	Min. Refl (ASTM)	Font	Dimensions in Millimeters (mm)
Background	White	Type I	Series D	
Border Inner / Outer	Black / White	N/A / Type I		
Text	Black	N/A		
Symbol	Red / Black	Type I / N/A		
233			Revision Date: July 31, 2007	

Manager, Traffic Office, Engineering Standards Branch

MEMORANDUM

PWC-C 27-2020

Subject: COVID-19 Response and Business Continuity in Public Works

Date: August 4, 2020

To: Public Works Committee

From: Bruce Zvaniga, P.Eng., Commissioner of Public Works (Interim)

As reported previously, Public Works has remained focused on keeping the critical public infrastructure operational while responding to the COVID19 pandemic. Departmental staff continue to ensure that the community has: safe drinking water, reliable wastewater systems, recycling and waste collection/disposal, regional specialized and regular transit and a well-maintained regional road system. Public Works staff recognize and are dedicated to the essential role they play ensuring that healthcare, social services, emergency responders and the community-at-large can depend upon the reliable availability of these core municipal services.

Public Works leadership is actively participating in the Operations Section of the Municipal Emergency Control Group. Working with all other departments, the Business Continuity Plan and staff redeployment strategy is monitored and adjusted to respond to changing conditions. As of June 26, 44.5 Public Works staff are actively re-deployed outside of the department delivering essential services. Over the next few weeks some of these staff will need to be recalled to address the increased needs in Public Works from the Provincial Stage 2 re-opening and major contracts underway.

The Department Leadership team are actively participating in virtual meetings with their counterparts in the Local Area Municipalities, and provincial committees to share our successes and learn how others have overcome challenges.

The following provides a brief highlight from each of the four (4) divisions on their respective status, service changes, actions taken and future outlook.

Water & Wastewater Services

Current Status of Operations

High quality, safe and reliable water and wastewater services in accordance with health regulations and standards continue to be provided.

Both the Drinking Water and Wastewater Quality Management Systems (QMS) remain active. A Water QMS external audit was completed July 6 to 10 where the Division retained its long standing QMS accreditation. Capital infrastructure projects are deemed essential and continue to be delivered.

Service/Operational Changes

- Cancellation of the Niagara Children's Water Festival; supplementary virtual water festival developed and launched on June 9
- Cancellation of the Water Wagon service
- Recreational Vehicle wastewater holding tank disposal service (re-opened April 19 for Sundays only, and only at the Niagara Falls Wastewater Treatment Plant.)

Significant Initiatives or Actions undertaken

- Developed a full divisional staffing mitigation strategy to deal with any staff shortages that may occur due to COVID-19.
- Developed a W-WW Division Pandemic Re-opening Framework to supplement the Region Re-opening Phase of the Pandemic Response Plan.
- Received license from Health Canada to produce disinfectant spray and hand sanitizer for Regional workplace use during the COVID-19 emergency response to alleviate supply chain shortages when required. Currently able to produce 40 litres per week.
- Cancellation of all non-essential meetings, plant tours, training activities, visitor access.
- Implemented COVID-19 protocols for consultants, contractors and project managers at plant facilities.
- Enhanced focus on the health and well-being of staff operating the essential systems including limiting access to the plant and deferring all non-essential contracted services.

- Assigned maintenance staff to dedicated areas and implemented flexible start and end work locations to avoid both unnecessary travel and exposure.
- One employee per vehicle where possible; If employees need to travel together they are required to wear a mask
- Setup static sanitation stations in all staffed W-WW facilities and deployed mobile sanitation kits for all fleet vehicles.
- Implemented W-WW tailored weekly COVID-19 spot check reports including regular reporting of facility sanitation supply inventories.
- Adopted changes to ensure no physical interaction on deliveries, courier and lab samples.
- Changes to pickup and handling of uniform laundry.
- Portable washrooms have been setup at Wastewater and Water facilities to accommodate contractors, couriers and sewage haulers.
- Face shields, half mask respirators and surgical masks are being used as a form of source protection for staff where certain activities do not allow for proper physical distancing
- Meeting room max occupancy signage, screening signage, screening protocol and limited door access have been implemented at all Water-Wastewater buildings. Daily reports of staff well-being and screening are being provided to management for recording and documentation purposes.
- Screening protocol for all vendors and contractors also implemented at all worksites.
- Constructors at various worksites have put into place proper distancing, working measures and PPE for the well-being of all staff.
- Accepting digital signatures for MECP form approvals.
- Capital project delivery through all phases continuing with proper protocols for consultants, contractors as well as for internal staff in place
- Collaborating with Corporate Communications to develop strategies for Public outreach/engagement to satisfy the requirements of the MECP

Operational Outlook

1 month

- Implementing phased W-WW Pandemic Re-Opening Plan in accordance with Public Health advisement and direction from the Region's Emergency Operations Centre.

3 months

- Implementing phased W-WW Pandemic Re-Opening Plan in accordance with Public Health advisement and direction from the Region's Emergency Operations Centre.

6 months

- The focus continues to be on the maintenance of all key components, the sustainable supply of key chemicals and materials and most importantly on the well-being of the staff managing these essential systems.

Transportation Services

Current Status of Operations

Essential bridge, culvert and roadway works, forestry, traffic control, pavement markings and signage are critical services which continue to be provided.

Design, construction management and environmental assessments continue from engineering staff and consultants.

Staff continue to monitor all material shipments, supplies and construction contracts experiencing delays to understand larger impacts to ongoing construction project schedules.

Essential and critical project interpretation based on Provincial announcements continues to change and affects the delivery of projects and levels of service to the residents of Niagara Region. This is continuously monitored and adjusted to meet Provincial directions.

Service/Operational Changes

Dispatch is providing 24 hour support with all calls received by the Region; in particular directing residents for COVID-19 to Public Health and by-law enforcement (Local and Regional) seven days a week.

Earlier in assessing the separation of staff in field operations, the normal weekday shift and management oversight had been split into two groups scheduled to not physically interact with each other. As a result, the hours of operation were stretched from 5 a.m. - 9:30 p.m. with the support of the union and management.

Since the implementation of two (2) shifts, management have continued to review staffing levels and needs. Due to the number of redeployments to Long Term Care (LTC) and EMS in support of the pandemic, vacancies, plus sick time, management reassessed the two shifts and converted back to one shift per day from 7 a.m. - 3 p.m. Management is continuing to assess service levels against staffing needs and safety protocols and will adjust accordingly.

Significant Initiatives or Actions undertaken

Separation of field staff in vehicles where possible is being administered. Vehicle assignment to specific staff with the responsibility to clean / maintain on a daily basis.

Face masks and shields have been ordered for additional staff protection in certain circumstances.

Staff continue to monitor supplies out of Fleet stores such as wipes, hand sanitizer, N95 masks and are supporting other Divisions with resources as required.

Screening signage, screening protocol and limited door access have been implemented at all yards and the service center. Daily reports of staff well-being and screening are being provided to management for recording and documentation purposes.

Screening protocol for all vendors and contractors also implemented at yards and service centers.

Constructors at various worksites have put into place proper distancing, working measures and PPE for the well-being of all staff.

Updated protocols based on provincial regulations/guidelines for working on construction sites has been sent to Heavy Construction Association of the Region of Niagara to notify their members that they must adhere to these measures.

IT equipment to assist with working from home has been provided where applicable.

A number of Transportation Staff have already been trained and redeployed to assist other Departments where needed. In assisting with the redeployments to LTC, Staff manufactured personal screening barriers for screener positions at entry points of the homes as an additional safety measure.

In meeting essential service levels throughout the pandemic, management continue to review staffing; in particular the redeployment numbers and will be phasing the return of Transportation staff throughout Q4. Key operations (ie Winter Operations) will require staff to be recalled for training and availability to meet legislated service level requirements in keeping Niagara's roads safe.

Operational Outlook

1 month

- Essential and critical project interpretation based on Provincial announcements will affect the delivery of projects and levels of service to residents of Niagara region. This continues to be under review. The Business Continuity Plan with Redeployment Strategy of staff for the Division will be administered accordingly.

3 months

- Essential and critical project interpretation based on Provincial announcements will affect the delivery of projects and levels of service to residents of Niagara region. This continues to be under review. The Business Continuity Plan with Redeployment Strategy of staff for the Division will be administered accordingly.

6 months

- Contractors have shared their concern that once non-essential work can recommence, there will be shortage within the trades due to demand. Contracts are continuing to be monitored by staff with regards to any shortages (supplies and trades) and updates will be highlighted.

Waste Management Services

Current Status of Operations

Restrictions to the curbside collection program and at the landfill sites/drop off depots have been lifted with minor restrictions still in place as noted below.

The processing of recyclable materials is being maintained, despite a shortage in staffing for the past three months. The contractor has been able to bring most of its staff back to work but given the heat for most of July, staff productivity is slower. Storage capacity has become an issue. Staff have applied, and have been granted by the

Ministry of Environment, Conservation and Parks to work on Sundays and during the hours of 11 pm to 6 am to process the backlog of recyclables.

An online tool was successfully implemented in June to provide residents the ability to purchase garbage tags, CFC stickers and recycling and organic bins on line. Garbage tags and CFC stickers are mailed to the residents. For recycling and organic bins, payment is made on line and residents can pick up the bins at one of the Regional distributions centres.

Strategic initiatives are continuing such as the MRF Opportunity Review, implementation of new collection contracts and services levels, construction projects, and operational tenders. Staff continue to participate in stakeholder consultation sessions regarding the Blue Box program and other programs transitioning over to a Producer Responsibility model.

Service/Operational Changes

Landfill Service Changes

There have been delays at the sites due to the recent changes implemented, including limiting the number of people on the drop-off pad to support COVID-19 physical distancing guidelines.

Preferred methods of payment are debit and credit, using the tap option.

Collection of large household item resumes

Restrictions on the number of daily bookings was in place for the month of June to manage volumes. As of July, the collection of large household items has fully resumed.

Curbside Battery Collection

Battery collection originally scheduled for April 20-24 was initially postponed so that staff could focus on the collection of regular garbage, recycling and organics. A decision was made to cancel the services due to staff redeployment as well as a change in the industry funding model.

Compost Giveaway

Compost giveaway originally scheduled for May 4-9 has been postponed until the week of September 14, 2020.

Recycling/Green Bin Distribution Locations Closed

Residents can use alternative rigid plastic containers.

For more information on [waste management services](https://www.niagararegion.ca/waste), visit <https://www.niagararegion.ca/waste>.

Community Events

Presentations, community booths, sites tours and special events recycling have been postponed until further notice.

Significant Initiatives or Actions undertaken

Screening signage, screening protocol and limited door access have been implemented at all facilities. Daily reports of staff well-being and screening are being provided to management for recording and documentation purposes.

Screening protocol for all vendors and contractors has also been implemented at all facilities and sites.

Installation of a portable washroom and hand washing station for commodity drivers to avoid visitors entering the Recycling Centre.

Staggering breaks and lunch to reduce amount of people taking breaks at one time at the Recycling Centre.

Increased cleaning being completed at night and during the day (i.e. between lunch breaks and in high traffic areas).

Installed plexi-glass between sorters on the processing line, and at the scale houses located at the landfill sites/drop off depots.

Staff are travelling in separate vehicles to maintain physical distancing per health guidelines.

On-road staff working from home to start and end their day due to lack of public washroom availability, and to reduce the need to enter their work location.

Operational Outlook

1 month

- Implementing the divisional Pandemic Re-Opening Plan in accordance with Public Health advisement and direction from the Region's Emergency Operations Centre.
- Staff will continue to develop and implement a communication strategy to inform residents about upcoming service changes that will occur with the new waste collection contracts. Initial communication plan adjusted due to COVID. The first direct mail piece (post card) is scheduled to hit mailboxes late June/early July.
- The Business Continuity Plan with Redeployment Strategy of staff for the Division will be administered accordingly, and work that cannot be deferred is being managed by existing staff.

3 months

- The Business Continuity Plan with Redeployment Strategy of staff for the Division will be administered accordingly.
- Staff will continue to implement communications about the service changes that will occur with the new waste collection contracts.
- RFP will be issued for the division's Long-term Strategic Plan.
- Staff will continue to meet with new collection contractors to ensure a successful start up

6 months

- New waste collection contracts are set to commence October 19, 2020. Staff will be working to address any major concerns and provide residents with information to fully participate in the curbside programs.
- The Business Continuity Plan with Redeployment Strategy of staff for the Division will be administered accordingly.

Niagara Region Transit/Specialized Transit & GO Implementation

Current Status of Operations

Niagara Region Transit (NRT) is operating at a modified version of the “Saturday” level of service:

- All Express routes were eliminated (40a, 40b, 45a, 45b, 60a, 65a, 70a, 75a) effective March 23
- 7:00 a.m. - 9:00 p.m. operating hours effective May 4 (typically 7:00 a.m. – 11:00 p.m.)
- Hourly service (60 minutes) on Routes 22, 25, 40, 45, 50, 55, 60, 65, 70 & 75

Niagara Specialized Transit (NST) is operating at the normal level of service, except for trips whose origins or destinations are to/from a location with reported cases of COVID-19 are not being provided. Reducing hours of operation is not a necessity in this case as Niagara Region only pays for trips delivered, rather than an hourly rate. Overall, NST trip requests are significantly reduced, however NST continues to deliver all requested trips within the capacity available. Ridership has continued to show small signs of recovery.

Service/Operational Changes

The "Rear door boarding" policy enacted on March 23 to temporarily limit driver contact and respect physical distancing has been lifted. Through Inter-Municipal Transit Working Group (IMTWG) coordination, Niagara's transit providers have installed plexi-glass bio-barriers across the entire fleet of vehicles to protect bus operators. With these bio-barriers in place, reinstatement of front door boarding was able to begin on June 29, and collection of fares on July 2.

Hourly service on Routes 40 and 45 was reinstated to relieve capacity pressures on Routes 50 and 55 and to support the re-opening of the Outlet Collection at Niagara.

Significant Initiatives or Actions undertaken

All NRT and NST fleet vehicles have been professionally cleaned/disinfected/sanitized well beyond regular protocols, and Aegis antimicrobial spray was applied to all interior surfaces. This work was completed by the local transit service providers as they manage and operate the NRT fleet as part of their own.

Due to the low volume of trips, BTS has made every effort to deliver trips with only a single occupant in each vehicle, although this has not been formalized as a public policy.

Operational Outlook

1 month

- NRT staff continue to review ridership data closely in order to determine appropriate levels of service. As provincial guidelines continue to allow for businesses to re-open, it is premature to attempt to draw accurate ridership projections.
- The IMTWG has received provincial guidelines, however those guidelines did not address vehicle capacity. Through discussion with other transit properties in Ontario, Niagara's transit providers are on target to allow for an increased capacity to 50% whereas the services have been operating with capacity limits of under 20% since March. A limited number of extra buses are awaiting deployment to meet rising transit demand.
- A launch date for NRT OnDemand deployment in West Niagara has been set for August 17. Staff continues to work with its service provider Via Mobility to develop the service and communications plan. This will involve staff from both Niagara Region and our local area municipal partners in West Niagara being present in the communities of the service area to promote the new service.
- Work continues with our post-secondary partners to review projected enrollment and transit ridership for the Fall 2020 semester at both Brock University and Niagara College. With the percentage of enrolled students on campus undetermined at this time, transit staff are developing scenarios for meeting needs that arise from the campus sites where typically, very significant volumes of students use transit.
- Staff continues to work with Brock University and the Brock University Student Union to maintain the U-Pass Program for the 2020-2021 academic year. Niagara College terminated the U-Pass agreement in response to COVID-19 and thus students will be purchasing monthly passes in September.

3 months

- Possible further service adjustments based on ridership and in reaction to any provincial changes. Staff will continue to work with the IMTWG in reviewing the available data to ensure that adequate service is being provided while being mindful of the financial challenges faced by each municipality.

- Service adjustments will have to consider whether schools and universities remain closed for Fall semester, have modified on campus student populations, or have moved entirely online in course curriculum. The IMTWG is working with the post-secondary institutions to ensure that sufficient transit is available to support the needs of the students and that adequate compensation is received for the provision of such services.

6 months

- The IMTWG will begin working towards the implementation of a new fare payment technology through the funding provided by the Investing in Canada Infrastructure Program (ICIP). Due to the complexity of the program, an implementation date in 2021 is most likely. Staff will continue to provide updates once a timeline has been established and at the major milestones.
- The Niagara Transit Governance Study report will be complete by summer 2020. Introduction of the final report to LNTC with recommendation on a new governance model by the Project Team and study consultants will be done in consultation with the CAO Working Group and the LNTC Chair.

As both the Province and Region move through the recovery process, staff at each of Niagara's transit providers will continue to collaborate in monitoring service levels, processes, and policies to ensure the safety of the residents and employees remain a priority and that decisions are made and communicated jointly wherever possible.

Respectfully submitted and signed by,

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)

**THE REGIONAL MUNICIPALITY OF NIAGARA
PUBLIC HEALTH & SOCIAL SERVICES COMMITTEE
OPEN SESSION**

PHSSC 7-2020

Tuesday, August 4, 2020

Council Chamber/ Teleconference

Niagara Regional Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON

Committee Members Greenwood (Committee Co-Chair)
Present in the Council
Chamber:

Committee Members Darte, Foster, Insinna, Ip, Rigby, Villella, Whalen, Witteveen
Present via
Teleconference:

Absent/Regrets: Bellows, Bradley (Regional Chair), Butters, Chiocchio
(Committee Co-Chair), Gibson, Heit, Jordan, Nicholson, Sendzik

Staff Present in the Council Chamber: L. Glynn, Technology Support Analyst, Dr. M. M. Hirji, Acting Medical Officer of Health, A. Jugley, Commissioner, Community Services, A.-M. Norio, Regional Clerk

Staff Present via
Teleconference: C. Cousins, Director, Homelessness and Community Engagement, D. Edgar, Director, Children's Services, Dr. A. Feller, Associate Medical Officer of Health, H. Koning, Director, Senior Services, K. Lotimer, Legislative Coordinator, C. Montana, Homelessness & Emergency Services Advisor, R. Tripp, Acting Chief Administrative Officer, L. Watson, Director, Social Assistance and Employment Opportunities, D. Woiceshyn, Chief Executive Officer, Niagara Regional Housing

Others Present via Teleconference: S. Mousseau, Program Manager, Gateway

1. CALL TO ORDER

At 1:30 p.m. Committee Co-Chair Greenwood advised Committee members that pursuant to Section 22.11 of the Procedural By-law 120-2010, as amended, that as a quorum was not present within thirty (30) minutes after the time set for the meeting, the Clerk would record the names of the members present and the meeting would stand adjourned until the date of the next meeting.

The Chair apologized to members for the inconvenience and stated that outstanding agenda items may be brought to a future meeting subject to consultations between the Committee Co-Chairs and staff.

9. ADJOURNMENT

Due to a lack of quorum, the meeting adjourned at 1:30 p.m.

Councillor Greenwood
Committee Co-Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

Minute Item No. 5.1

CLK 3-2020

Corporate Access to Information and Privacy Protection Policies

That Report CLK 3-2020, dated August 5, 2020, respecting Corporate Access to Information and Privacy Protection Policies, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Corporate Policy C-IMT-003, Information Access and Privacy Protection Policy (Appendix 1 of Report CLK 3-2020), **BE REPEALED**;
2. That the Access to Information and Privacy Protection Policy (Appendix 2 of Report CLK 3-2020) **BE APPROVED**; and
3. That the Personal Health Information Protection Policy (Appendix 3 of Report CLK 3-2020) **BE APPROVED**.

Minute Item No. 5.2

CSD 48-2020

Surplus Property - 919 Smithville Road, West Lincoln

That Report CSD 48-2020, dated August 5, 2020, respecting Surplus Property – 919 Smithville Road, West Lincoln, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Regional owned lands, municipally known as 919 Regional Road 14 (Smithville Road) in West Lincoln (the “Surplus Property”) **BE DECLARED** surplus to the Region’s needs;
2. That staff **BE AUTHORIZED** to proceed with the disposal of the Surplus Property in accordance with Niagara Region’s Disposal of Land By-law;
3. That the Commissioner of Corporate Services **BE AUTHORIZED** to negotiate the terms and execute the Agreement of Purchase and Sale, conditional upon final approval by Regional Council; and
4. That staff **BE DIRECTED** to report back to Corporate Services Committee for the approval of the sale once an acceptable Agreement of Purchase and Sale has been received for the Surplus Property.

Minute Item No. 6

CONSENT ITEMS FOR INFORMATION

That the following items **BE RECEIVED** for information:

CSC-C 14-2020

COVID-19 Response and Business Continuity in Corporate Services

CSC-C 13-2020

Bill 197 - Changes to the Development Charges and Planning Act (Community Benefit Charge)

**THE REGIONAL MUNICIPALITY OF NIAGARA
CORPORATE SERVICES COMMITTEE
OPEN SESSION**

**CSC 7-2020
Wednesday, August 5, 2020
Council Chamber/Teleconference
Niagara Regional Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Committee Members Present in the Council Chamber: Whalen (Committee Vice-Chair)

Committee Members Present via Teleconference: Bradley (Regional Chair), Campion, Diodati, Easton, Edgar, Fertich, Foster (Committee Chair), Gale, Heit, Rigby,

Absent/Regrets: Butters, Ip, Redekop

Staff Present in the Council Chamber: H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer, S. Guglielmi, Technology Support Analyst, T. Harrison, Commissioner/Treasurer, Corporate Services, A.-M. Norio, Regional Clerk, R. Tripp, Acting Chief Administrative Officer

Staff Present via Teleconference: D. Gibbs, Director, Legal & Court Services, K. Lotimer, Legislative Coordinator, F. Meffe, Director, Human Resources, B. Menage, Director, Procurement & Strategic Acquisitions, M. Trennum, Deputy Regional Clerk

1. CALL TO ORDER

Committee Vice-Chair Whalen called the meeting to order at 9:32 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

There were no delegations.

5. ITEMS FOR CONSIDERATION

5.1 CLK 3-2020

Corporate Access to Information and Privacy Protection Policies

Moved by Councillor Rigby

Seconded by Councillor Foster

That Report CLK 3-2020, dated August 5, 2020, respecting Corporate Access to Information and Privacy Protection Policies, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Corporate Policy C-IMT-003, Information Access and Privacy Protection Policy (Appendix 1 of Report CLK 3-2020), **BE REPEALED**;
2. That the Access to Information and Privacy Protection Policy (Appendix 2 of Report CLK 3-2020) **BE APPROVED**; and
3. That the Personal Health Information Protection Policy (Appendix 3 of Report CLK 3-2020) **BE APPROVED**.

Carried

5.2 CSD 48-2020

Surplus Property - 919 Smithville Road, West Lincoln

Moved by Councillor Gale

Seconded by Councillor Campion

That Report CSD 48-2020, dated August 5, 2020, respecting Surplus Property – 919 Smithville Road, West Lincoln, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Regional owned lands, municipally known as 919 Regional Road 14 (Smithville Road) in West Lincoln (the “Surplus Property”) **BE DECLARED** surplus to the Region’s needs;
2. That staff **BE AUTHORIZED** to proceed with the disposal of the Surplus Property in accordance with Niagara Region’s Disposal of Land By-law;
3. That the Commissioner of Corporate Services **BE AUTHORIZED** to negotiate the terms and execute the Agreement of Purchase and Sale, conditional upon final approval by Regional Council; and
4. That staff **BE DIRECTED** to report back to Corporate Services Committee for the approval of the sale once an acceptable Agreement of Purchase and Sale has been received for the Surplus Property.

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Edgar
Seconded by Councillor Easton

That the following items **BE RECEIVED** for information:

CSC-C 14-2020
COVID-19 Response and Business Continuity in Corporate Services

CSC-C 13-2020
Bill 197 - Changes to the Development Charges and Planning Act (Community Benefit Charge)

Carried

7. OTHER BUSINESS

7.1 Regional Funding of Hospital Infrastructure Projects

Councillor Foster advised Committee members that he will be bringing a motion to the Corporate Services Committee being held on Wednesday, September 9, 2020, respecting Niagara Region's funding of local area hospital infrastructure projects.

8. NEXT MEETING

The next meeting will be held on Wednesday, September 9, 2020 at 9:30 a.m.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 9:50 a.m.

Councillor Whalen
Committee Vice-Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

Subject: Corporate Access to Information and Privacy Protection Policies

Report to: Corporate Services Committee

Report date: Wednesday, August 5, 2020

Recommendations

1. That Corporate Policy C-IMT-003, Information Access and Privacy Protection Policy (Appendix 1 of Report CLK 3-2020), **BE REPEALED**;
2. That the Access to Information and Privacy Protection Policy (Appendix 2 of Report CLK 3-2020) **BE APPROVED**; and
3. That the Personal Health Information Protection Policy (Appendix 3 of Report CLK 3-2020) **BE APPROVED**.

Key Facts

- The purpose of this report is to seek Council's approval of two new corporate policies respecting access to information and protection of privacy.
- These policies put into place requirements based on the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Personal Health Information Protection Act* (PHIPA).
- The current corporate privacy policy C-IMT-003, Information Access and Privacy Protection Policy, was last revised in 2012.
- Recommendation 5 of the Ontario Ombudsman Report "Inside Job", recommended Niagara Region ensure that all officials and employees with access to personal information understand their obligations under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
- The new policies more clearly outline how Niagara Region remains in compliance with Ontario's legislative framework for privacy by creating separate policies for each piece of legislation.
- The new policies provide greater clarity respecting the roles and responsibilities of officials and staff throughout the organization.

Financial Considerations

There are no financial considerations associated with this report.

Analysis

On November 29, 2019, the Ontario Ombudsman released his report titled “Inside Job” respecting the investigation he conducted regarding the process Niagara Region undertook in the hiring of its Chief Administrative Officer. Recommendation 5 of the Ombudsman Report states:

The Regional Municipality of Niagara should ensure that all officials and employees with access to personal information understand their obligations under the Municipal Freedom of Information and Protection of Privacy Act.

The current Information Access and Privacy Protection Policy deals with both provincial privacy laws, MFIPPA and PHIPA. In light of the Ombudsman’s recommendation, the obligations and corporate expectations of both officials and staff could be more clearly defined.

The two new policies being recommended by this report provide additional direction to staff with respect to what they are required to do to remain in compliance with the fundamental principles of the legislation. Additionally, to ensure the understanding of these expectations, Clerk’s Office staff will lead an education campaign throughout the fall of 2020, to ensure all staff are aware of policy changes and their individual obligations as defined therein.

The Access to Information and Privacy Protection Policy (Appendix 2 of Report CLK 3-2020), additionally states the requirements for conducting privacy impact assessments, completing personal information banks, and for the management of privacy incidents and contraventions against MFIPPA.

This policy will allow Niagara Region to be better prepared to:

- Anticipate, identify and prevent privacy invasive events before they occur;
- Build in the maximum degree of privacy into the default settings of Niagara Region’s systems and business practices. Doing so will keep a user’s privacy intact, even if they choose to do nothing;

- Embed privacy settings into the design and architecture of information technology systems and business practices instead of implementing them after the fact as an add-on; and
- Protect the interests of users by offering strong privacy defaults, appropriate notice, and empowering user-friendly options.

The Personal Health Information Protection Policy (Appendix 3 of Report CLK 3-2020), specifically applies to Niagara Region's Health Information Custodians, a role defined by the *Personal Health Information Protection Act*. This policy provides additional guidance to the custodians and their staff with respect to an individual's ability to access their own health records, as well as the roles and responsibilities within the organization that are responsible for ensuring the protection of those records.

Alternatives Reviewed

Council may choose to continue with the current Information Access and Privacy Protection Policy, C-IMT-003. This is not recommended given the age of the policy and the recommendation from the Ontario Ombudsman respecting staff knowledge and understanding of their roles under the *Municipal Freedom of Information Protection of Privacy Act*.

Relationship to Council Strategic Priorities

The recommendations in this report align with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

CAO 17-2019	Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019
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Prepared and Recommended by:

Ann-Marie Norio
Regional Clerk
Administration

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with M. Trennum, Deputy Regional Clerk, and reviewed by S. Hannell, Manager, Information Management Services, M. Antidormi, Privacy Officer, and D. Gibbs, Director, Legal and Court Services.

Appendices

Appendix 1 C-IMT-003 (C3.F03) - Information Access and Privacy Protection Policy

Appendix 2 Draft Access to Information and Privacy Protection Policy

Appendix 3 Draft Personal Health Information Protection Policy

SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

****This policy has been provided by Niagara Region for reference purposes only and does not constitute legal advice. This policy has no association with or authority over the operations of any organization beyond Niagara Region.****

DEVELOPED BY: Corporate Records and Information Services, Office of the Regional Clerk

APPROVED BY: CMAT

DATE: October 19, 2010

REVIEW DATE: October 19, 2012

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SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

POLICY STATEMENT

All Niagara Region employees and members of Regional Council shall comply with Ontario's information access and privacy requirements as mandated by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA, 1991) and the *Personal Health Information Protection Act* (PHIPA, 2004).

POLICY PURPOSE AND BACKGROUND

This policy confirms Niagara Region's obligation to provide information access and privacy protection in accordance with MFIPPA and PHIPA.

The accompanying procedures provide staff guidelines for how to comply with both Acts. All underscore the principles of openness and responsiveness expressed in corporate policy C3.A10, "Accountability and Transparency."

MFIPPA came into effect January 1, 1991. It has several key principles:

1. That the majority of information held by public institutions (i.e. Niagara Region) should be publicly accessible
2. That only under specific circumstances, as described in MFIPPA, should information be withheld from the public
3. That all personal information (PI), personal health information (PHI), and otherwise confidential information held by public institutions should be protected from unwarranted disclosure
4. That individuals who provide personal information to public institutions have a right at any time to view and/or correct this information.

MFIPPA also outlines a step by step process by which members of the public can request to view or obtain copies of information from public institutions.

PHIPA came into effect January 1, 2004. It is similar to MFIPPA, but makes no provisions for information access. PHIPA applies specifically to the confidentiality of personal health information (PHI) and dictates:

1. That all personal health information held by public institutions (i.e. Niagara Region) should be protected from unwarranted disclosure
2. That individuals who provide personal health information to public institutions (i.e. Niagara Region) have a right at any time to view, obtain a copy of and/or correct this information.

SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

SCOPE

This policy and procedures apply to all Niagara Region employees, including members of Regional Council.

ENFORCEMENT

Consequences of a failure to comply with MFIPPA and PHIPA include:

- Privacy breach or breach of confidentiality
- Investigation by the Information and Privacy Commission of Ontario (IPC)
- IPC Orders issued against Niagara Region, its policies and/or employee practices
- Negative media coverage for Niagara Region, Regional departments, services and programs
- Loss of the public's trust
- Potential for legal appeals and/or litigation, with associated financial costs

Under MFIPPA s.42(2), any individual who wilfully acts in contravention of MFIPPA, requests information under false pretenses, obstructs an investigation by the IPC or fails to follow an order by the IPC is liable to a fine of up to \$5,000.

PROCEDURE

This procedure describes the steps required to complete a formal written request for information under MFIPPA or PHIPA. Sometimes, information is requested informally via verbal, telephone or email exchanges. Please consult with supervisors and/or Access and Privacy staff within Clerk's for advice on how to respond to informal requests.

ACCESS TO INFORMATION

Step 1 – Request Received

- The Niagara Region Access and Privacy Unit within the Office of the Regional Clerk receives a written [request for information](#), or
- Niagara Region employees receive a written FOI request and send it directly to the Access and Privacy Unit. Divisional management may be notified of a request, but the identity of the requestor must be kept confidential.

Step 2 – Request Acknowledged

- Legislated timelines for responding to an information request start "ticking" as of the date when the requester pays a fee of \$5.00 as required under MFIPPA. PHIPA does not require an administrative fee.
- Access and Privacy staff send a letter of receipt to the requester.

SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

Step 3 – Staff Notified

- Access and Privacy staff notify the appropriate MFIPPA/PHIPA staff contact that a request for information from their department or division has been made
- Staff contacts typically respond by providing records to the Access and Privacy Unit within five business days.

Step 4 – Further Staff Required (Optional)

- If the information request is very complex, Niagara Region employees may indicate that additional staff and/or councillors need to be involved.
- The Access and Privacy Unit will notify additional staff and/or councillors and ask if they have any records related to the request.
- Records must be provided regardless of format: paper, email, digital files, photos, video, voicemail, instant messages, etc.

If staff and/or councillors have no records relevant to the request, they will confirm this fact in writing.

If staff and/or councillors do have records relevant to the request, these records must be provided to Access and Privacy staff within legislated timelines.

Step 5 – Fee Estimate (Optional)

- Before any records are actually provided, the Access and Privacy Unit may ask for an estimate of how many records each individual holds that pertain to the request. These numbers may be used to create a fee estimate, which is then sent to the requester.
- Fee estimates may be quite large, depending on the staff time required to search and review records. Upon receipt of a fee estimate, the requester may choose to:
 - a) Not pay the fee, and not pursue the information request further
 - b) Not pay the fee, and contact Access and Privacy staff to narrow the scope of their request
 - c) Not pay the fee, and initiate an appeal with the Office of the Information and Privacy Commissioner for Ontario (IPC)
 - d) Pay the fee (full amount if total is under \$100.00; minimum 50% deposit required if total is over \$100.00) and continue pursuing the information request in its original form

Step 6 – Application for Extension (Optional)

- If the request is going to require extensive search time or requires clarification, Niagara Region may apply for an extension as defined in MFIPPA. Access and Privacy staff will notify the requester of the extension. Extensions may occur once only per request.

Step 7 – Records Provided

- Records related to the information request must be provided to Access and Privacy staff as soon as possible.
- This may be done in paper or electronic form. Originals should be provided whenever possible.

Step 8 – Records Reviewed

SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

- Access and Privacy staff review records and, if necessary, sever information that is exempt from public disclosure under MFIPPA. Exemptions may include:

Discretionary Exemptions

Draft by-laws
 Advice or recommendations
Discretionary Exemptions (ctd.)
 Law enforcement
 Economic/Other interests
 Danger to health and safety
 Danger to national security
 Solicitor-client privilege
 Information soon to be published
 Constituent business

Mandatory Exemptions

Third party information
 Relations with governments
Mandatory Exemptions (ctd.)
 Personal information
 Personal health information

Step 9 – Third Party Notification (Optional)

- If third party information is present in the requested records, Access and Privacy staff will notify the parties concerned and request their representation on the disclosure of the affected records.
- Third Parties will submit their response within 20 working days to the Access and Privacy Unit, along with their views on the disclosure.

Step 10 – Disclosure Decision

- Under MFIPPA, organizations must identify a “designated head” that has the final authority to make decisions about information disclosure. At Niagara Region, by-law 6077-90 names the Chair of Regional Council as the designated head for the purposes of MFIPPA.
- Similarly, the Niagara Region Medical Officer of Health is identified as a Health Information Custodian for the purposes of PHIPA.

Step 11 – Records Provided to Requester

- After a careful review, records are provided to the requester within legislated timelines.
- The requester may view records in person, receive them electronically, or obtain a hard copy.

PRIVACY PROTECTION

The following procedures are based on the requirements of MFIPPA, PHIPA, and 10 privacy principles developed by the Canadian Standards Association.

Principle 1: Accountability

Niagara Region, its employees and councillors are publicly accountable for protecting the privacy of clients, customers and business partners who submit personal or otherwise privileged information to the Region in confidence, provided that public expectations of privacy fall within the dictates of MFIPPA and PHIPA. See corporate policy C3.A10, “Accountability and Transparency.”

SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

Principle 2: Identifying Collection Purposes

When collecting personal information (PI) or personal health information (PHI), Niagara Region will inform clients and customers as to why this information is required and how it will be used.

2.1 At Niagara Region, common reasons for collecting PI and PHI include:

- program administration
- property administration (taxes, building inspection and licensing)
- provision of services
- provision of utilities
- by-law enforcement
- personnel administration
- public safety
- general correspondence

2.2 Niagara Region will demonstrate its legal authority to collect PI and PHI, and will provide a contact for questions about the collection and use of PI and PHI. This may require:

- a notification clause or collection disclaimer on all forms that collect personal information, including those that appear on www.niagararegion.ca
- contact numbers and/or notification clauses posted visibly at service counters where personal information is received verbally

2.3 Niagara Region does not share personal information with other government agencies, except where provided for by an Act of legislation or informed consent.

2.4 If it is necessary to use PI or PHI for purposes other than those originally stated at the time of collection, Niagara Region will obtain informed consent from the individual(s) involved.

Principle 3: Consent

Niagara Region obtains consent for the collection, use and disclosure of personal information, except for instances when requiring consent may endanger the health or safety of an individual.

Principle 4: Limiting Collection

Niagara Region will only collect information that is absolutely necessary for the delivery of programs or services, general administration, public safety, collection of taxes or by-law and law enforcement.

4.1 When Niagara Region collects PI and/or PHI, it will do so in a transparent manner. In other words, no PI and/or PHI will be collected from individuals indirectly or without their knowledge.

4.2 Indirect collection of personal information will occur only when the guardian of a person under the age of consent (a minor) is supplying the information, or when collection is necessary for the purpose of by-law or law enforcement, administrative investigations or public safety.

SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

4.3 If Niagara Region receives any unsolicited PI/PHI from citizens or clients, it must be retained in a secure and confidential manner. If sent in error, contact the sender to return the information. If related to a Niagara Region program or service, direct the sender to a more appropriate contact. If received via email, instant message or Facebook, ensure that privacy of the message will be maintained and contact the sender to establish a more secure method of exchange. Always take great care when receiving, storing and transmitting PI/PHI.

Principle 5: Limiting Use, Disclosure & Retention

In addition to limiting use and disclosure, PI and PHI will only be retained by Niagara Region long enough to meet legislative or operational requirements contained in the Regional Municipality of Niagara Records Retention By-Law and Schedule "A".

5.1 Niagara Region does not give, rent, trade or sell personal information lists to any organization other than its own departments or agencies, except where provided for by an Act of legislation.

5.2 Appropriate physical, technological, and procedural safeguards will be implemented to ensure that all PI and PHI retained by Niagara Region remains secure from unintentional disclosure.

Principle 6: Accuracy

Niagara Region will maintain all records containing PI and PHI as accurate, complete and up-to-date.

6.1 Niagara Region updates information as it is made available by the individual who provided the information.

6.2 Niagara Region does not routinely update personal information unless such a process is necessary to fulfill the purpose for which the personal information was originally collected.

6.3 It is the responsibility of the individual who supplied PI and/or PHI to advise Niagara Region when changes are required to this information.

6.4 As per section 36 of MFIPPA, any individual may request corrections to PI and/or PHI held by The Region, if they believe that an error or omission has been made. Click [here](#) for the MFIPPA form to correct personal information.

Not all requests for correction will be fulfilled, but there will at minimum be a notation added to the original information that outlines the requested change. Notice will be supplied as to whether or not the correction was made and the reasons for the decision.

Principle 7: Safeguards

Niagara Region protects PI and PHI with physical, technological and procedural safeguards that are appropriate to the format and sensitivity of the information.

SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

7.1 Protection methods for personal information include:

- staff training
- locked file cabinets and file rooms
- restricted office access
- clean desk practices
- employee confidentiality agreements
- passwords and network security
- data encryption

7.2 If a third party is contracted to collect or use personal information on behalf of Niagara Region, legal agreements or written consent processes must be developed that require the third party to use practices that protect the personal information in accordance with MFIPPA and PHIPA.

7.3 Completion of a Privacy Impact Assessment (PIA) is highly recommended as a method of assessing risks to privacy and ensuring that all Niagara Region programs and services operate with privacy protection as a priority. Detailed information and advice on completing a PIA is available from:

- Access and Privacy Staff
(FOI@niagararegion.ca; x.3273)
- Ontario Ministry of Government Services
(<http://www.accessandprivacy.gov.on.ca/english/pia/index.html>)
- Office of the Information and Privacy Commissioner of Ontario
(<http://www.ipc.on.ca>)

Principle 8: Openness

Niagara Region adheres to and supports the principles of access and transparency embodied by MFIPPA.

8.1 Information, once requested, will be released unless it falls under one of the exemptions listed in MFIPPA, or:

- it contains PI and/or PHI that does not belong to the requester
- disclosure is limited by some other legislation
- there is a legal agreement in place prohibiting release
- disclosure would limit by-law and law enforcement

Principle 9: Individual Access

Upon completion of the [FOI Request Form](#), Access and Privacy Unit staff will provide to the individual making the request, access to PI and/or PHI that is held about them by Niagara Region.

9.1 If required, assistance is available in completing a request.

9.2 Niagara Region may request identification to verify the identity of individuals seeking access to their own personal information.

SECTION	NAME OF POLICY
INFORMATION	INFORMATION ACCESS & PRIVACY PROTECTION

9.3 Niagara Region will make every effort to comply with legislated deadlines and fee structures as per MFIPPA.

9.4 In the event of a highly complex or voluminous request, an estimate of applicable charges and/or fees will be provided to the requestor, and approved by the requestor, prior to the gathering of information to fill the request.

Principle 10: Challenging Compliance

An individual may challenge Niagara Region's compliance with these privacy principles or with MFIPPA and/or PHIPA by contacting Access and Privacy staff via FOI@niagararegion.ca or 905-685-4225 x.3741

10.1 The FOI Coordinator will make every reasonable effort to satisfy the concerns of a challenge, including reviewing the policies and practices of The Region and submitting a response to the individual making the challenge.

10.2 If an applicant is not satisfied with the response received from The Region's FOI Coordinator regarding compliance, or any part of an information request, an appeal can be sent to the [Office of the Information and Privacy Commissioner of Ontario \(IPC\)](#). A staff member of the Commissioner's office will arrange to mediate with the two parties and come to an agreement. If this process fails to satisfy the applicant then a formal inquiry will be held with the Commissioner. The Commissioner's ruling is binding on both parties.

10.3 If required, The Region's FOI Coordinator will assist an applicant in sending an appeal to the Office of the Information and Privacy Commissioner.

<i>Policy Category</i>	<i>Name of Policy</i>
Information Management & Technology	Access to Information and Privacy Protection Policy

Policy Owner	Corporate Administration, Office of the Regional Clerk, Access and Privacy Office, Deputy Regional Clerk
Approval Body	Council
Approval Date	
Effective Date	
Review by Date	August 2022

1. Policy

Niagara Region shall comply with the Province of Ontario's access to information and privacy protection requirements as mandated by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

Access and Privacy Principles

Niagara Region is committed to fostering trust and confidence with the public through its adherence to the following fundamental principles of MFIPPA:

1) Information should be available to the public

Niagara Region shall provide access to information under its custody or under its control, whether through routine disclosure, proactive dissemination, Open Data, and/or through the formal freedom of information request process, in accordance with the principles that:

- a. Information should be available to the public; and
- b. Necessary exemptions from the right of access should be limited and applied in specific circumstances, such as the protection of personal information, third party information, and confidential government information protected by legal privilege.

<i>Policy Category</i>	<i>Name of Policy</i>
<i>Information Management & Technology</i>	<i>Access to Information and Privacy Protection Policy</i>

2) Individuals shall have access to their own personal information

Niagara Region's divisions, programs, or services which collect, use, retain, disclose, and/or dispose of personal information shall, in consultation with the Access and Privacy Office, develop, implement and annually review procedures for granting individuals' access to their own personal information, including a standard for what information may be provided through routine disclosure and what information may require the individual to submit a freedom of information request.

Every individual who is given access to his/her personal information is entitled to request correction of the personal information Niagara Region has in its custody or in its control, if the individual believes there is an error or omission.

- In the event Niagara Region is unable to make a correction due to the inability to verify accuracy, Niagara Region shall instead ensure the request is documented and appended to the information in question reflecting any correction that was requested but not made and the reasons therefore.
- Additionally, Niagara Region shall ensure that anyone to whom the personal information was disclosed, within the year before the correction was requested, be notified of the correction or the statement of disagreement.

3) Institutions must protect the privacy of individuals with respect to personal information; Niagara Region will:

- a. Establish and maintain a corporate privacy program and procedural framework in accordance with the Canadian Standard Association's (CSA) guiding principles of privacy;
 - i. Accountability
 - ii. Identifying Collection Purposes
 - iii. Consent
 - iv. Limiting Collection
 - v. Limiting Use, Disclosure & Retention
 - vi. Accuracy
 - vii. Safeguards
 - viii. Openness
 - ix. Individual Access
 - x. Challenging Compliance

<i>Policy Category</i>	<i>Name of Policy</i>
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- b. Ensure all officials and employees share responsibility for the protection of personal information as further described in the roles and responsibilities identified in this policy;
- c. Plan for and ensure that the protection of personal information is embedded in the design of all Niagara Region programs, processes, projects and technology;
 - i. Niagara Region's programs and services shall conduct a privacy impact assessment (PIA), in a manner that is proportionate with the privacy risk identified by the PIA screening tool, for any new or modified collection, use, retention, disclosure and/or disposal of personal information, or personal health information.
- d. Establish and communicate a set of privacy standards and guidelines to improve the protection of personal information by identifying, investigating, assessing, monitoring, and mitigating privacy risks in Regional programs and services which collect, use, disclose and dispose of personal information;
- e. Apply this policy and related policies and practices to the collection, use, retention, disclosure, and disposal of personal information;
- f. Clearly communicate to the public how personal information is collected, used, disclosed and disposed;
 - i. Niagara Region shall make available for inspection by the public an index of all personal information banks (PIB) in the custody or under the control of the institution. The information should include:
 1. Its name and location;
 2. The legal authority for its establishment;
 3. The types of personal information maintained in it;
 4. How personal information is used on a regular basis;
 5. To whom the personal information is disclosed on a regular basis;
 6. The categories of individuals about whom personal information is maintained; and
 7. The policies and practices applicable to the retention and disposal of the personal information.

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<i>Information Management & Technology</i>	<i>Access to Information and Privacy Protection Policy</i>

- ii. Niagara Region will ensure Personal Information Banks receive routine maintenance and updating as required to ensure the accuracy and transparency of the information;
- g. Make privacy training mandatory, proportional with their job responsibilities, for all Regional officials and employees with access to personal information to understand their obligations under MFIPPA;
- 4) Niagara Region shall ensure that reasonable measures, respecting the safeguarding and retention of records in the custody or under the control of Niagara Region, are defined, documented, and administered, taking into account the nature of the records to be protected.

Managing Privacy Incidents and Privacy Breaches

Niagara Region shall work to contain, investigate, and reduce the risk of future incidents when personal information is collected, retained, used, disclosed, or disposed of in ways that do not comply with Ontario's privacy laws.

All privacy incidents shall be immediately reported, or reported as soon as reasonably possible, to Niagara Region's Access and Privacy Office.

2. Purpose

To foster public trust by establishing mandatory requirements and clear responsibilities and accountability for the protection of personal information that is collected, used, disclosed, or disposed of by Niagara Region.

3. Scope

This policy applies to all Niagara Region employees, elected officials, students and volunteers. Niagara Region employees responsible for managing, developing, and entering into contracts with any third party service providers or contractors that involve information that would be subject to this policy are responsible for ensuring that those contractual arrangements are in alignment with this policy.

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This policy applies to all personal information including personal health information in the custody or the control of Niagara Region and is not limited by the scope of any individual legislation or regulation with the exception of personal health information in the custody or control of Niagara Region's Health Information Custodians pursuant to PHIPA.

3.1. Roles and Responsibilities

3.1.1. Regional Clerk

- a. Provide oversight of and compliance with this Policy and Framework by all Regional Staff.

3.1.2. Corporate Leadership Team

- a. Integrate protection of personal information requirements into the development, implementation, evaluation, and reporting activities of divisional programs and services in accordance with this policy and any of its procedures;
- b. Promote a culture of business practices that ensure Regional information is shared and accessible to the greatest extent possible, while respecting privacy requirements of personal information and other confidentiality obligations.

3.1.3. Deputy Regional Clerk

- a. Develop and implement policies, programs and services for management and protection of personal information based on Privacy by Design principles;
- b. Establish privacy standards, guidelines and procedures to support this Policy and Framework;
- c. Coordinate the corporate privacy breach protocol and the response to complaints regarding the misuse of personal information;
- d. Authorize and sign-off on the Privacy Impact Assessment report prior to implementation of any technology, system, program or service involving the collection or use of personal information or personal health information;

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- e. Engage the Chief Information Officer to assess the security of any technological system that collects or uses personal information or personal health information.

3.1.4. **Freedom of Information Coordinator**

- a. Accept formal freedom of information (FOI) requests on behalf of Niagara Region and facilitate the search, gathering and redaction of the records, as required;
- b. Maintain all records and information pertaining to an FOI request;
- c. Review divisional procedures for granting individuals' access to their own personal information, including access through routine disclosure and freedom of information requests;
- d. Complete annual reporting to the Information and Privacy Commissioner/Ontario which includes compiling and verifying required data.

3.1.5. **Access and Privacy Office**

- a. Implement this policy, in partnership with Regional Divisions, including the development of required procedures;
- b. Review divisional practices for the collection, use, disclosure and disposition of personal information;
- c. Consult with business programs to meet privacy requirements as identified in this Policy, applicable legislation, privacy standards and procedures;
- d. Investigate reports of privacy breaches and communicate findings to complainant and engage with Legal Services as required;
- e. Review and investigate all privacy incidents to determine whether or not a breach has occurred. The Access and Privacy Office will coordinate and manage all privacy breaches according to Niagara Region's Privacy Breach Protocol procedure
- f. Conduct Privacy Impact Assessments in consultation with Regional Divisions and programs;
- g. Develop, coordinate and deliver privacy training as required by this policy and its associated procedures.

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3.1.6. Manager, Information Management Services

- a. Oversee, develop and implement corporate strategies, policies, standards, procedures, best practices and programs to promote the Regions records and information management program;
- b. Lead records and information training and awareness campaigns;
- c. Provide advice and guidance on records and information management policies and related matters.

3.1.7. Chief Information Officer

- a. Implement Privacy by Design principles in Enterprise Architecture, information technology policies, standards, procedures and technologies;
- b. Conduct Risk Assessments (Threat Risk Assessments, and Vulnerability Assessments) on all technological systems involving the collection or use of personal information prior to implementation or deployment;
- c. Execute recommendations identified in Privacy Impact Assessment reports;
- d. Provide to the Deputy Regional Clerk the results of all Threat Risk Assessments and Vulnerability Assessments on any technological system that collects or uses personal information or personal health information.

3.1.8. Directors and Divisional Leadership

- a. Be accountable for ensuring personal information is collected, used, disclosed and disposed in accordance with legislation and associated regulations, standards and other Regional policies, and in compliance with this policy;
- b. Develop, in consultation with the Freedom of Information Coordinator and the Privacy Officer, procedures for granting individuals' access to their own personal information, including a standard for what information may be provided through routine disclosure and what information may require the individual to submit a freedom of information request;
- c. Implement this Policy and Framework and communicate to staff under their direction;

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- d. Restrict access to personal information to those individuals who require access to personal information in order to perform their duties and where access is necessary for the administration of their business;
- e. Maintain personal information and develop, and implement processes whereby individuals can view information held about them and what the Region uses it for. These processes will also facilitate individuals needing to correct or update their information;
- f. In collaboration with the Privacy Officer, the Chief Information Officer, applicable Commissioner, Procurement staff, and the Chief Administrative Officer, ensure that any contractual arrangements with third party service providers or contractors are in alignment with this policy;
- g. Consult with the Deputy Regional Clerk and the Chief Information Officer during the planning stages, before any procurement, and prior to implementation of any technology, system, program or service involving the collection, use, disclosure or disposition of personal information or personal health information.

3.1.9. Niagara Region Personnel

Each individual that collects, uses, discloses, or disposes of information received as part of their duties as a Regional employee including personal information, is accountable for the actions they take with the information including ensuring the information is used only for the purpose it was obtained and is not disclosed to either other employees or non-employees except as permitted in accordance with this policy and applicable legislation whatever form the information is stored or transmitted in. All employees will:

- a. Manage personal information that they collect, use, retain, disclose and dispose of for Regional business in accordance with this policy and its procedures to safeguard such information;
- b. Take privacy training as required by their role, position, or in consultation with the Access and Privacy Office to ensure the appropriate handling of personal information and to understand their responsibilities to protect privacy in executing their operational duties;

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- c. Ensure that personal information is only accessible and discussed by authorized users;
- d. Report any privacy incidents to the Access and Privacy Office immediately, or as soon as reasonably possible;
- e. Be aware of their individual privacy responsibilities as defined by departmental, divisional, or program specific procedures for the collection, use, retention, disclosure, or disposal of personal information;

Each individual should be aware that non-compliance with MFIPPA requirements, risks and consequences may include any or all of the following:

- Loss of trust or confidence in the Niagara Region
- Privacy Breach or breach in confidentiality
- Legal liabilities and proceedings
- Investigation by privacy oversight bodies (IPC)
- IPC Orders issued against Niagara Region, its policies and/or employee practices
- Negative media coverage for Niagara Region, Regional departments services and programs

Under MFIPPA s.42(2), any individual who willfully acts in contravention of MFIPPA, requests information under false pretenses, obstructs an investigation by the IPC or fails to follow an order by the IPC is liable to a fine of up to \$5,000.

Definitions

MFIPPA means the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario) and its regulations, as amended from time to time.

Personal Information means all recorded information that is about an identifiable individual or is defined or deemed to be “personal information” pursuant to any laws or regulations related to privacy or data protection that are applicable to the Regional Municipality of Niagara (including, without limitation, any information that constitutes “personal information” as such term is defined by MFIPPA or “personal health information” as such term is defined by PHIPA).

Privacy Breach means any inappropriate or unauthorized collection, use, retention, disclosure, or disposal of personal information.

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Privacy by Design means the consideration of privacy during the design process that integrates the protection of “personal information” directly into the technology/system through creation, operation, and management of the system or technology itself.

Privacy Impact Assessment (PIA) means the tool used by the corporation to review any change to the collection, use, retention, disclosure, or disposal of “personal information” to assess the risks to privacy associated with the change, and to provide recommendations on how to mitigate these risks.

Privacy Incident means and inappropriate or unauthorized action that involves data, information or records which include “personal information” that may lead to the discovery of a “privacy breach”.

Threat Risk Assessment (TRA) means the tool use by the corporation to identify, analyzing and reporting the risks associated with an information technology system’s potential vulnerabilities and threats.

Vulnerability Assessment (VA) means the process of defining, identifying, classifying and prioritizing vulnerabilities in computer systems, applications and network infrastructures and providing the corporation with the necessary knowledge, awareness and risk background to understand the threats to its environment and react appropriately

4. References and Related Documents.

4.1. Legislation, By-Laws and/or Directives

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);

Niagara Region Retention By-law

Delegation of Head by-law

4.2. Procedures

Privacy breach protocol

5. Related Policies

Personal Health and Information Protection Act (PHIPA) Policy

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6. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by

<i>Policy Category</i>	<i>Name of Policy</i>
Information Management & Technology	Personal Health Information Protection Policy

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Policy Owner	Corporate Administration, Office of the Regional Clerk, Access and Privacy Office, Deputy Regional Clerk
Approval Body	Council
Approval Date	
Effective Date	
Review by Date	August 2022

1. Policy

Niagara Region shall comply with the Province of Ontario's access to information and privacy protection requirements as mandated by the *Personal Health Information Protection Act* (PHIPA, 2004).

Individual Access to his/her Own Personal Health Information

Niagara Region programs and services, which collect personal health information (PHI) shall develop, implement and annually review procedures for granting individuals' access to their own PHI, including a standard for what information may be provided through routine disclosure and what information may require the individual to submit a formal written request for records, or request for a correction of PHI.

Every individual who is given access to his/her PHI is entitled to request correction of the PHI, if the individual believes there is an error or omission.

- In the event Niagara Region is unable to make a correction due to the inability to verify accuracy, Niagara Region shall instead ensure the request is documented and appended to the information in question reflecting any correction that was requested but not made and the reasons therefore.
- Additionally, Niagara Region shall ensure that anyone to whom the PHI was disclosed, within the year before the correction was requested, be notified of the correction or the statement of disagreement.

<i>Policy Category</i>	<i>Name of Policy</i>
Information Management & Technology	Personal Health Information Protection Policy

Privacy Protection of Personal Health Information

Health Information Custodians will:

- a. Comply with Niagara Region's corporate privacy program and procedural framework by developing health information practices, in accordance with PHIPA and with the Canadian Standard Association's (CSA) guiding principles of privacy;
 - i. Accountability
 - ii. Identifying Collection Purposes
 - iii. Consent
 - iv. Limiting Collection
 - v. Limiting Use, Disclosure & Retention
 - vi. Accuracy
 - vii. Safeguards
 - viii. Openness
 - ix. Individual Access
 - x. Challenging Compliance
- b. Maintain, or require the maintenance of, an electronic audit log in compliance with PHIPA and Ontario Regulations for any electronic means of collection, use, disclosure, modification, retention or disposal of PHI;
- c. Ensure all officials and employees share responsibility for the protection of personal information as further described in the roles and responsibilities identified in this policy;
- d. Apply this policy and related policies and practices to the collection, use and disclosure, and disposal of personal information.

2. Purpose

The purpose of this privacy policy is to establish mandatory requirements and responsibilities for the protection of personal health information (PHI) that is received or sent by Niagara Region's Health Information Custodians.

Niagara Region is committed to being a leader in privacy by fostering trust and confidence with its clients and the public through its transparency of process and by maintaining confidentiality and a high level of protection of PHI.

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Information Management & Technology	Personal Health Information Protection Policy

3. Scope

This policy applies to all Niagara Region employees, elected officials, students and volunteers. Niagara Region employees responsible for managing, developing, and entering into contracts with any third party service providers or contractors that involve information that would be subject to this policy are responsible for ensuring that those contractual arrangements are in alignment with this policy. The policy applies to all services and corporate activities that may impact the privacy of PHI in Niagara Region's custody or control.

3.1. Roles and Responsibilities

3.1.1. Health Information Custodians

Niagara Region has two Health Information Custodians as defined by the *Personal Health Information Protection Act, 2004*: The Medical Officer of Health, and the Commissioner of Community Services.

Appendix A provides a list of Niagara Region's Health Information Custodians. Appendix B provides a diagram of the Health Information Custodian administrative reporting structure.

Any designated Health Information Custodian at Niagara Region shall:

- i. Obtain the individual's implied or express consent when collecting, using and/or disclosing PHI, except in limited circumstances as specified under PHIPA;
- ii. Collect PHI appropriately (by lawful means and for the lawful purposes of providing health care as defined by PHIPA) and no more than is reasonably necessary;
- iii. Take reasonable precautions to safeguard PHI:
 - a) against theft or loss,
 - b) unauthorized use, disclosure, copying, modification and/or destruction;
- iv. Implement and annually review procedures regarding consent documentation;

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Information Management & Technology	Personal Health Information Protection Policy

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- v. Provide notification to an individual at the first reasonable opportunity if the information is stolen, lost or accessed by an unauthorized person;
- vi. Implement and annually review procedures for auditing for compliance with this policy and PHIPA requirements for protection of privacy;
- vii. Ensure health records are as accurate, up-to-date and complete as necessary for the purposes for which they were collected, used and/or disclosed;
- viii. Ensure health records are stored, transferred and disposed of in a secure manner;
- ix. Designate a contact person who is responsible for:
 - a) responding to access/correction requests;
 - b) responding to enquires about the health information custodian's information practices;
 - c) receiving complaints regarding any alleged breaches of PHIPA and notifying Niagara Region's Access and Privacy Office as soon as possible;
- x. Provide a written statement for each Health Information Custodian as defined in this policy that is readily available to the public, published on the Region's external website, and/or available in print from each program service area which describes:
 - a) the Health Information Custodian's information practices;
 - b) how to reach the contact person; and
 - c) how an individual may obtain access to, request a correction and/or make a complaint regarding his/her PHI;
- xi. Administer the review, response and administration of all formal requests for PHI and records in the custody or control of the Health Information Custodian, in coordination with Niagara Region's Access and Privacy Office; and
- xii. Ensure that all agents of the Health Information Custodian are appropriately informed of their duties under this policy and PHIPA.

3.1.2. Access and Privacy Office, Office of the Regional Clerk

- a) Develop and implement policies, programs and services for management and protection of PHI based on Privacy by Design principles;
- b) Establish privacy standards, guidelines and procedures to support this Policy and Framework;

<i>Policy Category</i>	<i>Name of Policy</i>
Information Management & Technology	Personal Health Information Protection Policy

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- c) Develop, coordinate and deliver privacy training as required by this policy and its associated procedures;
- d) Advise Niagara Region's Health Information Custodians, programs and services on the implementation of this policy, their roles and responsibilities, and interpretation of PHIPA;
- e) The Access and Privacy Office is responsible for reviewing all privacy incidents and investigating to determine whether or not a breach has occurred. The Access and Privacy Office will coordinate and manage all privacy breaches of PHI according to Niagara Region's Privacy Breach Protocol procedure.

3.1.3. Niagara Region Personnel

Each individual that collects, uses, discloses, or disposes of information received as part of their duties as a Regional employee including personal information, is accountable for the actions they take with the information including ensuring the information is used only for the purpose it was obtained and is not disclosed to either other employees or non-employees except as permitted in accordance with this policy and applicable legislation whatever form the information is stored or transmitted in. All employees will:

- a) Manage PHI that they collect, use, retain, disclose and dispose of for Regional business in accordance their college requirements (if applicable) and with this policy and its procedures to safeguard such information;
- b) Take privacy training as required by their role, position, or in consultation with the Access and Privacy Office, to ensure the appropriate handling of personal information and to understand their responsibilities to protect privacy in executing their operational duties;
- c) Ensure that PHI is only accessible and discussed by authorized users;
- d) Be aware of their individual privacy responsibilities as defined by departmental, divisional, or program specific procedures for the collection, use, retention, disclosure, or disposal of personal information.

Each individual should be aware that non-compliance with PHIPA requirements, risks and consequences may include any or all of the following:

- Loss of trust or confidence in Niagara Region
- Cost and time in dealing with Privacy Breaches
- Legal liabilities and proceedings

<i>Policy Category</i>	<i>Name of Policy</i>
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- Investigation by privacy oversight bodies (IPC)
- Negative media coverage for Niagara Region, Regional departments services and programs

Definitions

Health Information Practices means in relation to one of Niagara Region’s health information custodians, the policy of the custodian for actions in relation to “personal health information”, including,

- (a) when, how and the purposes for which the custodian routinely collects, uses, modifies, discloses, retains or disposes of personal health information, and
- (b) the administrative, technical and physical safeguards and practices that the custodian maintains with respect to the information.

Personal Health Information means all recorded information that is about an identifiable individual or is defined or deemed to be “personal health information” pursuant to any laws or regulations related to privacy or data protection that are applicable to the Regional Municipality of Niagara (including, without limitation, any information that constitutes “personal health information” as such term is defined by PHIPA).

PHIPA means the *Personal Health Information Protection Act* (Ontario) and its regulations, as amended from time to time.

Privacy Breach means any inappropriate or unauthorized collection, use, retention, disclosure, or disposal of personal information, as a result of a contravention of this policy, MFIPPA or PHIPA.

Privacy by Design means the consideration of privacy during the design process that integrates the protection of “personal information” directly into the technology/system through creation, operation, and management of the system or technology itself.

Privacy Incident means and inappropriate or unauthorized action that involves data, information or records which include “personal information” that may lead to the discovery of a “privacy breach”.

<i>Policy Category</i>	<i>Name of Policy</i>
Information Management & Technology	Personal Health Information Protection Policy

4. References and Related Document

4.1. Legislation, By-Laws and/or Directives

Personal Health Information Protection Act, 2004 (PHIPA)

4.2. Procedures

- C-XXX-000-001 Formal Request for Records of Personal Health Information Procedure**
- C-XXX-000-002 Delegation of Authority to Agents of the Health Information Custodian**

5. Related Policies

C-XXX-000 Access to Information and Privacy Protection Policy

6. Appendices

Appendix A – List of Niagara Region's Health Information Custodians
Appendix B – Health Information Custodian Reporting Structure

<i>Policy Category</i>	<i>Name of Policy</i>
Information Management & Technology	Personal Health Information Protection Policy

7. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by

<i>Policy Category</i>	<i>Name of Policy</i>
Information Management & Technology	Personal Health Information Protection Policy

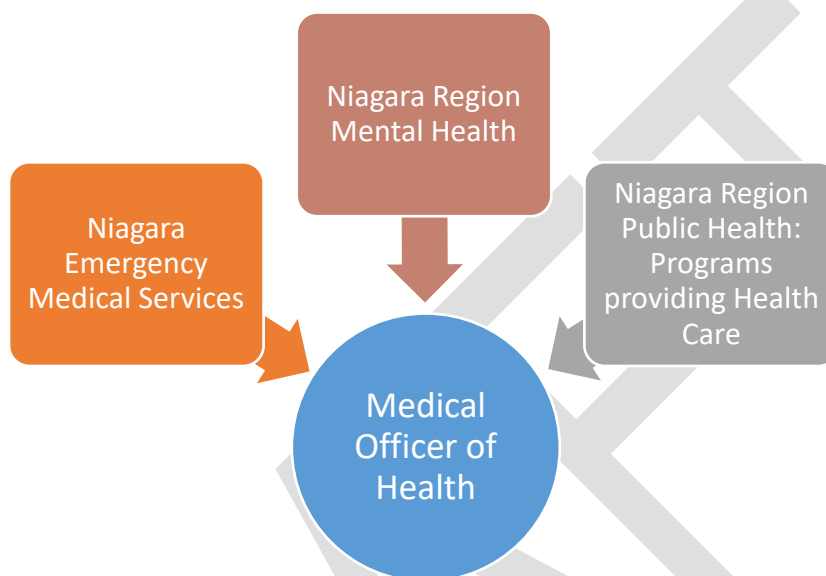
Appendix A – List of Niagara Region’s Health Information Custodians

Niagara Region Operates with two distinct Health Information Custodians.

Health Information Custodians	Agents (Associated Programs and Services)
1. Medical Officer of Health/ Commissioner Public Health	Niagara Region Public Health programs providing health care
	Niagara Region Mental Health
	Niagara Emergency Medical Services
2. Commissioner, Community Services	Seniors Community Programs
	Deer Park Villa Long-Term Care Home
	Woodlands of Sunset Long-Term Care Home
	Linhaven Long-Term Care Home
	Meadows of Dorchester Long-Term Care Home
	Northland Pointe Long-Term Care Home
	Rapelje Lodge Long-Term Care Home
	Upper Canada Lodge Long-Term Care Home
	Gilmore Lodge Long-Term Care Home

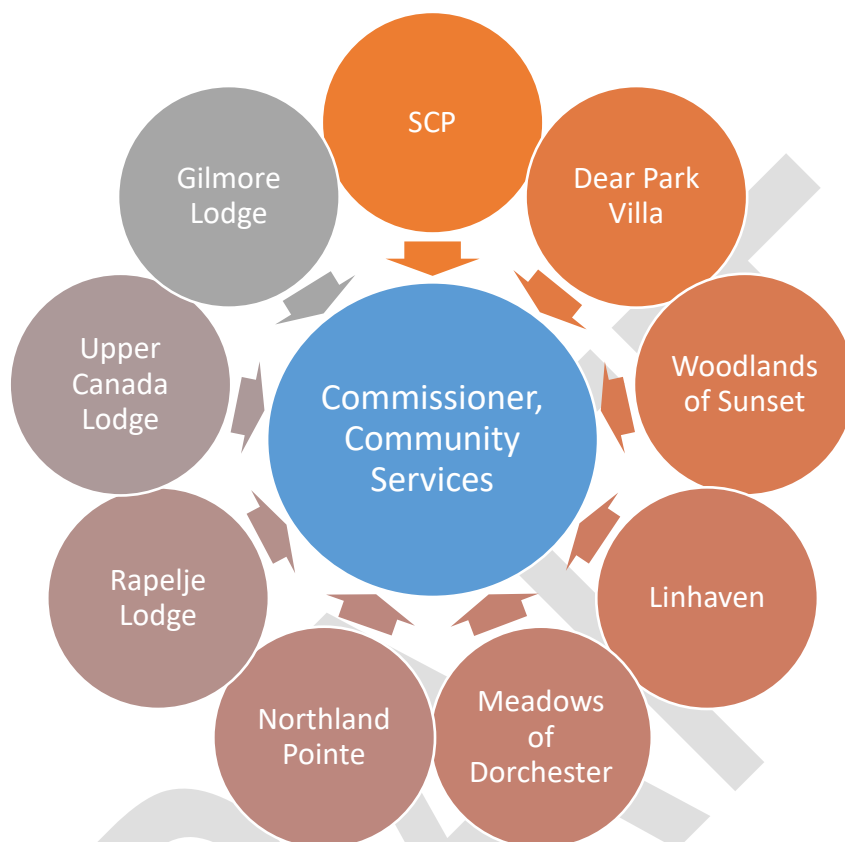
<i>Policy Category</i>	<i>Name of Policy</i>
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Appendix B - Health Information Custodian Administrative Reporting Structure



<i>Policy Category</i>	<i>Name of Policy</i>
Information Management & Technology	Personal Health Information Protection Policy

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Subject: Surplus Property – 919 Smithville Road, West Lincoln

Confidential Report to: Corporate Services Committee

Report date: Wednesday, August 5, 2020

Recommendations

1. That the Regional owned lands, municipally known as 919 Regional Road 14 (Smithville Road) in West Lincoln (the “Surplus Property”) **BE DECLARED** surplus to the Region’s needs;
2. That staff **BE AUTHORIZED** to proceed with the disposal of the Surplus Property in accordance with Niagara Region’s Disposal of Land By-law;
3. That the Commissioner of Corporate Services **BE AUTHORIZED** to negotiate the terms and execute the Agreement of Purchase and Sale, conditional upon final approval by Regional Council; and
4. That staff **BE DIRECTED** to report back to Corporate Services Committee for the approval of the sale once an acceptable Agreement of Purchase and Sale has been received for the Surplus Property.

Key Facts

- The purpose of this report is to seek Council’s approval to declare property surplus in accordance with the Region’s Disposal of Surplus Land By-law 26-2011;
- Staff has circulated the property to departments of the Region, Boards and Agencies, the Township of West Lincoln, School Boards, and the Provincial and Federal governments and no interest has been expressed;
- The Surplus Property was acquired in 2012 to aid with the reconstruction of Regional Road No. 14 in Smithville;
- Preliminary construction design indicated the dwelling on the Surplus Property would be demolished, however, the structure was able to remain;
- As reconstruction of this section of Regional Road No. 14 is now complete, staff is in a position to begin the surplus process for this property.

Financial Considerations

The Surplus Property with the portion of land dedicated as road (collectively known as the “Initial Property”) was acquired by Niagara Region in 2012 at the then appraised value of \$420,000. The Initial Property was approximately 4.63 acres with 0.33 acres to

be dedicated as road leaving 4.3 acres as the Surplus Property. In October 2019, Niagara Region engaged CHS Realty Advisors Inc. for a cost of \$1,200 to complete an appraisal on the Subject Property. CHS determined the value to be \$600,000 for the land, single-family detached dwelling, and detached garage.

Niagara Region incurred electrical maintenance costs of \$2,520 to obtain an ESA Permit and Certificate of Inspection for the dwelling. An additional investment of \$1,560 were required to install a new gas valve, gas pipe, thermostat, additional piping, and a shut-off in the basement, to safely turn on the furnace. Lastly, monthly maintenance expenses of \$495 for snow removal and lawn maintenance were incurred throughout the duration of Niagara Region's ownership of the property. The net sale proceeds for the sale to be credited to DEPT ID 10451 (Surplus Property).

Analysis

The Surplus Property is a vacant residential property in Smithville covering approximately 4.3 acres. The site is improved with a 2,214 square foot single family detached dwelling and a 1,477 square foot detached garage. The Surplus Property is designated as Natural Heritage System in the Township of West Lincoln's Official Plan with an Agricultural, Environmental Conservation, and Environmental Protection zoning. There are registered archaeological sites on the Surplus Property, therefore, a Stage 1 or 2 Archaeological Assessment would be required for any development proposals. There are numerous environmental features on and surrounding the Surplus Property. This means future development will likely require the completion of an Environmental Impact Study and may be constrained to certain areas within the property limits.

The Initial Property was acquired in 2012 to aid in the reconstruction of Regional Road No. 14 which experienced settlement and cracking of the pavement for many years due to slope instability. Issues were encountered with the Initial Property in the years leading up to the 2012 acquisition as this section of roadway was most impacted. Preliminary construction design indicated that the dwelling be demolished to ensure proper grading for the front yard which was required for the road widening. During the reconstruction of the road, it was determined that only the deck at the front of the dwelling required removal to allow for proper grading and setbacks. As a result, the decision was to maintain the dwelling and sell it with the remaining property if declared surplus.

An aerial photo of the Surplus Property depicting the property line outlined in red is attached as Appendix 1.

Alternatives Reviewed

In accordance with the Disposition of Land By-law, Niagara Region circulated the Surplus Property to departments of the Region, Boards and Agencies, the Township of West Lincoln, School Boards, and the Provincial and Federal governments and no interest has been expressed.

Relationship to Council Strategic Priorities

This disposal of land demonstrates Responsible Growth and Infrastructure Planning, specifically related to Facilitating the Movement of People and Goods (Objective 3.4). Niagara Region originally acquired this property to advocate and support Niagara's transportation projects by providing safe and healthy streets supporting active transportation.

Other Pertinent Reports

- CWCD 139-2020 – Councillor Weekly Correspondence Distribution – May 22, 2020

Prepared by:
Craig Mustard
Real Estate Officer (Acting)
Corporate Services

Recommended by:
Todd Harrison
Commissioner/Treasurer
Corporate Services

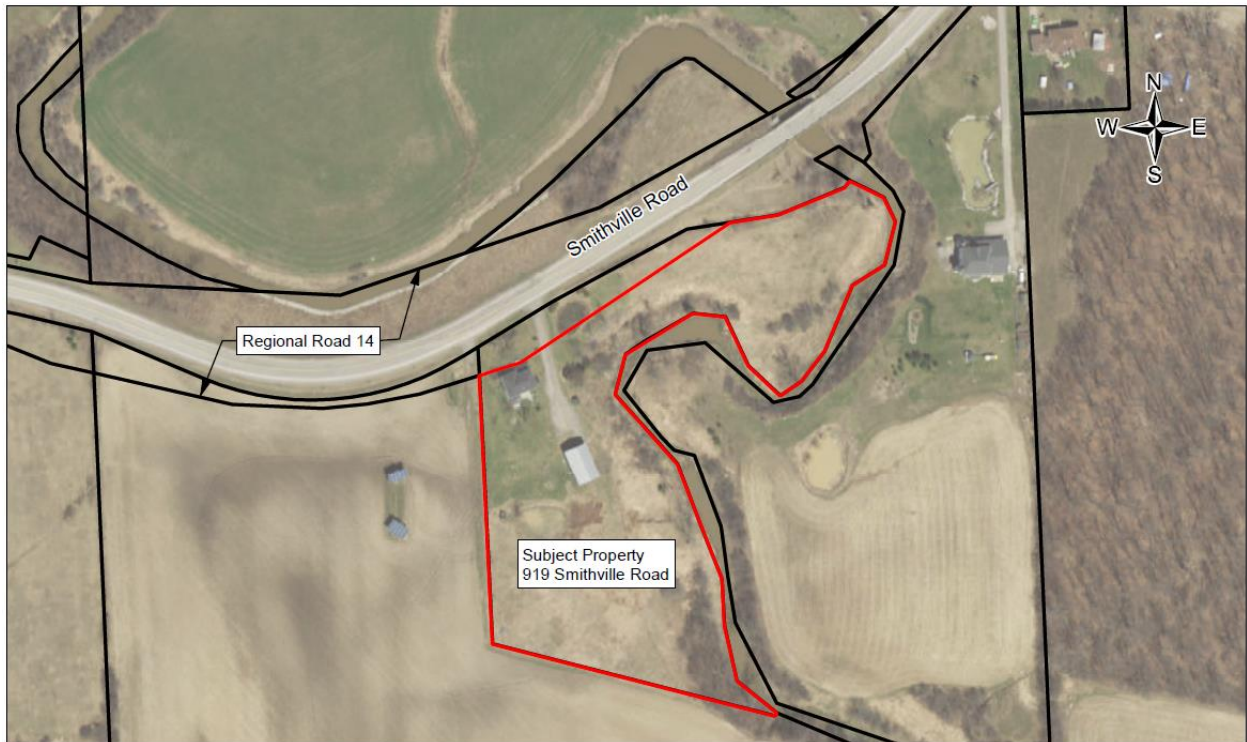
Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Frank Tassone, Associate Director, Transportation Engineering and Carolyn Ryall, Director, Transportation Services and reviewed by Bart Menage, Director, Procurement & Strategic Acquisitions.

Appendices

Appendix 1 The Surplus Property

CSD 48-2020 Appendix 1 – The Surplus Property



MEMORANDUM**CSC-C 14-2020**

Subject: COVID-19 Response and Business Continuity in Corporate Services
Date: August 5, 2020
To: Corporate Services Committee
From: Todd Harrison, Commissioner of Corporate Services and Regional Treasurer

Corporate Services delivers efficient and innovative service excellence to external and internal customers in an integrated and timely manner.

During this pandemic, our staff have continued this support function for core businesses within our group and for operating departments. In addition, Corporate Services has provided critical support to the Emergency Operations Committee (EOC).

The following provides an overview of activity that has taken place and a projection of expected service delivery moving forward.

CONSTRUCTION, ENERGY AND FACILITIES MANAGEMENT (CE&FM)

Current Status of Operations

The CE&FM group is divided into two main groups, Construction and Facilities Management. This Team continues to be an essential component of the Region's EOC. Some of the functions performed in this capacity are:

- Maintaining Vine Portal for EOC supply chain requests allowing for increased efficiencies and tracking of delivery;
- Coordinating the sourcing of essential supplies in collaboration with other departments;
- Continuing Operations and Maintenance of all opened facilities including enhanced cleaning protocols to ensure safe working environment for essential staff not working from home;

- Coordinating emergency procurements of PPE and other supplies that are critical to business continuity for essential services;
- Coordinating shipping/receiving and securement of critical supply needs;
- Provides dedicated and secure storage areas to assist LTC pandemic supply requirements;
- Upgrading facilities with social distancing barriers, protective screens;
- Responding to internal client needs for changes in normal operations, special moves and health & safety concerns;
- Providing enhanced security monitoring of sites with reduced and or no staff on site;
- Redeployment of CE&FM staff to support REOC and facilities operations.
- Preparation of Covid-19 recovery planning documentation.

Operational Outlook

1/3/6 months

Construction:

- Continue to work with contractors on construction sites for work that resumed as of mid-May (after the 20 day mandatory shut down during April).
- For projects not in construction, staff is proceeding with procurement for projects deemed to be critical to proceed.
- Working with OH&S, determining what physical changes are required to re-open Regional office locations to the public.
- Completed installation of glass/plexi barriers at SAEO Niagara Falls and Welland for public waiting areas.
- Working with communications, developed new Region floor decals and signage for physical distancing. Decals to be installed throughout Region facilities.

Cleaning:

- Staff has extended the current enhanced COVID cleaning requirements for facilities managed by CE&FM and EMS stations for another month and will be renegotiating the contracts to extend for another 6 months. Have also added 2 temporary staff backfilling vacant positions.
- Procured additional cleaning and janitorial supplies to meet divisional and client needs.
- Facilities front-line staff continue to meet enhanced COVID cleaning requirements for internal staff and public safety.
- Addressed multiple emergency workplace disinfection requests following positive COVID findings in the workplace.

Supply Chain and Deliveries

- Dedicated staff to deliver new enhanced screening signage from Public Health.
- Dedicated staff to delivery and reception of all Region Headquarters deliveries to loading dock to limit personnel entry to Region Headquarters.
- Have met all client and divisions support requests for procurement of PPE, hygiene and cleaning supplies.
- Sourced N95 masks for use by emergency and essential region staff. Currently piloting other face masks to be used by region staff when 6' physical distance rule cannot be maintained.

Building Security

- Continue to monitor security and facility access control systems to meet program delivery needs.
- Continue to keep all Region sites functional, safe and secure for eventual return to normal operations.

Housing / Brock University

Continue to manage unit allocations for temporary housing for essential service workers at Brock University - 27 rooms available.

Non-essential maintenance and repair work

With opening up of maintenance and repair work by the Province in early May, continue with critical maintenance repair work and services and any other work required for the efficient building operations.

FINANCIAL MANAGEMENT AND PLANNING (FMP)

Current Status of Operations

As indicated, all of the Corporate Services Departments continue to deliver core services while at the same time perform a significant number of duties to support the Regional EOC.

FMP staff have continued to support core business functions during the pandemic. Some highlights of these actions include:

- Complete the 2019 year end audit;
- Submission to the Province of the 2019 Financial Information Return
- Publication of the 2019 Annual Report
- Develop 2020 tax bylaws and provide required necessary report and bylaws; and
- Work with Public Works to update financial implications of SNF water treatment plant for inclusion in the 2021 budget; and
- Publication of the 2020 Budget Summary
- 2021 budget planning and preparations.
- Successful sale of \$34 million in serial debentures (\$15.5 million Regional) on July 31 at all time historical low interest rate of 1.43% for 10 years.
- Preparation of 2021 Capital and Operating Budgets timetables and planning report for Council and establishing strategies for budget preparation.

Additionally, FMP has a main role in the Region's EOC as part of the Finance and Administration Unit. Highlights include:

- Development and implementation of procedures for cost reporting and tracking;
- Coordination and collaboration with municipal treasurers of assumptions and information for consolidated financial impact information for advocacy to provincial and federal governments;
- Review of Regional capital projects in light of provincial legislative essential construction business and Regional capacity to complete;
- Implementation of on-line/credit card payments for services such as business licenses, garbage bag tags including direct sales to residents, planning and transportation permits, long term accommodations, etc.;
- Support HR in development of cost tracking system to facilitate staff redeployment to essential services in pandemic including update of EOC costing assumptions at end of second quarter.
- Support HR in establishing process to administer pandemic pay. Finance is leading completion of significant additional reporting requirements for various different Ministry;
- Extensive cash flow and collections analysis and planning in conjunction with local municipalities;
- Analysis and reporting related to Council motion to consider deferral of 2020 water/wastewater budget increases; and
- Preparation of COVID-19 recovery planning documentation and consolidation of corporate plan.

Operational Outlook

1/3/6 months

- Managing Local Area Municipality receivable and payables in accordance with CSD 31-2020.
- Improvements to Cash Flow model tools and processes to support ongoing operations and cash flow implications of municipal COVID concessions.
- Ongoing COVID financial analysis and weekly/monthly impact and cash flow reporting to Council with updates for items impacting 2021 budget to be added.
- Provincially funded Program Financial Audits underway to comply with legislation.
- Second and third quarter financial reporting to Council in accordance with policies.
- Supporting the 2021 Capital and Operating Budgets preparation including establishing new processes to integrate Capital Asset Management Resource Allocation model integration with Capital Financing Strategy.
- Supporting GO implementation, Niagara Regional Transit Governance, Canada Summer Games, Airport Master Plan RFP, sponsorship revenue, sustainability review, Asset Management Planning
- Securing HST advisory services to minimize HST impacts on Canada Summer Games construction costs.
- Ongoing managing of debenture issuance process with consideration to market factors and municipal needs and risk.
- Creation of Development Charge Bylaws RFP.
- Monitoring of Bill 197 and impacts/opportunities regarding the Community Benefit Charge.
- Financial and implementation analysis for HRIS support and alternative models.

PROCUREMENT AND STRATEGIC ACQUISITIONS (PSA)

Current Status of Operations

Similar to other departments within Corporate Services, PSA staff have delivered by supporting core business functions while taking on additional projects to support the Region's EOC.

Highlights of activity during the operational period includes:

- Facilitating new and ongoing procurements culminating in award;
- Realty related works for inflight projects, leases and licenses;
- PeopleSoft Change PO's, Supplier and PCard administration; and
- Sourcing critical PPE and supplies needed for the EOC response to the pandemic.
- Preparation of Covid-19 recovery planning documentation.

Operational Outlook

1/3/6 months

The Region's review of essential projects both capital and operational has resulted in a prioritization of formal procurements moving forward. This will continue throughout the pandemic and afterwards.

INFORMATION TECHNOLOGY SERVICES (ITS)

Current Status of Operations

Similar to other departments within Corporate Services, ITS staff have delivered by supporting core business functions while taking on additional established projects to support the Region's EOC.

Highlights of initiatives completed during the pandemic include the following:

- In response to the pandemic, the need to effectively communicate, collaborate and connect with one another has never been greater. IT was able to accelerate the deployment of over 800 new corporate email accounts to all Senior's staff that previously did not have access to a corporate mailbox.
- Continue to implement enhancements to the new online payment processes.
- Assist in the transition of the hardcopy COVID intake form to a digital intake process in Public Health's Profile application.
- Developed and published new public COVID report to include the KPI's for phase 2 reopening.
- Assisted asset management team to develop their CAMRA report for capital project budgeting.

Operational Outlook

1/3/6 months

- Continued support for COVID-19 initiatives while supporting and enabling staff to work from home. Prior to COVID-19 daily average for the number of remote connections was approximately 90 users, current daily average is 1270 users.
- Ongoing updates to the screening questions used by EMS in their tool 'EMS Tools'
- Ongoing COVID-19 data analytics including internal operations supports and external data visualizations - Launched enhanced stats on external website including municipal breakdown.
- Implemented technology and processes to accommodate electronic public participation in Council and Committee meetings.
- Went live with the "Homelessness Reporter" for Community Services that will allow staff to track and monitor homeless in Niagara.
- Automated Public Health EOC status report for daily briefing and Ministry submission.

LEGAL SERVICES

Current Status of Operations

As indicated, all of the Corporate Services Departments continue to deliver core services while at the same time perform a significant number of duties to support the Regional EOC.

The Legal team provides a key role in the Region's EOC. The team has responded to significant number of new provincial legislation and announcements throughout the pandemic period. Highlights of advice provided to EOC:

- Advise on response to construction legislation related to essential services;
- Risk Management advice on building screening and security issues; and
- Various legal advice during pandemic.
- Preparation of Covid-19 recovery planning documentation.

Operational Outlook

1/3/6 months

The Legal team continues to provide advice and deliver services to operational departments on core business activities. The team also continues to provide additional support for REOC and Covid-related matters as required with the majority of the team working remotely.

COURT SERVICES

Current Status of Operations

The Court Services team is overseen by the Region's legal department on behalf of the joint board of management, between the Region and area municipalities.

Highlights of operational changes to Court Services:

- Closed to the public.
- Providing service via telephone and email to individuals.
- Also providing onsite service for enforcement agencies related to filing charges.
- Direction from the Ministry of the Attorney General has been received indicating that all in-person matters have been adjourned to September 11, 2020.
- Beginning July 6, judicial pre-trial matters and early resolution guilty pleas began remotely where eligible, before a Justice of the Peace via audio or video conference. The first week of remote matters was a great success as a result of planning efforts by the Court Services Team. Remote processes were easy to navigate by defendants and agents, with 276 out of 300 scheduled early resolution matters being resolved in the first 3 days.
- Awaiting further information re: potential legislative amendments that would increase capacity to complete matters remotely, such as paperless/electronic documents, expanding the use of telephone and video for matters.
- Continued collaboration with Facilities and Corporate Health & Safety to prepare for reopening utilizing the Recovery Secretariat Guidelines which have been provided by the MAG.

Operational Outlook

1/3/6 months

Continue responding to public enquiries and requests from enforcement agencies while awaiting resumption of regular court proceedings.

ASSET MANAGEMENT OFFICE

Current Status of Operations

AMO staff have continued to support core business functions during the pandemic. Some highlights of these actions include:

- Assist Department's with the Risk and Corporate Priority evaluation of the 2021 Capital Budget
- Planning and leading the development and submission to the Province of the 2021 Asset Management Plan in accordance with).Reg 588

Additionally, AMO has redeployed 2 of 5 staff to support the Regional response to Covid-19.

Operational Outlook

1/3/6 months

The Asset Management System development projects that are underway (Priority 0) and those planned in the coming months (Priority 1) are tabled below. These projects are directly related to the requirements of the 2021 Asset Management Plan.

Table 1: Asset Management System development projects

Priority	Service availability by Phase	Project
0	PNM	Region AM delivery structure ID 112
0	PNM	AM program foundations ID 430
0	PNM	CAMRA - Risk Management Framework ID 248
0	M	Develop data analytics capabilities- Microsoft BI ID 530
0	PNM	Develop AM performance management KPIs ID 410
0	PNM	Niagara Region AM working group ID 512
0	PNM	Process for preparing the AM Plan ID 210
1	PNM	Capital planning process ID 262
1	PNM	Enterprise Risk Management Framework ID 249
1	PNM	Develop Asset Registry - hierarchy and relationships ID 242
1	C	Project Resource Estimating - cost model ID 310
1	PNM	2021 AMP ID 630

Notes: PNM: No changes but delivered differently - e.g. working remotely

C: Cancelled pending redeployed/ staff vacancies are filled

Other planned 2020 projects not tabled above, and that have only an indirect bearing on the 2021 Asset Management Plan, or are related to supporting Niagara's local municipalities are also on hold, until redeployed staff return to resume Asset Management activities.

BUSINESS LICENSING

Current Status of Operations

Similar to the other departments in Corporate Services, the Business Licensing unit has continued to operate with core service delivery as well as play a role in the Region's EOC. These activities are identified separately.

Business License

- Revenues were down for March, April and May, however June saw an increase in collections. Revenues are still below annual projections at this time.

- The emergency orders impacted not only the businesses but the employees of those businesses. There may be a reduced employee pool that these businesses may draw from and further impact their business operation.

Provincial Order Enforcement

The provincial government's announcement for stricter enforcement of social distancing and business' temporary closings resulted in an enhanced bylaw enforcement. In cooperation and coordination with local municipalities, the Region's enforcement team has increased its how's of operations to respond to increased complaints.

- Staff have been re-assigned to enforce the Provincial Orders and remain assigned to an evening shift schedule Saturday to Tuesday supported by staff from Tobacco Enforcement. Staff remain assigned to this until further notice or when the orders and state of emergency is lifted; and
- Staff respond to after-hours calls to assist the local response and also monitor the Region's six public open space properties, and ensure Region licensed businesses that are non-essential remain closed.
- Preparation of Covid-19 recovery planning documentation.

Operational Outlook

1/3/6 months

The Regional Enforcement Manager will continue to work in cooperation with local municipalities, NRPS and other Regional departments in a coordinated approach to enforcement of the social distancing legislation until the pandemic eases.

The business license bylaw review is ongoing and will likely come before Council after the pandemic eases.

Respectfully submitted and signed by

Todd Harrison, CPA, CMA
Commissioner of Corporate Services and
Regional Treasurer

MEMORANDUM

CSC-C 13-2020

Subject: Bill 197 - Changes to the Development Charges and Planning Act (Community Benefit Charge)

Date: August 5, 2020

To: Corporate Services Committee

From: Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer

On July 8, 2020, the Province of Ontario released Bill 197 which amends 17 Acts, including the *Development Charges Act* (DCA) and the *Planning Act* (specifically the pending Community Benefit Charge [CBC] Legislation). The Bill is titled *COVID-19 Economic Recovery Act, 2020* and is currently at its 1st Reading at the time of preparing this memo. Changes may be made after further readings that could impact our comments below. The purpose of this memo is to provide Committee with an update on the changes to the DCA and CBC only. A more comprehensive summary of other Act amendments may be brought forward if warranted based on additional review.

The Region's Development Charge (DC) consultant distributed a preliminary summary of the legislation which has been attached to this memo as Appendix 1. Staff have included below a high-level summary of some of the more significant and positive changes to DC and CBC under the Bill:

- The Regional services (most notably Social Housing) that are currently included in the DC By-law will no longer be included in the new CBC regime as proposed in earlier legislation (Bill 108). Instead, under Bill 197, these Regional services will remain as DC-eligible services.
- Amended to allow a Council of a local municipality only to pass a CBC by-law. Meaning that Niagara Region and other upper-tier municipalities will not pass CBC by-laws. As noted above, under Bill 197, certain services would remain as a Regional DC service and therefore, there is no longer a need for a Regional CBC By-law.
- Removal of the 10% statutory deduction from soft-services under Bill 108 has been maintained meaning that the Region will be permitted inclusion of 100% of the costs of Courts, Growth Related Studies, Long Term Care, Health, EMS, Social Housing,

and Waste Diversion services in the DC By-law where previously they were only 90% recoverable.

The first reading of Bill 197, as it relates to the CBC and the re-introduction of some services as DC-eligible is considered positive based on the initial review that has been undertaken. If passed by the Province in its current form, it will eliminate the need for the Region to engage in the administratively intensive task of completing two background studies/by-laws and maintaining collection practices for two separate growth cost recovery mechanisms.

Respectfully submitted and signed by

Helen Chamberlain, CPA, CA
Director, Financial Management & Planning/Deputy Treasurer

Appendix 1 – Letter to Clients – DC, CBC Changes as of July 8, 2020

July 9, 2020

To Our Development Charge Clients:

Re: COVID-19 Economic Recovery Act, 2020 – Changes to the Development Charges Act and the Planning Act (as per the Community Benefits Charge)

On behalf of our many municipal clients, we are continuing to provide the most up to date information on the proposed changes to the *Development Charges Act* (D.C.A.) and proposed community benefits charges (C.B.C.) under the *Planning Act*. As of yesterday, the Province of Ontario released Bill 197 which amends a number of Acts, including the D.C.A. and the *Planning Act*. This Bill is entitled *COVID-19 Economic Recovery Act, 2020*.

By way of this letter, we are providing a high-level summary of the changes along with a copy of the bill. Subsequently, we will be providing a full evaluation and summary of the D.C. and C.B.C. legislative changes.

1. Changes to D.C.A.

D.C.A. Section Reference	Proposed Changes
2 (4)	<p>List of eligible D.C. services</p> <p>Items 1 through 11 were initially introduced by Bill 108. Subsequent refinements through draft regulations added back items 12 through 15 (which have been reaffirmed), and 16 through 20 have been subsequently added.</p> <ol style="list-style-type: none"> 1. Water supply services, including distribution and treatment services. 2. Waste water services, including sewers and treatment services. 3. Storm water drainage and control services. 4. Services related to a highway as defined in subsection 1 (1) of the <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i>, as the case may be. 5. Electrical power services. 6. Toronto-York subway extension, as defined in subsection 5.1 (1). 7. Transit services other than the Toronto-York subway extension. 8. Waste diversion services. 9. Policing services.



D.C.A. Section Reference	Proposed Changes
	<ul style="list-style-type: none"> 10. Fire protection services. 11. Ambulance services. 12. Services provided by a board within the meaning of the <i>Public Libraries Act</i>. 13. Services related to long-term care. 14. Parks and recreation services, but not the acquisition of land for parks. 15. Services related to public health. 16. Child care and early years programs and services within the meaning of Part VI of the <i>Child Care and Early Years Act, 2014</i> and any related services. 17. Housing services. 18. Services related to proceedings under the <i>Provincial Offences Act</i>, including by-law enforcement services and municipally administered court services. 19. Services related to emergency preparedness. 20. Services related to airports, but only in the Regional Municipality of Waterloo. 21. Additional services as prescribed <p>Note: removal of 10% deduction for soft services under <i>More Homes, More Choice Act, 2019</i> has been maintained.</p>
2 (4.1)	<p>Eligible Services in D.C. vs. C.B.C.</p> <p>A C.B.C. may be imposed with respect to the services listed above (s. 2 (4)), “provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law.”</p>
7	<p>Classes of Services</p> <p>Present legislation allows for categories of services to be grouped together into a minimum of two categories (90% and 100% services).</p> <p>The Bill proposes to repeal that and replace it with the four following subsections:</p>



D.C.A. Section Reference	Proposed Changes
	<p>(1) A D.C. by-law may provide for any eligible service or capital cost related to any eligible service to be included in a class, set out in the by-law.</p> <p>(2) A class may be composed of any number or combination of services and may include parts or portions of the eligible services or parts or portions of the capital costs in respect of those services.</p> <p>(3) A D.C. by-law may provide for a class consisting of studies in respect of any eligible service whose capital costs are described in paragraphs 5 and 6 of s. 5 (3) of the D.C.A.</p> <p>(4) A class of service set out in the D.C. by-law is deemed to be a single service with respect to reserve funds, use of monies, and credits.</p> <p>Note: an initial consideration of “class” appears to mean <i>any</i> group of services.</p>
9.1	<p>Transitional Matters with Respect to C.B.C.</p> <p>Note: in reference to the two provisions below, “specified date” means the day that is two years after the day s. 1 (2) (i.e. eligible services) of Schedule 3 to the <i>COVID-19 Economic Recovery Act, 2020</i> comes into force.</p> <p>The Bill provides the following two provisions for transitional matters:</p> <ul style="list-style-type: none"> • If a D.C. by-law expires before the specified date, the charges related to any services other than the services in paragraphs 1 to 10 (s. 2 (4) identified above) remain in force until the day its repealed, or the municipality passes a C.B.C., or the specified date. • If a D.C. by-law expires on or after the specified date, charges related to non-eligible services remain in effect until the earlier of the date the by-law is repealed, the day the municipality passes a C.B.C. (only applies to local municipality), or the specified date. <p>Note: with respect to the above, the initial time horizon proposed by prior Bills allowed for a one-year transition to a C.B.C. regime, whereas this Bill provides for a two-year transition.</p>



D.C.A. Section Reference	Proposed Changes
26.2	<p>Transition, Eligible Services</p> <p>The Bill appears to provide two transitional provisions with respect to eligible services:</p> <ul style="list-style-type: none"> • For local municipalities, the dates are the earlier of passing a C.B.C. or the “specified date.” • For upper-tier municipalities, the date is only the “specified date.”

Note: there are additional transitional and housekeeping changes provided which are to be considered when moving to the new regime.

2. Changes to the *Planning Act* regarding Community Benefits Charges (C.B.C.)

The *Planning Act* has been amended to repeal the existing section 37 and replace it with the C.B.C. authority. The following provides a summary of the changes to the C.B.C. legislation as proposed under the *More Homes, More Choice Act, 2019* with reference to specific subsections.

Planning Act Section Reference	Proposed Changes
37 (1)	<p>Specified date</p> <p>Has the same meaning as in the changes to the D.C.A. (i.e. two years after this Act comes into force).</p>
37 (2)	<p>Community Benefits Charge By-law</p> <p>Amended to allow a Council of a local municipality to may pass a C.B.C. by-law for capital costs of facilities, services, and matters required because of development or redevelopment in the area to which the by-law applies.</p>



Planning Act Section Reference	Proposed Changes
37 (4)	<p>Excluded Development or Redevelopment</p> <p>A C.B.C. may not be imposed on development and/or redevelopment of:</p> <ul style="list-style-type: none"> • A proposed building or structure with fewer than five storeys at or above ground; • A proposed building or structure with fewer than 10 residential units; • Such types as prescribed. <p>Note: it appears that this provision would eliminate all low- and perhaps medium-density developments from paying a C.B.C. It is unclear how non-residential development would be addressed within these calculations.</p>
37 (5)	<p>Relationship to D.C.s</p> <p>A C.B.C. may be imposed with respect to the services listed in s. 2 (4) of the D.C.A. or with respect to parkland or other public recreation purposes, provided that the capital costs that are intended to be funded by the C.B.C. are not a D.C. by-law or parkland dedication.</p> <p>Note: similar to what was provided above (s. 2 (4.1) of the D.C.A.).</p>
37 (12)	<p>Limitation</p> <p>Only one C.B.C. by-law may be in effect in a local municipality at a time.</p>
(49) to (51)	<p>Transition, Special Account and Reserve Funds</p> <p>Generally, for existing reserve funds:</p> <p><u>Related to D.C. services that will be ineligible</u></p> <ul style="list-style-type: none"> • If a C.B.C. is passed, the funds are transferred to the C.B.C. special account; • If no C.B.C. is passed, the funds are moved to a general reserve fund for the same purpose;



Planning Act Section Reference	Proposed Changes
	<ul style="list-style-type: none"> If a C.B.C. is passed subsequent to moving funds to a general reserve fund, those monies are then moved again to the C.B.C. special account. <p><u>For reserve funds established under s. 37 of the <i>Planning Act</i> (e.g. bonus zoning)</u></p> <ul style="list-style-type: none"> If a C.B.C. is passed, the funds are transferred to the C.B.C. special account; If no C.B.C. is passed, the funds are moved to a general reserve fund for the same purpose; If a C.B.C. is passed subsequent to moving funds to a general reserve fund, those monies are then moved again to the C.B.C. special account.
(52) and (53)	<p>Credits under the D.C.A.</p> <p>If a municipality passes a C.B.C. by-law, any existing D.C. credits a landowner may retain may be used towards payment of that landowner's C.B.C.</p>
37.1	<p>Transitional Matters</p> <p>There are a number of transitional matters provided for moving from the current s. 37 to the C.B.C. regime.</p>

As noted above, Watson will be conducting an in-depth analysis regarding the proposed changes which we will share with our municipal clients. We note that there may be further questions and concerns which we may advance to the Province after our detailed review of this Bill and potential regulation(s). We will continue to monitor the legislative changes and keep you informed. Further, there will be opportunities for municipalities to provide comments and/or written submissions through the provincial process.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

Gary D. Scandlan, BA, PLE
Director

Andrew Grunda, MBA, CPA, CMA
Principal

Appendix A

Bill 197: COVID-19 Economic Recovery Act, 2020

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 197

**An Act to amend various statutes in response to COVID-19
and to enact, amend and repeal various statutes**

The Hon. S. Clark

Minister of Municipal Affairs and Housing

Government Bill

1st Reading July 8, 2020

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

**SCHEDULE 1
BUILDING CODE ACT, 1992**

The Schedule amends several provisions of the *Building Code Act, 1992* to change regulation-making authority from the Lieutenant Governor in Council to the Minister of Municipal Affairs and Housing. It also clarifies the scope of certain regulation-making authorities, including the authority to make regulations by adopting certain documents by reference.

**SCHEDULE 2
CITY OF TORONTO ACT, 2006**

The Schedule amends several provisions of the *City of Toronto Act, 2006* to allow the procedure by-law to provide for electronic participation in meetings and to provide for proxy voting.

**SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997**

The Schedule amends the *Development Charges Act, 1997*. The amendments repeal and replace certain amendments made by the *More Homes, More Choice Act, 2019* that are not yet in force and make changes to other provisions that were enacted in that Act. Elements of those amendments are retained, but the following changes and additions are made.

The list of services in subsection 2 (4) of the Act for which a development charge can be imposed is expanded from the list that was included in the *More Homes, More Choice Act, 2019*. A new subsection 2 (4.1) sets out the relationship between development charges and the community benefits charges that can be imposed by by-law under the *Planning Act*.

Section 7 of the Act currently provides for services to be grouped into categories within a development charge by-law. The Schedule repeals and replaces section 7 to provide for services to be included in classes which can be composed of any number or combination of services, including parts or portions of the services listed in subsection 2 (4) of the Act or parts or portions of the capital costs listed in subsection 5 (3) in respect of those services. A class set out in a by-law is deemed to be a single service for the purposes of the Act in relation to reserve funds, the use of money from reserve funds and credits.

Transitional rules that were added as section 9.1 of the Act by the *More Homes, More Choice Act, 2019* with respect to the duration of development charge by-laws are repealed and replaced. Related changes are made to transitional rules in section 26.2 of the Act with respect to the determination of the amount of a development charge.

A new section 33.1 provides transitional rules with respect to reserve funds established by upper-tier municipalities for services for which a development charge can no longer be imposed.

Regulation-making powers are added with respect to transitional matters.

**SCHEDULE 4
DRAINAGE ACT**

The Schedule amends the *Drainage Act*. The majority of the amendments relate to the service of documents and to the processes involved in amending engineers' reports, approving improvement projects and requesting environmental appraisals.

Other technical amendments are made.

**SCHEDULE 5
EDUCATION ACT**

The *Education Act* is amended in respect of various issues.

An amendment is made to remove the requirement that directors of education must be supervisory officers that are qualified as teachers. The Act is also amended to provide that if regulations prescribe qualifications for directors of education, boards shall not appoint or employ a person as a director of education unless the person holds those qualifications. Related amendments are made to regulation-making powers under the Act.

The Act is amended to provide that the Minister may, in response to the outbreak of the coronavirus (COVID-19), operate one or more demonstration schools for exceptional pupils in either a residential or non-residential setting for the 2020-2021 school year.

Sections 185 and 188 of the Act are amended to allow persons, other than parents or guardians of pupils or prescribed persons, to be prescribed for the purpose of providing written notice to a board that a pupil or prescribed person intends to attend a prescribed school under section 185 or a school of the board under section 188, as the case may be. Sections 185 and 188 are also amended to add regulation-making powers relating to prescribing the persons who may provide notice, governing the conditions under which that notice may be provided by such persons and authorizing the collection of personal information in the process of providing that notice.

Finally, the Act is amended to authorize regulations providing that pupils in specified grades of elementary school shall not be suspended, or that such suspensions may only occur in the prescribed circumstances. Related amendments are made.

SCHEDULE 6 ENVIRONMENTAL ASSESSMENT ACT

The Schedule amends the *Environmental Assessment Act* in order to modernize environmental assessment requirements under the Act. The amendments in the Schedule will come into force in three phases in order to transition gradually to a more modern approach to environmental assessments. The most significant amendments are outlined below.

Currently the Act applies to enterprises and activities and proposals, plans and programs in respect of those enterprises and activities, both public and private, that are set out in section 3 and referred to in the Act as undertakings. This approach has required that many undertakings be exempted from the Act by regulation, by order or otherwise under the Act. The amendments remove references to undertakings from the Act and give the Lieutenant Governor in Council the power to make regulations designating enterprises and activities, and proposals, plans and programs in respect of enterprises and activities, as projects to which the Act applies. Environmental assessments will only be required for projects that are designated. The projects could be designated as Part II.3 projects or Part II.4 projects.

The amendments repeal Parts II and II.1 of the Act and replace them with Parts II.3 and II.4. Currently, Part II of the Act requires persons to obtain the approval of the Minister or of the Tribunal before proceeding with an undertaking. The Part outlines the environmental assessment process that the person must complete in order to obtain the approval. The new Part II.3 continues the requirements and environmental assessment process that applied to undertakings under Part II so that they apply, with some modifications, to Part II.3 projects. An undertaking that was approved by the Minister under Part II is deemed to be a Part II.3 project when that Part comes into force.

The existing Part II.1 allows a person to obtain the approval of the Minister or the Tribunal for a class environmental assessment in respect of a class of undertakings. The proponents of undertakings under an approved class environmental assessment are entitled to follow an environmental assessment process described in the approval that is less onerous than the Part II process. As of the day the Bill receives Royal Assent, no further class environmental assessments will be approved. When Part II.4 is eventually proclaimed into force, it will replace the approved class environmental assessments under Part II.1 with a streamlined environmental assessment process that will be set out in the regulations. The streamlined environmental assessments will apply to projects that are designated as Part II.4 projects. The 10 approved class environmental assessments that currently exist shall continue to apply to undertakings in each class until all 10 are revoked and replaced, where appropriate, by regulations designating Part II.4 projects and setting out the prescribed requirements, including the streamlined environmental assessment, for those projects.

Section 16 of Part II.1 currently allows the Minister to make orders with respect to undertakings under an approved class environmental assessment to require the proponents of such undertakings to comply with the environmental assessment process in Part II instead of following the approved class environmental assessment. The Minister may also, by order, impose conditions on such undertakings. The amendments limit the Minister's authority to make orders on the Minister's own initiative to a time period determined in accordance with new section 16.1. This new time limit will take effect when the Bill receives Royal Assent.

When Part II.4 comes into force, new section 17.31 will give the Minister the power to make orders with respect to Part II.4 projects that are similar to orders made under section 16 with respect to undertakings in approved class environmental assessments. Under section 17.31, the Minister may make an order declaring Part II.4 projects to be Part II.3 projects and thus requiring proponents of Part II.4 projects to comply with the environmental assessment process in Part II.3 instead of the streamlined environmental assessment set out in the regulations. The Minister will also have the ability to make orders imposing requirements on Part II.4 projects. The Minister's power to make orders under section 17.31 on his or her own initiative will be subject to time limits set out in the regulations.

Other important amendments to the *Environmental Assessment Act* include the following:

1. New section 2.1 is a non-derogation provision to preserve existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.
2. New section 6.0.1 in Part II requires a proponent of an undertaking to establish a landfilling site to obtain municipal support for the undertaking in accordance with that section. An equivalent section is included in Part II.3 with respect to projects to establish landfilling sites.
3. Section 9 is amended to allow the Minister to include in the approval of an undertaking a process governing changes that may be made to the undertaking after the approval is given. These amendments are reflected in Part II.3 with respect to the approval of Part II.3 projects.
4. New section 11.5 in Part II provides a 10-year expiry date for approvals that were given before the section comes into force if they did not specify an expiry date. The Minister is given the power to exempt undertakings from this section by regulation. An equivalent section is included in Part II.3 with respect to Part II.3 projects.
5. Part II.2, which currently deals with undertakings to dispose of waste proposed or carried out by municipalities, is repealed.
6. Many amendments to various provisions throughout the Act are required to transition from environmental assessments of undertakings under Parts II and II.1 to environmental assessments of designated projects under Parts II.3 and II.4. A

new Part V.1 is enacted to provide for various transitional matters. It includes new regulation-making powers in respect of transitional matters.

7. The regulation-making powers under Part VI are amended. New regulation-making powers governing Part II.4 projects are included.

The Schedule includes consequential amendments to several other Acts.

SCHEDULE 7 FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

The *Farm Registration and Farm Organizations Funding Act, 1993* is amended. The amendments relate to the following matters:

1. The process by which a person who has been denied a farming business registration number may appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal.
2. The eligibility of a francophone organization to continue to receive special funding under the Act.
3. The power to make regulations governing how documents are to be given or served under the Act.

SCHEDULE 8 JUSTICES OF THE PEACE ACT

The Schedule amends the *Justices of the Peace Act*. The major elements are set out below.

The Act is amended with respect to the composition and functions of the Justices of the Peace Appointments Advisory Committee. The qualifications that are currently in section 2.1 of the Act are moved to section 2 of the Act. The composition of the Committee is changed to have three core members and fewer regional members. Certain records and other information collected, prepared, maintained or used by the Committee are to be kept in confidence. The amendment to section 2 of the Act requires the Attorney General to keep information in relation to the appointment or consideration of an individual as a justice of the peace confidential. The Committee is required to include statistics about the sex, gender, race and other characteristics of all candidates who volunteer that information in its annual report.

The functions of the Committee are amended. The Committee shall continue to classify all candidates for a justice of the peace position, although the wording of the classification has changed to “Not Recommended”, “Recommended” and “Highly Recommended”. The Committee submits a list of all candidates and their classifications to the Attorney General. The Attorney General may only recommend a candidate who has been classified as “Recommended” or “Highly Recommended” to fill a justice of the peace position.

The Attorney General may reject the Committee’s recommendations and require that a new list be prepared.

The Attorney General may recommend criteria to be included in the criteria the Committee establishes for the advertising, review and evaluation process.

New section 2.3 deals with transition issues. It authorizes the Attorney General to terminate the appointment of members of the Committee for the purpose of transitioning the Committee’s composition to the new composition specified in the re-enacted section 2.1. It limits compensation and damages and bars certain causes of action and proceedings.

SCHEDULE 9 MARRIAGE ACT

Currently, the *Marriage Act* provides that a marriage licence is valid for three months. The Schedule amends the Act to provide that if the three-month validity period includes a period in which there is an emergency declared throughout Ontario, the licence remains valid throughout the period of emergency and until 24 months after the emergency ends, if particular conditions are met.

SCHEDULE 10 MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

The Schedule adds section 12 to the *Ministry of Municipal Affairs and Housing Act*. Section 12 establishes the Provincial Land and Development Facilitator. Section 12 also sets out the functions of the Facilitator. The Facilitator shall, at the direction of the Minister, advise and make recommendations to the Minister in respect of growth, land use and other matters, including Provincial interests. The Facilitator shall perform such other functions as the Minister may specify.

SCHEDULE 11 MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020

The Schedule enacts the *Modernizing Ontario for People and Businesses Act, 2020* and repeals the *Burden Reduction Reporting Act, 2014* and the *Reducing Regulatory Costs for Business Act, 2017*. The new Act enacts many of the provisions currently in the *Burden Reduction Reporting Act, 2014* and the *Reducing Regulatory Costs for Business Act, 2017*. The most significant

difference is that the requirements under the *Reducing Regulatory Costs for Business Act, 2017* relating to regulations would also apply to draft bills under the new Act.

The Act provides various measures in the interest of reducing regulatory costs for business.

When certain instruments governed by the Act are made or approved and have the effect of creating or increasing administrative costs to business, an offset must be made within a prescribed time.

An analysis that assesses the potential impact of what is proposed must be conducted where instruments governed by the Act are made or approved, and the analysis must be published.

When developing instruments governed by the Act, every minister shall have regard to various principles such as adopting recognized standards; applying less onerous requirements on small businesses; providing digital services to stakeholders and reducing unnecessary reporting.

Businesses required to provide documents to ministries as a result of an instrument will have the option to transmit those documents electronically.

Businesses that demonstrate excellent compliance with regulatory requirements are to be recognized by the Government.

The Minister is required to publish an annual report with respect to actions taken by the Government of Ontario to reduce burdens.

SCHEDULE 12 MUNICIPAL ACT, 2001

The Schedule amends several provisions of the *Municipal Act, 2001* to allow the procedure by-law to provide for electronic participation in meetings and to provide for proxy voting.

SCHEDULE 13 OCCUPATIONAL HEALTH AND SAFETY ACT

Currently, subsection 70 (2) of the *Occupational Health and Safety Act* includes the authority to make regulations that adopt by reference certain codes, standards, criteria and guides. An amendment is made to provide that the power to adopt codes, standards, criteria and guides includes the power to adopt them as they may be amended from time to time.

SCHEDULE 14 ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY ACT

The Schedule amends the *Ontario Educational Communications Authority Act* to provide that its objects include supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities and discharging any prescribed duties. Related regulation-making powers are added.

SCHEDULE 15 ONTARIO FRENCH-LANGUAGE EDUCATIONAL COMMUNICATIONS AUTHORITY ACT, 2008

The Schedule amends the *Ontario French-language Educational Communications Authority Act, 2008* to provide that its objects include supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities and discharging any prescribed duties. Related regulation-making powers are added.

SCHEDULE 16 PAYDAY LOANS ACT, 2008

The Schedule amends the *Payday Loans Act, 2008* to add section 32.1. Section 32.1 sets a maximum interest rate of 2.5 per cent per month (not to be compounded) on the outstanding principal under a payday loan agreement if the advance under the agreement is \$1,500 or less and the term of the agreement is 62 days or less. The amount of the advance and the term of the agreement required for section 32.1 to apply can be changed by regulation, as can the maximum interest rate that may be charged.

Section 33 of the Act is also amended so that, unless the regulations provide otherwise, a fee no greater than \$25 may be charged for a dishonoured cheque, pre-authorized debit or other instrument of payment. A lender cannot impose such a fee more than once with respect to each payday loan agreement.

The Schedule also adds subsection 44 (1.1) to the Act, which provides that a payment referred to in subsection 44 (1) includes interest or a default charge received by a licensee from a borrower to which the licensee is not entitled under the Act or that the borrower is not liable to pay under the Act.

SCHEDULE 17 PLANNING ACT

The Schedule amends the *Planning Act*.

Amendments related to community benefits charges

Amendments in the Schedule repeal and replace certain amendments made by the *More Homes, More Choice Act, 2019* and the *Plan to Build Ontario Together Act, 2019* that are not yet in force. Elements of those amendments are retained, other elements are changed and new elements are added.

Sections 37 and 37.1 of the Act are replaced. The re-enacted section 37 permits the council of a local municipality to impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. Subsection 37 (4) provides that a community benefits charge may not be imposed with respect to development or redevelopment of fewer than 10 residential units or in respect of buildings or structures with fewer than five storeys.

Subsection 37 (5) sets out the relationship between community benefits charges and the development charges that can be imposed by by-law under the *Development Charges Act, 1997* and those that can be funded from the special account used for the acquisition of land to be used for park or other public recreational purposes.

Other provisions in the re-enacted section 37 continue to set out various procedural matters related to the making of a community benefits charge by-law, the process for appealing the by-law to the Local Planning Appeal Tribunal and the resolution of disputes in cases where the landowner is of the view that the charge exceeds the maximum allowable charge.

Transitional matters continue to be provided for, both in the re-enacted section 37 and in the re-enacted section 37.1.

Section 42 of the Act is amended with respect to the alternative parkland rate that can be imposed by by-law. The amendments set out various procedural matters related to the passing of a by-law with respect to the alternative parkland rate and the process for appealing the by-law to the Local Planning Appeal Tribunal. Limitations are imposed with respect to the powers of the Local Planning Appeal Tribunal on an appeal of a by-law under section 42. Rules are included with respect to refunds after a successful appeal.

Amendments related to Minister's zoning orders

Currently, under section 47 of the *Planning Act*, the Minister may make orders exercising zoning powers. The Schedule amends section 47 of the Act to give the Minister enhanced order-making powers relating to specified land. "Specified land" is defined as land other than land in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005* (which includes areas covered by the Oak Ridges Moraine Conservation Plan, areas covered by the Niagara Escarpment Plan and areas described in the regulations made under the *Greenbelt Act, 2005*).

The enhanced order-making powers include powers in relation to site plan control and inclusionary zoning. Among other things, this provides the Minister with the ability to require the inclusion of affordable housing units in the development or redevelopment of specified lands, buildings or structures.

Also, among other things, a Minister's order relating to specified land may require that the owner of the specified land enter into an agreement with the relevant municipality respecting specified matters related to development on the land and conditions required for the approval of plans and drawings in a site plan control area. The amendments provide that the Minister may give direction to the parties concerning the agreement. An agreement is of no effect to the extent that it does not comply with the Minister's direction, whether the Minister's direction is given before or after the agreement has been entered into.

SCHEDULE 18 PROVINCIAL OFFENCES ACT

The Schedule makes various amendments, including the following amendments, to the *Provincial Offences Act*.

Under section 5 of the Act, a notice of intention to appear that is included in an offence notice is in some cases required to be filed in person. The section is amended in the first instance to permit notices of intention to appear to be given by mail or in another manner. Subsequent amendments to the section remove reference to a requirement to file a notice of intention to appear in person.

Section 5.1 of the Act is amended so that if an offence notice indicates that an option of a meeting with the prosecutor to discuss the resolution of the offence is available, the meeting may be held by electronic method under section 83.1 of the Act. In particular, the amendments remove a precondition to a meeting by electronic method that either the defendant or the prosecutor be unable to attend the meeting because of remoteness. Complementary amendments are made to section 11 of the Act.

Section 17.1 of the Act applies if a parking infraction notice requires a notice of intention to appear to be filed in person. Amendments are made to the section to permit the filing requirement to be met without personal attendance. Similarly, section 18.1.1 of the Act applies if a notice of impending conviction requires a notice of intention to appear to be filed in person, and amendments are made to that section to permit the filing requirement to be met without personal attendance.

Section 26 of the Act is amended to permit the Lieutenant Governor in Council to make regulations specifying additional methods by which a summons may be served by a provincial offences officer.

Section 45 of the Act is amended to add additional criteria to be met before a court can accept a plea of guilty from a defendant who is making the plea by electronic method under section 83.1 of the Act.

Section 83.1 of the Act is re-enacted in order to expand the circumstances in which a person may participate in a proceeding under the Act, or in a step in a proceeding, by electronic method, as defined in that section.

Section 158.1 of the Act is amended to replace telewarrants — an information given by a means of telecommunication that produces a writing — with electronic warrants, to reflect other electronic communication technologies.

Finally, the French versions of various provisions of the Act are amended to update terminology and correct errors.

**SCHEDULE 19
PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT**

The Schedule eliminates hearings of necessity for expropriations of property under the Act and provides that the Minister may establish a process for receiving comments from property owners about such expropriations.

**SCHEDULE 20
TRANSIT-ORIENTED COMMUNITIES ACT, 2020**

The Schedule enacts a new *Transit-Oriented Communities Act, 2020*, which also amends the *Ministry of Infrastructure Act, 2011*.

Transit-Oriented Communities Act, 2020

The *Transit-Oriented Communities Act, 2020* permits the Lieutenant Governor in Council to designate land as transit-oriented community land if specified conditions apply. The Act defines “transit-oriented community project” for the purpose.

The Act provides that if land, any part of which is transit-oriented community land, is expropriated in specified circumstances, a related hearings process under the *Expropriations Act* does not apply in relation to the expropriation. The Act permits the establishment of a process for receiving and considering comments from property owners respecting a proposed expropriation of such land.

Ministry of Infrastructure Act, 2011

The *Ministry of Infrastructure Act, 2011* is amended to permit the Minister to make investments supporting or developing transit-oriented community projects related to priority transit projects.

**An Act to amend various statutes in response to COVID-19
and to enact, amend and repeal various statutes**

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *COVID-19 Economic Recovery Act, 2020*.

**SCHEDULE 1
BUILDING CODE ACT, 1992**

1 The French version of subsection 4.1 (3) of the *Building Code Act, 1992* is amended by striking out “assortir celle-ci” and substituting “assortir la délégation”.

2 Subsection 7 (1) of the Act is amended by striking out “Lieutenant Governor in Council” in the portion before clause (a) and substituting “Minister”.

3 (1) Section 34 of the Act is amended by adding the following subsection:

Regulations

(0.1) The Minister may make such regulations as are desirable governing standards for the construction and demolition of buildings.

(2) Subsection 34 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Same

(1) Without limiting the generality of subsection (0.1), the Minister may make regulations,

.

(3) Paragraph 9 of subsection 34 (1) of the Act is repealed.

(4) Section 34 of the Act is amended by adding the following subsection:

Adoption by reference

(1.1) The Minister may make regulations adopting by reference any of the following documents, in whole or in part, with such changes as the Minister considers necessary, and requiring compliance with any provision of a document so adopted:

1. The National Building Code of Canada 2015, the National Plumbing Code of Canada 2015, the National Energy Code of Canada for Buildings 2017, the National Farm Building Code of Canada 1995 or any subsequent versions of those codes.
2. A code, formula, standard, guideline, protocol or procedure that requires any part of the construction of a building to be designed by an architect or a professional engineer or a combination of both.
3. Any other code, formula, standard, guideline, protocol or procedure.

(5) Subsections 34 (2) to (2.3) of the Act are amended by striking out “Lieutenant Governor in Council” wherever it appears and substituting in each case “Minister”.

(6) Clause 34 (2) (a) of the Act is amended by striking out “subsection (1)” and substituting “subsections (0.1) and (1)”.

Commencement

4 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

**SCHEDULE 2
CITY OF TORONTO ACT, 2006**

1 (1) Subsection 189 (4) of the *City of Toronto Act, 2006* is repealed and the following substituted:

Electronic participation

(4) The applicable procedure by-law may provide that a member of city council, of a local board of the City or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

(2) Subsection 189 (4.1) of the Act is repealed.

(3) Subsection 189 (4.2) of the Act is repealed and the following substituted:

Same

(4.2) The applicable procedure by-law may provide that,

- (a) a member of city council, of a local board of the City or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of city council, of a local board of the City or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

(4) Subsection 189 (4.3) of the Act is repealed and the following substituted:

Same, procedure by-law

(4.3) The city council or a local board of the City may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (4.2).

(4.3.1) A member participating electronically in such a special meeting described in subsection (4.3) may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2 The Act is amended by adding the following section:

Proxy votes

194.1 (1) The procedure by-law passed under section 189 may provide that, in accordance with a process to be established by the clerk, a member of city council may appoint another member of city council as a proxy to act in their place when they are absent.

Rules re proxy votes

(2) The following rules apply with respect to the appointment of another member of city council to act as a proxy under subsection (1):

1. A member shall not act as a proxy for more than one member of city council at any one time.
2. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
3. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
4. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.
5. Where a recorded vote is requested under subsection 194 (4), the clerk shall record the name of each proxyholder, the name of the member of city council for whom the proxyholder is voting and the vote cast on behalf of that member.
6. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 204 (1) (c).

Pecuniary interest

(3) A member who has a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.

Same, pre-meeting discovery

(4) If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

- (a) notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and

- (b) request that the clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the clerk.

Same, post-meeting discovery

(5) For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5 (3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

Conflict etc., proxyholder

(6) For greater certainty, nothing in this section authorizes a proxyholder who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* from participating in the meeting in the place of an appointing member.

Regulations, proxy votes

(7) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section.

Commencement

3 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

**SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997**

1 (1) Subsection 2 (3) of the *Development Charges Act, 1997* is repealed and the following substituted:

Same

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,

- (a) permit the enlargement of an existing dwelling unit; or
- (b) permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.

Exemption for second dwelling units in new residential buildings

(3.1) The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.

(2) Subsection 2 (4) of the Act is repealed and the following substituted:

What services can be charged for

(4) A development charge by-law may impose development charges to pay for increased capital costs required because of increased needs for the following services only:

1. Water supply services, including distribution and treatment services.
2. Waste water services, including sewers and treatment services.
3. Storm water drainage and control services.
4. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be.
5. Electrical power services.
6. Toronto-York subway extension, as defined in subsection 5.1 (1).
7. Transit services other than the Toronto-York subway extension.
8. Waste diversion services.
9. Policing services.
10. Fire protection services.
11. Ambulance services.
12. Services provided by a board within the meaning of the *Public Libraries Act*.
13. Services related to long-term care.
14. Parks and recreation services, but not the acquisition of land for parks.
15. Services related to public health.
16. Child care and early years programs and services within the meaning of Part VI of the *Child Care and Early Years Act, 2014* and any related services.
17. Housing services.
18. Services related to proceedings under the *Provincial Offences Act*, including by-law enforcement services and municipally administered court services.
19. Services related to emergency preparedness.
20. Services related to airports, but only in the Regional Municipality of Waterloo.
21. Additional services as prescribed.

Development charge — relationship to community benefits charge

(4.1) For greater certainty, nothing in this Act prevents a community benefits charge under section 37 of the *Planning Act* from being imposed with respect to the services listed in subsection (4), provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law.

2 Subparagraph 4 iii of subsection 5 (3) of the Act is amended by striking out “library board as defined in the *Public Libraries Act*” and substituting “board within the meaning of the *Public Libraries Act*”.

3 Section 7 of the Act is repealed and the following substituted:**Class of services**

7 (1) A development charge by-law may provide for any service listed in subsection 2 (4) or the capital costs listed in subsection 5 (3) in respect of those services to be included in a class set out in the by-law.

Composition of class

(2) A class may be composed of any number or combination of services and may include parts or portions of the services listed in subsection 2 (4) or parts or portions of the capital costs listed in subsection 5 (3) in respect of those services.

Studies

(3) For greater certainty, a development charge by-law may provide for a class consisting of studies in respect of any service listed in subsection 2 (4) whose capital costs are described in paragraphs 5 and 6 of subsection 5 (3).

Effect of class

(4) A class of service set out in a development charge by-law is deemed to be a single service for the purposes of this Act in relation to reserve funds, the use of money from reserve funds and credits.

4 Section 9.1 of the Act is repealed and the following substituted:**Same, transitional matters**

9.1 (1) In this section,

“specified date” means the day that is two years after the day subsection 1 (2) of Schedule 3 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

By-law — expiry before specified date

(2) Despite subsections 2 (4) and 9 (1), a development charge by-law that would expire on or after May 2, 2019 and before the specified date remains in force as it relates to any service other than the services described in paragraphs 1 to 10 of subsection 2 (4) until the earliest of,

- (a) the day it is repealed;
- (b) the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*; and
- (c) the specified date.

By-law — expiry on or after specified date

(3) If a development charge by-law would expire on or after the specified date, the following rules apply in respect of the by-law as it relates to any service other than the services described in paragraphs 1 to 20 of subsection 2 (4):

1. Despite subsection 2 (4), the by-law continues to apply, even as it relates to the service, until the earliest of the days described in paragraph 2.
2. The days referred to in paragraph 1 are the following:
 - i. The day the by-law is repealed.
 - ii. In the case of a development charge by-law of a local municipality, the earlier of,
 - A. the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*; or
 - B. the specified date.
 - iii. In the case of a development charge by-law of an upper-tier municipality, the specified date.
3. The by-law is deemed to have expired, as it relates to the service, on the earliest of the dates mentioned in paragraph 2.

Services prescribed under para. 21 of subs. 2 (4)

(4) Subsection (3) does not apply in respect of the by-law as it relates to a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) if the service is prescribed before the day referred to in subparagraph 2 ii or iii of subsection (3), as the case may be.

5 Subsection 9.2 (3) of the Act is amended by striking out “9.1 (1) or (2)” and substituting “9.1 (2)”.

6 The English version of subsection 18 (3) of the Act is amended by striking out “the time” wherever it appears and substituting in each case “the day”.

7 The English version of subsection 25 (2) of the Act is amended by striking out “the time” wherever it appears and substituting in each case “the day”.

8 Section 26.2 of the Act is amended by adding the following subsections:**Transition, eligible services**

(6.1) Beginning on the day described in subsection (6.2), the total amount of a municipality's development charge for the purposes of subsection (1) shall not include the amount of a development charge in respect of a service unless the service is listed in subsection 2 (4).

Same

(6.2) The day referred to in subsection (6.1) is,

- (a) in the case of a local municipality, the earlier of,
 - (i) the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*, and
 - (ii) the specified date for the purposes of section 9.1; and
- (b) in the case of an upper-tier municipality, the specified date for the purposes of section 9.1.

9 The Act is amended by adding the following section:**Reserve funds — transition, upper-tier municipalities**

33.1 (1) This section applies with respect to a reserve fund established by an upper-tier municipality in accordance with section 33 before the day subsection 1 (2) of Schedule 3 to the *COVID-19 Economic Recovery Act, 2020* comes into force for any services other than those described in paragraphs 1 to 20 of subsection 2 (4).

Non-application, reserve fund re services prescribed under para. 21 of subs. 2 (4)

(2) Despite subsection (1), this section does not apply with respect to a reserve fund established for a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) if the service is prescribed before the specified date for the purposes of section 9.1.

Deemed general capital reserve

(3) The following rules apply with respect to a reserve fund to which this section applies:

- 1. On the specified date for the purposes of section 9.1, the reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the reserve fund was collected.
- 2. Despite paragraph 1, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 1.

10 Clause 60 (1) (c) of the Act is repealed and the following substituted:

- (c) clarifying or defining terms used in subsection 2 (4) that are not already defined in or under this Act;
- (c.1) prescribing services for the purposes of paragraph 21 of subsection 2 (4);
- (c.2) governing transitional matters arising from additional services being prescribed under clause (c.1);

11 Section 60.1 of the Act is amended by adding the following clauses:

- (c) setting out transitional rules dealing with matters not specifically dealt with in the amendments to this Act made by Schedule 3 to the *COVID-19 Economic Recovery Act, 2020*;
- (d) clarifying the transitional rules set out in the amendments to this Act made by Schedule 3 to the *COVID-19 Economic Recovery Act, 2020*.

AMENDMENTS TO OTHER ACT***More Homes, More Choice Act, 2019***

12 Section 2, subsection 3 (3), section 4 and subsections 5 (2) and (3), 8 (2) and 13 (3) of Schedule 3 to the *More Homes, More Choice Act, 2019* are repealed.

COMMENCEMENT**Commencement**

13 (1) Subject to subsection (2), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(2) Sections 1 to 11 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 4 DRAINAGE ACT

1 (1) The definition of “Minister” in section 1 of the *Drainage Act* is repealed and the following substituted:

“Minister” means the Minister of Agriculture, Food and Rural Affairs or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

(2) Section 1 of the Act is amended by adding the following definitions:

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

2 Clause 5 (1) (b) of the Act is repealed and the following substituted:

(b) if it decides to proceed with the drainage works, send notice of the petition and of its decision to the prescribed persons.

3 Subsection 6 (1) of the Act is repealed and the following substituted:

Notice that environmental appraisal is required

(1) A person who is prescribed by the regulations and who has received notice of the petition under clause 5 (1) (b) may, within 30 days after receiving the notice, send to the council of the initiating municipality a notice that an environmental appraisal of the effects of the drainage works on the area is required.

Cost

(1.1) The cost of an environmental appraisal required under subsection (1) shall be paid by the person who sends the notice requiring it.

4 Clause 8 (1) (e) of the Act is amended by adding “prescribed or” before “provided”.

5 (1) Subsection 10 (2) of the Act is repealed and the following substituted:

Consideration of report

(2) Upon the filing of the preliminary report, the council of the initiating municipality shall cause the clerk to send the prescribed persons a copy of the preliminary report and a notice of the date of the council meeting at which the preliminary report will be considered.

(2) Subsection 10 (7) of the Act is amended by striking out “clause (2) (a), (b) or (c)” and substituting “subsection (2)”.

(3) Subsection 10 (8) of the Act is repealed and the following substituted:

Referral to Tribunal

(8) The following persons may refer the environmental appraisal to the Tribunal:

1. If lands used for agricultural purposes are included in the area to be drained, the Minister.
2. In any other case, the prescribed persons.

6 Subsection 41 (1) of the Act is repealed and the following substituted:

Notice of drainage works

(1) Upon the filing of the engineer’s report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within 30 days after the filing of the report, cause the clerk of the initiating municipality to send the prescribed persons a copy of the report and a notice stating,

- (a) the date on which the report was filed;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting at which the report will be considered.

7 Subsection 58 (4) of the Act is repealed.

8 Section 77 of the Act is repealed.

9 (1) Subsection 78 (1) of the Act is amended by striking out “projects listed in subsection (1.1)” and substituting “major improvement projects listed in subsection (1.1)”.

(2) Subsection 78 (1.1) of the Act is amended by striking out “projects” in the portion before paragraph 1 and substituting “major improvement projects”.

(3) Paragraph 5 of subsection 78 (1.1) of the Act is repealed and the following substituted:

5. Extending the drainage works to an outlet.

5.1 Improving or altering the drainage works if the drainage works is located on more than one property.

(4) Subsection 78 (1.1) of the Act is amended by adding the following paragraph:

8. Any other activity to improve the drainage works, other than an activity prescribed by the Minister as a minor improvement.

(5) Subsection 78 (2) of the Act is repealed and the following substituted:

Notice

(2) An engineer shall not be appointed under subsection (1) until 30 days after a notice has been sent to the following persons advising them of the municipality's intent to undertake the major improvement project:

1. The secretary-treasurer of each conservation authority that has jurisdiction over any lands that would be affected by the project.
2. The prescribed persons.

(6) Section 78 of the Act is amended by adding the following subsection:

Minor improvements to drainage works

(5) Despite subsections (2) to (4), the Minister may prescribe the process for approving minor improvements to a drainage works mentioned in paragraph 8 of subsection (1.1).

10 The Act is amended by adding the following section:

AMENDMENTS TO ENGINEER'S REPORT

Amendments to engineer's report

84.1 (1) This section applies with respect to engineer's reports that are prepared for the purpose of a petition under section 4 or for the purpose of section 78 and that are adopted by a municipal by-law.

Approval process

(2) The Minister may, by regulation, set out the process by which the engineer's report may be amended and the process by which those amendments are to be approved.

11 Section 105 of the Act is amended by striking out "constables".

12 (1) Section 125 of the Act is amended by adding the following clause:

- (c) prescribing any matter this Act describes as being prescribed or dealt with in the regulations.

(2) Section 125 of the Act is amended by adding the following subsections:

Adoption of guidelines, etc.

(2) A regulation may adopt by reference, in whole or in part, with the changes that the Minister considers necessary, any guideline, protocol or procedure, including a guideline, protocol or procedure established by the Minister, and may require compliance with any guideline, protocol or procedure so adopted.

Amendments to guidelines, etc.

(3) The power to adopt by reference and require compliance with a guideline, protocol or procedure in subsection (2) includes the power to adopt a guideline, protocol or procedure as it may be amended from time to time.

When effective

(4) The adoption of an amendment to a guideline, protocol or procedure that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in *The Ontario Gazette* or in the registry under the *Environmental Bill of Rights, 1993*.

Commencement

13 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 5 EDUCATION ACT

1 Paragraph 26 of subsection 11 (1) of the *Education Act* is repealed and the following substituted:

powers and duties of teachers, etc.

26. prescribing the powers, duties and qualifications, and governing the appointment of teachers, designated early childhood educators, supervisors, supervisory officers, heads of departments, principals, superintendents, residence counsellors, school attendance counsellors and other officials;

powers and duties of directors of education

- 26.0.1 prescribing the powers and duties and governing the appointment of directors of education;

2 Section 13 of the Act is amended by adding the following subsection:

Exception, COVID-19

(5.0.1) Despite subsection (5), for the 2020-2021 school year, the Minister may, in response to the outbreak of the coronavirus (COVID-19), operate one or more demonstration schools for exceptional pupils described in that subsection in either a residential or non-residential setting.

3 (1) Paragraph 3 of subsection 185 (1) of the Act is amended by striking out “or” at the end of subparagraph ii, by adding “or” at the end of subparagraph iii and by adding the following subparagraph:

- iv. a person who is prescribed for the purpose of giving written notice in respect of a pupil or person.

(2) Subsection 185 (10) of the Act is amended by adding the following clauses:

- (c.1) prescribing persons for the purposes of subparagraph 3 iv of subsection (1) who may provide written notice in respect of a pupil or person and governing the conditions under which notice may be provided by such a person;
- (c.2) authorizing personal information within the meaning of section 28 of the *Municipal Freedom of Information and Protection of Privacy Act* to be collected by boards, for the purpose of administering and implementing this section, in a manner other than directly from the individual to whom the information relates and regulating the manner in which the information is collected;

4 (1) Paragraph 2 of subsection 188 (1) of the Act is amended by striking out “or” at the end of subparagraph ii, by adding “or” at the end of subparagraph iii and by adding the following subparagraph:

- iv. a person who is prescribed for the purpose of giving written notice in respect of a pupil.

(2) Subsection 188 (1.11) of the Act is amended by adding the following clauses:

- (a.1) prescribing persons for the purposes of subparagraph 2 iv of subsection (1) who may provide written notice in respect of a pupil and governing the conditions under which notice may be provided by such a person;
- (a.2) authorizing personal information within the meaning of section 28 of the *Municipal Freedom of Information and Protection of Privacy Act* to be collected by boards, for the purpose of administering and implementing this section, in a manner other than directly from the individual to whom the information relates and regulating the manner in which the information is collected;

5 The heading to Part XI of the Act is repealed and the following substituted:

PART XI DIRECTORS OF EDUCATION AND SUPERVISORY OFFICERS

6 Sections 279 and 280 of the Act are repealed and the following substituted:

Qualifications of director of education

279 (1) If qualifications for a director of education are required by the regulations, a board shall not appoint or employ a person as a director of education unless the person holds those qualifications.

Regulations

- (2) The Minister may make regulations prescribing the qualifications for directors of education.

Director of education and supervisory officers: district school boards

280 Every district school board shall, subject to the regulations, employ a director of education and such supervisory officers as it considers necessary to supervise all aspects of the programs under its jurisdiction.

Appointment of director of education: school authorities

281 (1) Two or more public school authorities may, with the approval of the Minister, agree to appoint a director of education to supervise all aspects of the programs under their jurisdictions.

Same

(2) Two or more Roman Catholic school authorities may, with the approval of the Minister, agree to appoint a director of education to supervise all aspects of the programs under their jurisdictions.

Abolition of position

(3) A school authority that appoints a director of education with the approval of the Minister shall not abolish the position of director of education without the approval of the Minister.

If no director of education

(4) If a school authority does not appoint a director of education, then a supervisory officer shall act as the director of education and perform all the duties of the director of education.

7 Subsection 283 (1) of the Act is repealed.

8 Subsection 306 (1) of the Act is amended by adding “Subject to a regulation made under clause 316 (1.1) (a)” at the beginning of the portion before paragraph 1.

9 Subsection 310 (1) of the Act is amended by adding “Subject to a regulation made under clause 316 (1.1) (a)” at the beginning of the portion before paragraph 1.

10 (1) Section 316 of the Act is amended by adding the following subsection:

Same

(1.1) The Lieutenant Governor in Council may make regulations,

- (a) providing that pupils in specified grades in elementary school shall not be suspended under section 306 or 310, or that such suspensions may only occur in the prescribed circumstances;
- (b) providing for transitional matters that are necessary or desirable in connection with a suspension that occurred under this Part before the day subsection 10 (1) of Schedule 5 to the *COVID-19 Economic Recovery Act, 2020* came into force.

(2) Subsection 316 (2) of the Act is amended by adding “or (1.1)” after “subsection (1)”.

(3) Subsection 316 (3) of the Act is amended by adding “or (1.1)” after “subsection (1)”.

Commencement

11 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

**SCHEDULE 6
ENVIRONMENTAL ASSESSMENT ACT**

1 (1) Subsection 1 (1) of the *Environmental Assessment Act* is amended by adding the following definition:

“designated project” means a Part II.3 project or a Part II.4 project; (“projet désigné”)

(2) The definition of “municipality” in subsection 1 (1) of the Act is amended by adding “subject to subsection 6.0.1 (2)” before “includes”.

(3) The definition of “municipality” in subsection 1 (1) of the Act, as amended by subsection (2), is amended by striking out “subsection 6.0.1 (2)” and substituting “subsection 17.5 (2)”.

(4) Subsection 1 (1) of the Act is amended by adding the following definitions:

“Part II.3 project” means a project that has been designated by the regulations as a project to which Part II.3 applies or that has been declared by the Minister to be a Part II.3 project by order made under subsection 16 (1) or 17.31 (1); (“projet visé par la partie II.3”)

“Part II.4 project” means a project that has been designated by the regulations as a project to which Part II.4 applies and in respect of which an order has not been made under subsection 16 (1) or 17.31 (1); (“projet visé par la partie II.4”)

“project” means one or more enterprises or activities or a proposal, plan or program in respect of an enterprise or activity; (“projet”)

(5) The definition of “Part II.3 project” in subsection 1 (1) of the Act, as enacted by subsection (4), is amended by striking out “subsection 16 (1) or 17.31 (1)” at the end and substituting “subsection 17.31 (1)”.

(6) The definition of “Part II.4 project” in subsection 1 (1) of the Act, as enacted by subsection (4), is amended by striking out “subsection 16 (1) or 17.31 (1)” at the end and substituting “subsection 17.31 (1)”.

(7) The definition of “proponent” in subsection 1 (1) of the Act is repealed and the following substituted:

“proponent” means a person who,

- (a) carries out or proposes to carry out an undertaking or a project, or
- (b) is the owner or person having charge, management or control of an undertaking or a project; (“promoteur”)

(8) The definition of “proponent” in subsection 1 (1) of the Act, as re-enacted by subsection (7), is repealed and the following substituted:

“proponent” means a person who,

- (a) carries out or proposes to carry out a project, or
- (b) is the owner or person having charge, management or control of a project; (“promoteur”)

(9) The French version of the definition of “undertaking” in subsection 1 (1) of the Act is amended,

- (a) by striking out “d’un projet” wherever it appears and substituting in each case “d’une proposition”; and
- (b) by striking out “du projet” in clause (c) and substituting “de la proposition”.

(10) The definition of “undertaking” in subsection 1 (1) of the Act, as amended by subsection (9), is repealed.

2 The Act is amended by adding the following section:

Existing aboriginal and treaty rights

2.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

3 (1) The French version of section 3 of the Act is amended by,

- (a) striking out “projets” wherever it appears in clauses (a) and (b) and substituting in each case “propositions”;
- (b) striking out “au projet, plan ou programme” in clause (c) and substituting “à la proposition, au plan ou au programme”; and
- (c) striking out “du projet” in clause (c) and substituting “de la proposition”.

(2) Section 3 of the Act, as amended by subsection (1), is repealed and the following substituted:

Designation of projects

3 (1) The Lieutenant Governor in Council may make regulations designating projects as projects to which Part II.3 or II.4 apply.

Same

(2) A regulation under subsection (1) may designate a project or a class of projects. It may also describe a designated project with reference to a proponent or a class of proponents.

Same, ancillary activities

(3) A project that is designated under subsection (1) includes any enterprise or activity that is ancillary to that project.

Same, ancillary project

(4) A project that is designated as a Part II.3 project includes any Part II.4 project that is ancillary to the Part II.3 project and that has the same proponent as the Part II.3 project. The Part II.4 project shall be deemed not to be a Part II.4 project for the purposes of this Act.

4 (1) The French version of section 3.0.1 of the Act is amended by,

- (a) striking out “à une activité ou un projet” and substituting “une activité ou une proposition”; and
- (b) striking out “au projet” and substituting “à la proposition”.

(2) Section 3.0.1 of the Act, as amended by subsection (1), is repealed and the following substituted:**Agreement for application of Act**

3.0.1 (1) A person who carries out, proposes to carry out or is the owner or person having charge, management or control of a project that is not a designated project may enter into a written agreement with the Minister to have all or part of this Act and of the regulations apply to the project.

Deemed Part II.3 or Part II.4 projects

(2) If an agreement is entered into under subsection (1) with respect to a project and the agreement provides for Part II.3 or Part II.4 of this Act to apply with respect to the project, that project is deemed to be a Part II.3 project or a Part II.4 project, as the case may be.

Deemed Part II.1 projects

(3) If an agreement is entered into under subsection (1) with respect to a project and the agreement provides for Part II.1 of this Act to apply with respect to the project, that project is deemed to be an undertaking to which the approved class environmental assessment identified in the agreement applies.

Transition, previous agreements

- (4) An enterprise or activity or a proposal, plan or program is deemed to be a Part II.3 project if,
 - (a) this Act applied to it by virtue of an agreement made before the day subsection 4 (2) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force; and
 - (b) on the day Part II.3 comes into force, no approval had been given under section 9 or 9.1 to proceed with the enterprise or activity or the proposal, plan or program.

(3) Subsection 3.0.1 (3) of the Act, as enacted by subsection (2), is repealed.**5 (1) Subsections 3.1 (2) and (3) of the Act are repealed and the following substituted:****Order to vary or dispense**

- (2) The Minister may by order vary or dispense with a requirement imposed under this Act with respect to the undertaking if,
 - (a) both jurisdictions have agreed to harmonization or substitution of requirements in relation to the undertaking; or
 - (b) there is an agreement with respect to harmonization or substitutions between the jurisdictions.

Order to impose additional requirements

(3) The Minister may by order impose requirements in addition to those imposed under this Act with respect to the undertaking if the condition set out in clause (2) (a) or (b) is satisfied and the additional requirements are being imposed to provide for harmonization or substitution.

Declaration of non-application

(3.1) The Minister may by order declare that this Act does not apply with respect to the undertaking and may make the order subject to such conditions as the Minister considers appropriate.

(2) The French version of subsection 3.1 (4) of the Act is amended by striking out “du projet d’arrêté” and substituting “de l’arrêté proposé”.**(3) Section 3.1 of the Act, as amended by subsections (1) and (2), is repealed and the following substituted:**

Harmonization, substitution**3.1** (1) This section applies if,

- (a) another jurisdiction imposes requirements with respect to an undertaking to which this Act applies or with respect to a designated project; and
- (b) the Minister considers the requirements imposed by the other jurisdiction to be equivalent to the requirements imposed by this Act.

Order to vary or dispense

(2) The Minister may by order vary or dispense with a requirement imposed under this Act with respect to the undertaking or designated project if,

- (a) both jurisdictions have agreed to harmonization or substitution of requirements in relation to the undertaking or project; or
- (b) there is an agreement with respect to harmonization or substitution between the jurisdictions.

Order to impose additional requirements

(3) The Minister may by order impose requirements in addition to those imposed under this Act with respect to the undertaking or designated project if the condition set out in clause (2) (a) or (b) is satisfied and the additional requirements are being imposed to provide for harmonization or substitution.

Declaration of non-application

(4) The Minister may by order declare that this Act does not apply with respect to the undertaking or designated project and may make the order subject to such conditions as the Minister considers appropriate.

Notice and comment

(5) When the Minister proposes to make an order under this section, the Minister shall give adequate public notice of the proposed order and shall ensure that members of the public have an opportunity to comment on it.

Reasons

(6) When making an order, the Minister shall give written reasons.

(4) Clause 3.1 (1) (a) of the Act, as re-enacted by subsection (3), is amended by striking out “with respect to an undertaking to which this Act applies or”.

(5) Subsection 3.1 (2) of the Act, as re-enacted by subsection (3), is amended by striking out “undertaking or” wherever it appears.

(6) Subsection 3.1 (3) of the Act, as re-enacted by subsection (3), is amended by striking out “undertaking or”.

(7) Subsection 3.1 (4) of the Act, as re-enacted by subsection (3), is amended by striking out “undertaking or”.

6 (1) Subsection 3.2 (1) of the Act is repealed and the following substituted:

Declaration

(1) Subject to subsection (1.1), the Minister may by order, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate,

- (a) declare that this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act does not apply with respect to an undertaking, class of undertakings, designated project, class of designated projects, person or class of persons;
- (b) suspend or revoke the declaration;
- (c) impose conditions on the declaration; or
- (d) amend or revoke conditions imposed on the declaration.

Same

(1.1) The Minister shall make an order under subsection (1) only if the Minister considers that it is in the public interest to do so having regard to the purpose of this Act and weighing it against the injury, damage or interference that might be caused to any person or property by the application of this Act to the undertaking, class of undertakings, designated project, class of designated projects, person or class of persons.

(2) Clause 3.2 (1) (a) of the Act, as re-enacted by subsection (1), is amended by striking out “an undertaking, class of undertakings, designated project” and substituting “a designated project”.

(3) Subsection 3.2 (1.1), as enacted by subsection (1), is amended by striking out “undertaking, class of undertakings”.

7 Section 3.3 of the Act is repealed.

8 The Act is amended by adding the following sections before the heading to Part II:

Non-application

4.1 Section 21.2 (power to review) of the *Statutory Powers Procedure Act* does not apply with respect to decisions made under this Act.

Validity of decisions

4.2 A decision of the Minister or Director under this Act is not invalid solely on the ground that the decision was not made before the applicable deadline.

9 Section 5 of the Act is amended by adding the following subsection:

Form, manner of application

(2.1) An application shall be submitted to the Minister in the form and manner specified by the Director.

10 The Act is amended by adding the following section:

Landfilling site, municipal support required

Definitions

6.0.1 (1) In this section,

“area of settlement” has the same meaning as in subsection 1 (1) of the *Planning Act*; (“zone de peuplement”)

“landfilling site” means a waste disposal site where landfilling occurs; (“lieu d’enfouissement”)

“parcel of land” has the same meaning as in subsection 46 (1) of the *Planning Act*; (“parcelle de terrain”)

“waste disposal site” has the same meaning as in Part V of the *Environmental Protection Act*. (“lieu d’élimination des déchets”)

Same

(2) For the purposes of this section, the following terms have the meaning assigned to them under subsection 1 (1) of the *Municipal Act, 2001*:

1. Local municipality.
2. Municipality.

Application

(3) This section applies in respect of a proponent who wishes to proceed with an undertaking to establish a waste disposal site that,

- (a) is a landfilling site; and
- (b) is subject to this Part.

Local municipalities whose support is required

(4) A proponent mentioned in subsection (3) shall, in accordance with subsection (5), obtain municipal support for the undertaking from each local municipality,

- (a) in which the landfilling site would be situated; and
- (b) in which there is, as of the day on which the proponent gives public notice of the proposed terms of reference under subsection 6 (3.1), a parcel of land,
 - (i) on which residential uses, other than residential uses that are ancillary to other uses, are authorized by the official plan of the municipality,
 - (ii) that is within an area of settlement, and
 - (iii) that is located within a 3.5 kilometre distance, or such other distance as may be prescribed, perpendicular at each point from the property boundary of the property on which the proposed landfilling site would be situated.

Evidence of support

(5) For the purposes of subsection (4), the proponent shall provide to the Ministry,

- (a) a copy of a municipal council resolution for each local municipality in respect of which municipal support is required under subsection (4), indicating the municipality supports the undertaking to establish a waste disposal site that is a landfilling site;

- (b) a well-marked and legible map showing the location of the landfilling site, the boundaries of each local municipality mentioned in clause (a) and markings to illustrate the characteristics of a municipality under clause (4) (b); and
- (c) a description of the process used to identify the local municipalities whose support for the undertaking is required under subsection (4).

Resolution

(6) For greater certainty, a municipal council resolution described in clause (5) (a) is not a matter that falls within the waste management sphere of jurisdiction under subsection 11 (3) of the *Municipal Act, 2001*.

Evidence to be included in environmental assessment

(7) Subject to subsection (9), the information mentioned in subsection (5) shall be included in the environmental assessment submitted to the Ministry under subsection 6.2 (1).

Transition, terms of reference already submitted or approved

(8) For greater certainty, if a proponent mentioned in subsection (3) has given the Ministry proposed terms of reference under subsection 6 (1) or has received approval for a terms of reference under subsection 6 (4) before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force, this section applies.

Transition, environmental assessment already submitted

(9) If a proponent mentioned in subsection (3) has, before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force, already submitted an environmental assessment in respect of the undertaking and no decision has been made in respect of the application under section 9 or 9.1, the following rules apply:

1. Subsection (4) applies to the proponent and the information required under subsection (5) shall be submitted separately from the environmental assessment.
2. If the Ministry has not completed its review of the environmental assessment under section 7 before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force,
 - i. the Director shall not provide notice of completion under section 7.1 until the requirements set out in subsections (4) and (5) have been satisfied and the Director has provided the written confirmation described in subsection (10), and
 - ii. the deadline referred to in subsection 7 (2) does not apply to the review of the environmental assessment.
3. If the Ministry has provided a notice of completion of the review under section 7.1 before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force,
 - i. no decision shall be made under section 9 or 9.1 until the requirements set out in subsections (4) and (5) have been satisfied and the Director has provided the written confirmation described in subsection (10), and
 - ii. the deadlines referred to in subsections 10 (1) and (2) do not apply to the application.

Confirmation

(10) With respect to an environmental assessment submitted by a proponent mentioned in subsection (3), until the date the Director has confirmed in writing to the proponent that the requirements set out in subsections (4) and (5) have been satisfied with respect to the undertaking,

- (a) the environmental assessment is deemed not to have been received by the Ministry under subsection 6.2 (1); and
- (b) the proponent shall not give public notice of the submission of the environmental assessment under subsection 6.3 (1).

Exceptions

- (11) This section does not apply,
- (a) in respect of a waste disposal site that is a landfilling site established by the Minister under clause 4 (1) (k) of the *Environmental Protection Act*; or
 - (b) to a proponent seeking an approval under this Part if the approval is required pursuant to a regulation made under clause 176 (4) (o) of the *Environmental Protection Act* with respect to a waste disposal site that is a landfilling site.

11 The Act is amended by adding the following section:

Information to be made available

6.5 In addition to complying with any requirements under this Act with respect to public notice, a proponent shall make available such information as the Director may require with respect to the application and the undertaking in such form and manner as the Director may require.

12 (1) Subsection 7 (3) of the Act is repealed and the following substituted:

Extension

(3) The deadline for completing the review may be extended by the Director for a prescribed reason or for an unusual, unexpected or urgent reason that the Director considers compelling. The Director shall notify such persons as he or she considers appropriate if the deadline is extended.

(2) Subsection 7 (5) of the Act is amended by adding “or such other period as the Director may specify in the statement given under subsection (4)” at the end.

(3) Subsection 7 (6) of the Act is amended by adding “or such other period as the Director may specify in the statement given under subsection (4)” at the end.

13 (1) Clause 9 (1) (b) of the Act is amended by adding the following subclauses:

- (iv.1) a process to be followed in respect of any changes to the undertaking that the proponent may wish to make after the approval is given, which process may include granting authority to the Director or Minister to,
 - (A) require the proponent to engage in additional consultation, and to provide additional information, in respect of proposed changes, and
 - (B) give approval, attach conditions to the approval or refuse to give approval to proceed with the changes,
- (iv.2) that the process referred to in subclause (iv.1) is only available for specified changes or classes of changes to the undertaking,

(2) Section 9 of the Act is amended by adding the following subsections:

Subs. (1) (b) (iv.1), process to make changes

(1.1) A process mentioned in subclause (1) (b) (iv.1) may be set out in an approval or incorporated by reference into the approval.

Subs. (1) (b) (iv.1), application

(1.2) Subclause (1) (b) (iv.1) applies in respect of approval given under subsection (1) either before or after the day section 13 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

14 Subsection 10 (4) of the Act is repealed

15 Section 11.2 of the Act is amended by adding the following subsection:

Same

(2.1) If the Minister reviews under subsection (1) a decision of the Tribunal made under section 9.1 and then, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, makes an order under clause (2) (a) or (b), the varied or substituted decision is deemed to be the decision made by the Minister, with the necessary approval, under section 9.

16 (1) The French version of subsection 11.4 (3.1) of the Act is amended by striking out “des épreuves ou des expériences relatives” and substituting “des tests, des analyses ou des expériences relatifs”.

(2) Subsection 11.4 (5) of the Act is repealed.

17 The Act is amended by adding the following section:

Expiry of approval

Application of section

11.5 (1) Subject to subsection (5), this section applies in respect of an approval to proceed with an undertaking if,

- (a) approval has been given under this Part or a predecessor to this Part; and
- (b) the approval does not specify a period of time following the giving of the approval after which the approval expires or a date after which a proponent cannot proceed under the approval.

Expiry

(2) If the undertaking has not been substantially commenced by the 10th anniversary of the day approval to proceed with the undertaking was given under this Act or by the end of any extension to that period granted by the Minister under subsection (3), the approval expires on the later of,

- (a) the 10th anniversary or the end of the extended period, as the case may be; or
- (b) the day section 17 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Extension

(3) The Minister may, by notice to the proponent, grant an extension of the period within which an undertaking is to be substantially commenced beyond the 10th anniversary of the day approval to proceed with the undertaking was given and may grant such an extension subject to any conditions specified in the notice.

Same

(4) An extension under subsection (3) may be granted at any time, including after the 10th anniversary of the approval being given has passed.

Exception, regulations

(5) The Minister may make regulations exempting undertakings from this section.

Minister may include date

(6) If an undertaking is exempted from this section by a regulation under subsection (5), the Minister may amend the approval to proceed with that undertaking to include a date on which the approval will expire.

18 Section 12 of the Act is repealed and the following substituted:**Proposed change to an undertaking**

12 If a proponent wishes to change an undertaking after receiving approval to proceed with it, other than a change in the undertaking that is addressed in a condition mentioned in subclause 9 (1) (b) (iv.1), the proposed change to the undertaking shall be deemed to be an undertaking for the purposes of this Act.

19 (1) Subsection 12.2 (4) of the Act is amended by striking out “give or approve a loan” and substituting “give a loan”.

(2) Subsection 12.2 (5) of the Act is amended by striking out “may be given or approved” and substituting “may be given”

20 Part II of the Act is repealed.**21 (1) Sections 13 to 15.1 of the Act are repealed and the following substituted:****No applications**

13 On and after the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent, no application for approval of a class environmental assessment shall be submitted and any application in respect of which no approval has been given under this Part before that day shall be terminated.

Definition, change to undertaking

14 In this Part,

“change to an undertaking” means a change to an undertaking that is proposed after the undertaking is authorized to proceed under an approved class environmental assessment and is provided for in the approved class environmental assessment.

Application of Part

15 Sections 15.1 to 17 apply in respect of undertakings to which one of the following approved class environmental assessments, as amended or renamed from time to time, applies:

1. GO Transit Class Environmental Assessment Document approved by the Lieutenant Governor in Council on December 13, 1995 under Order in Council 2316/1995.
2. Class Environmental Assessment for Provincial Transportation Facilities approved by the Lieutenant Governor in Council on October 6, 1999 under Order in Council 1653/1999.
3. Municipal Class Environmental Assessment approved by the Lieutenant Governor in Council on October 4, 2000 under Order in Council 1923/2000.
4. Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002.
5. Class Environmental Assessment for Remedial Flood and Erosion Control Projects approved by the Lieutenant Governor in Council on June 26, 2002 under Order in Council 1381/2002.
6. Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation approved by the Lieutenant Governor in Council on April 28, 2004 under Order in Council 913/2004.
7. Class Environmental Assessment for Provincial Parks and Conservation Reserves approved by the Lieutenant Governor in Council on September 23, 2004 under Order in Council 1900/2004.
8. Class Environmental Assessment for Waterpower Projects approved by the Lieutenant Governor in Council on September 24, 2008 under Order in Council 1623/2008.

9. Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act approved by the Lieutenant Governor in Council on December 12, 2012 under Order in Council 1952/2012.
10. Class Environmental Assessment for Minor Transmission Facilities of Hydro One approved by the Lieutenant Governor in Council on November 16, 2016 under Order in Council 1726/2016.

Director to receive certain notices

15.1 (1) The proponent of an undertaking referred to in section 15 who issues a notice of completion or a notice of addendum under an approved class environmental assessment shall submit a copy of the notice to the Director in the manner specified by the Director.

Same, transition

(2) If a notice of completion or notice of addendum is issued under an approved class environmental assessment during the 30 days before the day subsection 21 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, the copy of the notice that is required to be submitted to the Director under subsection (1) shall be submitted no later than 5 days following the day that section came into force.

Extension of comment period

(3) If a proponent of an undertaking referred to in section 15 extends the comment period provided for in a notice of completion or a notice of addendum in accordance with the approved class environmental assessment, the proponent shall give the Director notice of the extension.

Prohibitions, proceeding with undertaking

15.1.1 (1) No person shall proceed with an undertaking referred to in section 15 unless the person does so in accordance with the approved class environmental assessment and with subsections (5) to (9). The prohibitions in subsections 5 (3) and (4) do not apply with respect to such an undertaking.

Exception

(2) Despite subsection (1), a proponent of an undertaking referred to in section 15 may apply under subsection 5 (1) to the Minister for approval to proceed with the undertaking under Part II. Subsection (1) and subsections (5) to (9) do not apply with respect to such an undertaking and the prohibitions in subsections 5 (3) and (4) apply.

Same

(3) Subsection (2) ceases to apply if the application for approval to proceed with the undertaking under Part II is withdrawn by the proponent.

Same

(4) Despite subsection (1), a proponent shall apply to the Minister for approval to proceed with an undertaking referred to in section 15 in accordance with Part II if the Minister makes an order under subsection 16 (1) requiring the proponent to comply with Part II. Subsection (1) and subsections (5) to (9) do not apply with respect to such an undertaking and the prohibitions in subsections 5 (3) and (4) apply.

Limitation on proceeding

(5) Despite anything in an approved class environmental assessment, no person shall proceed with an undertaking referred to in section 15 until at least 30 days, or such other number of days as may be prescribed, after the end of the comment period provided for in a notice of completion issued under the approved class environmental assessment, as that comment period may be extended in accordance with the approved class environmental assessment.

Same

(6) Despite subsection (5), if a notice of a proposed order is given to a proponent by the Director under subsection 16.1 (2), subsection (5) does not apply and no person shall proceed with the undertaking until at least 30 days, or such other number of days as may be prescribed, after the day the notice of the proposed order was given, subject to subsection (7).

Same

(7) If a notice of a proposed order includes a request for information made by the Director under subsection 16.1 (4), subsections (5) and (6) do not apply and the proponent shall not proceed with the undertaking until,

- (a) if the proponent provides all the requested information on or before the deadline specified in the notice of a proposed order and receives a notice of satisfactory response from the Director under clause 16.1 (6) (a), at least 30 days, or such other number of days as may be prescribed, after the Director gives the proponent a notice of satisfactory response under clause 16.1 (6) (a); or
- (b) if the proponent fails to provide all the requested information on or before the deadline specified in the notice of a proposed order and receives a notice of unsatisfactory response from the Director under clause 16.1 (7) (a), at least 30 days, or such other number of days as may be prescribed, that follows the comment period provided for in,

- (i) a new notice of completion that the proponent is required to issue under clause 16.1 (7) (c), or
- (ii) any further notice of completion that may be required of the proponent under subsection 16.1 (9), until such time as the Director is satisfied that all the information requested in the notice of the proposed order has been provided by the proponent in the notice of completion.

Same, transition

(8) For greater certainty, the limitations in subsections (5) to (7) apply with respect to an undertaking referred to in section 15 where the notice of completion was issued under the approved class environmental assessment during the 30 days before the day subsection 21 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force and a copy of the notice is required to be submitted to the Director under subsection 15.1 (2).

Same, application for s. 16 order

(9) Despite anything in an approved class environmental assessment, if a request is made under subsection 16 (6) for the Minister to make an order under section 16 in respect of an undertaking that is proceeding under the approved class environmental assessment, no person shall proceed with the undertaking while the Minister's decision with respect to the request is still pending.

Change to undertaking

(10) This section applies with necessary modifications to a change to an undertaking that has been authorized to proceed in accordance with an approved class environmental assessment and, for the purposes of the application of subsections (5) to (9) to such a change, any reference in those subsections to a notice of completion shall be deemed to be a reference to a notice of addendum issued with respect to the change to the undertaking under the approved class environmental assessment.

Activities permitted before authorization to proceed

15.1.2 (1) Before a proponent is authorized to proceed with an undertaking referred to in section 15, a person may,

- (a) take any action in connection with the undertaking that may be necessary to comply with this Act;
- (b) acquire property or rights in property in connection with the undertaking;
- (c) prepare a feasibility study and engage in research in connection with the undertaking;
- (d) establish a reserve fund or another financing mechanism in connection with the undertaking.

Restriction on issuing certain documents

(2) No person shall issue a document evidencing that an authorization required at law to proceed with the undertaking has been given until the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Exception

(3) Despite subsection (2), a document described in that subsection may be issued with respect to an activity permitted by subsection (1) before the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Restriction on provincial funding

(4) The Crown or a Crown agency shall not give a loan, grant, subsidy or guarantee with respect to the undertaking until the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Exception

(5) Despite subsection (4), a loan, grant, subsidy or guarantee described in that subsection may be given with respect to an activity permitted by subsection (1) before the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Prohibition following approval

(6) No person shall issue a document described in subsection (2) or give a loan, grant, subsidy or guarantee described in subsection (4) with respect to an undertaking if it would be inconsistent with the approved class environmental assessment.

Reconsideration of approval

15.1.3 (1) If there is a change in circumstances or new information concerning the approval of a class environmental assessment listed in section 15 and if the Minister considers it appropriate to do so, he or she may reconsider the approval under this section.

Same

(2) The Minister may request the Tribunal to determine whether it is appropriate to reconsider the approval.

Same

(3) The Minister may refer the reconsideration of the approval of a class environmental assessment under this section to the Tribunal and, in that case, the Tribunal may conduct the reconsideration instead of the Minister.

Minister may require plans, etc.

(4) For the purposes of making a decision under this section, the Minister or the Tribunal may, by order, require a person given approval in respect of a class environmental assessment to provide plans, specifications, technical reports or other information and to carry out and report on tests or experiments.

Amendment, revocation

(5) After reconsidering an approval under this section, the Minister or Tribunal may amend or revoke the approval.

Rules, etc.

(6) A decision under this section shall be made in accordance with any rules and subject to any restrictions as may be prescribed.

(2) Subsection 15.1.1 (1) of the Act, as enacted by subsection (1), is amended by striking out “The prohibitions in subsections 5 (3) and (4) do not apply with respect to such an undertaking” at the end.

(3) Subsections 15.1.1 (2) and (3) of the Act, as enacted by subsection (1), are repealed and the following substituted:

Exception

(2) Despite subsection (1), a proponent of an undertaking referred to in section 15 may apply under subsection 17.2 (1) to the Minister for approval to proceed with the undertaking as a Part II.3 project. On and after the day the proponent applies under subsection 17.2 (1), the undertaking shall be deemed to be a Part II.3 project and Part II.3 applies in respect of it instead of this section.

Same

(3) Subsection (2) ceases to apply if the application for approval to proceed with the undertaking as a Part II.3 project is withdrawn by the proponent.

(4) Subsection 15.1.1 (4) of the Act, as enacted by subsection (1), is repealed and the following substituted:

Same

(4) Despite subsection (1), if the Minister makes an order under subsection 16 (1) declaring an undertaking referred to in section 15 to be a Part II.3 project for the purposes of this Act, subsection (1) ceases to apply with respect to the project and Part II.3 applies.

22 The Act is amended by adding the following section:**Amendment, etc. by regulation**

15.1.4 The Lieutenant Governor in Council may by regulation amend or revoke an approval of a class environmental assessment or amend an approved class environmental assessment.

23 (1) Paragraph 1 of subsection 15.3 (3) of the Act is repealed and the following substituted:

1. Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002.

(2) Paragraph 4 of subsection 15.3 (4) of the Act is repealed and the following substituted:

4. Category A of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002.

24 The French version of subsection 15.4 (2) of the Act is amended by striking out “du projet de modification” and substituting “de la modification proposée”.

25 (1) Section 16 of the Act is repealed and the following substituted:**Order to comply with Part II**

16 (1) The Minister may by order require a proponent to comply with Part II before proceeding with a proposed undertaking referred to in section 15.

Same

(2) In an order under subsection (1), the Minister may do the following:

1. Set out directions with respect to the terms of reference governing the preparation of an environmental assessment for the undertaking.

2. Declare that the proponent has satisfied such requirements for the preparation of an environmental assessment as are specified in the order.

Order imposing additional conditions

(3) The Minister may by order impose conditions on an undertaking referred to in section 15, in addition to the conditions that were imposed upon the approval of the class environmental assessment.

Same

(4) An order under subsection (1) or (3) may be made on the initiative of the Minister or on the request of a person under subsection (6).

Basis for order

(5) The Minister shall consider the following matters when making an order under subsection (1) or (3):

1. The purpose of this Act.
2. The factors suggesting that the proposed undertaking differs from other undertakings in the class to which the class environmental assessment applies.
3. The significance of the factors and of the differences mentioned in paragraph 2.
4. If a request for the order was made by a person under subsection (6), any ground for making the request that is given by that person and permitted under subsection (6).
5. The mediators' report, if any, following a referral under subsection (7).
6. Such other matters as may be prescribed.
7. Such other matters as the Minister considers appropriate.

Request for order

(6) A person may request the Minister to make an order under this section only on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

Mediation

(7) The Minister may refer a matter in connection with a request made under subsection (6) to mediation and section 8 applies with necessary modifications.

Order after request

(8) For the purpose of considering a request made by a person under subsection (6), the Director may require the proponent to undertake such consultations and to provide such information as the Director may specify.

Refusal after request

(9) If, after receiving a request under subsection (6), the Minister refuses to make an order, the Minister shall give the person who made the request and the proponent notice of his or her decision together with the reasons for the decision.

Notice of order

(10) The Minister shall give a copy of an order made under this section, together with the reasons for it, to the proponent, to the person who requested the order, if any and to such other persons as the Minister considers advisable.

Change to undertaking

(11) The Minister may make an order under this section with respect to a change to an undertaking and this section shall apply with necessary modifications to such an order.

Conflict

(12) This section prevails over anything to the contrary that may be provided for in an approved class environmental assessment.

Amendment of s. 16 (3) order

(13) The Minister may, in accordance with the regulations, if any, amend any order made under subsection 16 (3), regardless of whether the order was made before or after subsection 25 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Time limit for orders

16.1 (1) The Minister shall not make an order under subsection 16 (1) or (3) on his or her own initiative if more than 30 days, or such other number of days as may be prescribed, has elapsed after the end of the comment period provided for in a notice of

completion issued under the approved class environmental assessment, as that comment period may be extended in accordance with the approved class environmental assessment.

Notice of proposed order

(2) Despite subsection (1), the Minister may make an order under subsection 16 (1) or (3) on his or her own initiative after the time limit described in subsection (1) if before the time limit has elapsed the Director gives the proponent notice that the Minister is considering making the order.

New time limit

(3) If notice of a proposed order is given by the Director under subsection (2), the Minister may make the order under subsection 16 (1) or (3) only if he or she does so,

- (a) before the end of the 30-day period, or such other time period as may be prescribed, that follows the giving of the notice of the proposed order; or
- (b) if the Director includes in the notice of the proposed order a request for information under subsection (4), before the end of the 30-day period, or such other time period as may be prescribed, that follows the day the Director gives the proponent a notice of satisfactory response under clause (6) (a), subject to subsections (7) to (12).

Request for information

(4) In a notice of a proposed order, the Director may request that the proponent provide such information as the Director believes is necessary to assist the Minister in determining whether to make the order and that the information be provided on or before the specified deadline.

Compliance with request

(5) The proponent shall give the Director the information specified in the notice of the proposed order on or before the deadline specified in the notice.

Same

(6) If the Director is satisfied that the proponent has provided all the information requested in the notice of the proposed order within the specified deadline,

- (a) the Director shall give the proponent a notice of satisfactory response; and
- (b) the Minister may make the order within the time limit set out in clause (3) (b).

Failure to comply with request

(7) If a proponent fails to provide all the information requested in the notice of the proposed order within the specified deadline or if, upon review of the information provided, the Director is not satisfied that all the information requested has been provided,

- (a) the Director shall give the proponent a notice of unsatisfactory response;
- (b) the time limits under subsections (1) and (3) that applied with respect to the comment period provided for in the notice of completion previously issued by the proponent cease to apply;
- (c) the proponent shall issue a new notice of completion in accordance with subsection (9); and
- (d) the time limits under subsections (1) and (3) shall apply with respect to the comment period provided for in the new notice of completion.

Notice of unsatisfactory response

(8) A notice of unsatisfactory response issued by the Director under clause (7) (a) shall,

- (a) specify the information that the proponent must provide in order to satisfy the request for information that was made by the Director in the notice of the proposed order; and
- (b) advise the proponent that a new notice of completion must be issued by the proponent within the time period specified by the Director.

New notice of completion

(9) On or before the end of the time period specified by the Director in the notice of unsatisfactory response, the proponent shall,

- (a) issue a new notice of completion in accordance with such directions as may be specified by the Director; and
- (b) provide to the Director all of the information specified by the Director in the notice of unsatisfactory response.

New comment period

(10) The notice of completion issued under clause (9) (a) shall provide for a new comment period which shall be at least 30 days in duration.

Further failure to comply

(11) If a proponent fails to comply with subsections (9) and (10), subsections (7), (8), (9) and (10) shall apply with necessary modifications to that failure.

Same

(12) Subsection (11) shall apply to successive failures to comply with subsections (9) and (10) until the Director is satisfied that the proponent has provided all the requested information and issues a notice of satisfactory response in accordance with subsection (6) and, when the Director issues a notice of satisfactory response, the time limit set out in clause (6) (b) shall apply with respect to any order to be made by the Minister under subsection 16 (1) or (3) on his or her own initiative.

Change to undertaking

(13) This section applies if the Minister is considering making an order under subsection 16 (1) or (3) with respect to a change to an undertaking and, for the purpose of that application, any reference in this section to a notice of completion shall be deemed to be a reference to a notice of addendum.

Same, transition

(14) For greater certainty, the time limits in this section apply with respect to an undertaking referred to in section 15 where the notice of completion was issued under the approved class environmental assessment during the 30 days before the day subsection 21 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force and a copy of the notice is required to be submitted to the Director under subsection 15.1 (2).

(2) Subsection 16 (1), as re-enacted by subsection (1), is repealed and the following substituted:

Order to comply with Part II.3

(1) The Minister may make an order declaring a proposed undertaking referred to in section 15 to be a Part II.3 project.

(3) Paragraph 1 of subsection 16 (2) of the Act, as re-enacted by subsection (1), is amended by striking out “undertaking” at the end and substituting “project”.

26 Part II.1 of the Act is repealed.

27 The French version of clause 17.1 (4) (b) of the Act is amended by striking out “tout projet, plan ou programme” at the beginning and substituting “toute proposition, tout plan ou tout programme”.

28 Part II.2 of the Act is repealed.

29 The Act is amended by adding the following Part:

**PART II.3
COMPREHENSIVE ENVIRONMENTAL ASSESSMENTS**

Approval for project

17.2 (1) Every proponent who wishes to proceed with a Part II.3 project shall apply to the Minister for approval to do so.

Application

(2) The application consists of the proposed terms of reference submitted under subsection 17.4 (1) and the environmental assessment subsequently submitted under subsection 17.7 (1).

Form, manner of application

(3) An application shall be submitted to the Minister in the form and manner specified by the Director.

Prohibition

(4) No person shall proceed with a Part II.3 project unless the Minister gives his or her approval to proceed under section 17.15 or the Tribunal gives its approval under section 17.16.

Same

(5) No person shall proceed with a Part II.3 project in a manner inconsistent with a condition imposed by the Minister or the Tribunal for proceeding with it.

Potential non-compliance

(6) A proponent who has received approval to proceed with a Part II.3 project shall promptly notify the Minister if the proponent may not be able to comply with the approval as a result of a change in circumstances.

Obligation to consult

17.3 When preparing proposed terms of reference and an environmental assessment, the proponent shall consult with such persons as may be interested.

Terms of reference

17.4 (1) The proponent shall give the Ministry proposed terms of reference governing the preparation of an environmental assessment for the Part II.3 project.

Same

(2) The proposed terms of reference must,

- (a) indicate that the environmental assessment will be prepared in accordance with the requirements set out in subsection 17.6 (2);
- (b) indicate that the environmental assessment will be prepared in accordance with such requirements as may be prescribed for the class of Part II.3 project the proponent wishes to proceed with, which may include requirements to provide information that is greater than or less than what is required under subsection 17.6 (2); or
- (c) specify in detail the requirements for the preparation of the environmental assessment, which may include requirements to provide information that is greater than or less than what is required under subsection 17.6 (2).

Same

(3) The proposed terms of reference must be accompanied by a description of the consultations by the proponent and the results of the consultations.

Public notice

(4) The proponent shall give public notice of the proposed terms of reference and shall do so by the prescribed deadline and in the form and manner required by the Director.

Same

(5) The public notice must indicate where and when members of the public may inspect the proposed terms of reference, state that they may give their comments about the proposed terms of reference to the Ministry and contain such other information as may be prescribed or as the Director may require.

Notice to clerk of a municipality

(6) The proponent shall give the information contained in the public notice to the clerk of each municipality in which the Part II.3 project is to be carried out and shall do so by the deadline for giving the public notice.

Notice to other persons

(7) The proponent shall give the information contained in the public notice to such other persons as the Director may require and shall do so by the deadline for giving the public notice.

Public inspection

(8) Any person may inspect the proposed terms of reference in the places and at the times set out in the public notice.

Comments

(9) Any person may comment in writing on the proposed terms of reference to the Ministry and, if the person wishes the comments to be considered by the Minister in deciding whether to approve the proposed terms of reference, shall submit the comments by the prescribed deadline.

Approval

(10) The Minister shall approve the proposed terms of reference, with any amendments that he or she considers necessary, if he or she is satisfied that an environmental assessment prepared in accordance with the approved terms of reference will be consistent with the purpose of this Act and the public interest.

Same

(11) The amendments made by the Minister under subsection (10) may include amendments to impose requirements that are greater than or less than the requirements of the regulations if the Minister is of the opinion that in the circumstances, the amendments are necessary in order to ensure that an environmental assessment prepared in accordance with the approved terms of reference will be consistent with the purpose of this Act and the public interest.

Mediation

(12) Before approving proposed terms of reference, the Minister may refer a matter in connection with them to mediation, and section 17.14 applies with necessary modifications.

Deadline, Minister's decision

(13) The Minister shall notify the proponent whether or not the proposed terms of reference are approved and shall do so by the prescribed deadline.

Same

(14) If the Minister has not notified the proponent under subsection (13) by the prescribed deadline, the Minister shall provide written reasons to the proponent indicating why a decision was not made and when a decision is expected to be made.

Landfilling site, municipal support required**Definitions**

17.5 (1) In this section,

“area of settlement” has the same meaning as in subsection 1 (1) of the *Planning Act*; (“zone de peuplement”)

“landfilling site” means a waste disposal site where landfilling occurs; (“lieu d’enfouissement”)

“parcel of land” has the same meaning as in subsection 46 (1) of the *Planning Act*; (“parcelle de terrain”)

“waste disposal site” has the same meaning as in Part V of the *Environmental Protection Act*. (“lieu d’élimination des déchets”)

Same

(2) For the purposes of this section, the following terms have the meaning assigned to them under subsection 1 (1) of the *Municipal Act, 2001*:

1. Local municipality.
2. Municipality.

Application

(3) This section applies in respect of a proponent who wishes to proceed with a Part II.3 project to establish a waste disposal site that is a landfilling site.

Local municipalities whose support is required

(4) A proponent mentioned in subsection (3) shall, in accordance with subsection (5), obtain municipal support for the project from each local municipality,

- (a) in which the landfilling site would be situated; and
- (b) in which there is, as of the day on which the proponent gives public notice of the proposed terms of reference under subsection 17.4 (4), a parcel of land,
 - (i) on which residential uses, other than residential uses that are ancillary to other uses, are authorized by the official plan of the municipality,
 - (ii) that is within an area of settlement, and
 - (iii) that is located within a 3.5 kilometre distance, or such other distance as may be prescribed, perpendicular at each point from the property boundary of the property on which the proposed landfilling site would be situated.

Evidence of support

(5) For the purposes of subsection (4), the proponent shall provide to the Ministry,

- (a) a copy of a municipal council resolution for each local municipality in respect of which municipal support is required under subsection (4), indicating the municipality supports the project to establish a waste disposal site that is a landfilling site;
- (b) a well-marked and legible map showing the location of the landfilling site, the boundaries of each local municipality mentioned in clause (a) and markings to illustrate the characteristics of a municipality under clause (4) (b); and
- (c) a description of the process used to identify the local municipalities whose support for the project is required under subsection (4).

Resolution

(6) For greater certainty, a municipal council resolution described in clause (5) (a) is not a matter that falls within the waste management sphere of jurisdiction under subsection 11 (3) of the *Municipal Act, 2001*.

Evidence to be included in environmental assessment

(7) The information mentioned in subsection (5) shall be included in the environmental assessment submitted to the Ministry under subsection 17.7 (1).

Confirmation

(8) With respect to an environmental assessment submitted by a proponent mentioned in subsection (3), until the date the Director has confirmed in writing to the proponent that the requirements set out in subsections (4) and (5) have been satisfied with respect to the project,

- (a) the environmental assessment is deemed not to have been received by the Ministry under subsection 17.7 (1); and
- (b) the proponent shall not give public notice of the submission of the environmental assessment under subsection 17.8 (1).

Exceptions

- (9) This section does not apply,
 - (a) in respect of a waste disposal site that is a landfilling site established by the Minister under clause 4 (1) (k) of the *Environmental Protection Act*; or
 - (b) to a proponent seeking an approval under this Part if the approval is required pursuant to a regulation made under clause 176 (4) (o) of the *Environmental Protection Act* with respect to a waste disposal site that is a landfilling site.

Preparation of environmental assessment

17.6 (1) The proponent shall prepare an environmental assessment for a Part II.3 project in accordance with the approved terms of reference.

Contents

- (2) Subject to clauses 17.4 (2) (b) and (c), the environmental assessment must consist of,
 - (a) a description of the purpose of the project;
 - (b) a description of and a statement of the rationale for,
 - (i) the Part II.3 project,
 - (ii) the alternative methods of carrying out the Part II.3 project, and
 - (iii) the alternatives to the Part II.3 project;
 - (c) a description of,
 - (i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
 - (ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, and
 - (iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment, by the Part II.3 project, the alternative methods of carrying out the Part II.3 project and the alternatives to the Part II.3 project;
 - (d) an evaluation of the advantages and disadvantages to the environment of the Part II.3 project, the alternative methods of carrying out the Part II.3 project and the alternatives to the Part II.3 project; and
 - (e) a description of any consultation about the Part II.3 project by the proponent and the results of the consultation.

Submission of environmental assessment

17.7 (1) After receiving notice that the terms of reference of a Part II.3 project are approved by the Minister, the proponent shall submit an environmental assessment for the project to the Ministry.

Time limits

- (2) A time period within which a proponent must submit an environmental assessment for a Part II.3 project to the Ministry may be set out in the approved terms of reference or may be prescribed.

Compliance with time limits

- (3) A proponent of a Part II.3 project shall submit the environmental assessment for the project,
 - (a) within the time period set out in the approved terms of reference, if any; or
 - (b) if no time period is set out in the approved terms of reference, within any prescribed time period.

Extension of deadline

- (4) Any time period for the submission of an environmental assessment that is prescribed in accordance with subsection (2) may be extended by the Minister by such further time period as the Minister considers appropriate, but the extension shall not exceed any prescribed maximum time period.

Termination, missed deadline

- (5) If a proponent does not submit an environmental assessment for a Part II.3 project by the end of the applicable time period, the application shall be terminated.

Replacement terms of reference

(6) If an application for approval of a Part II.3 project is terminated under subsection (5), the proponent may give the Minister a second proposed terms of reference with respect to the Part II.3 project under subsection 17.4 (1) and the second proposed terms of reference may be the same as the terms of reference previously given and approved.

Amendment or withdrawal

(7) After it is submitted to the Ministry, the proponent may amend or withdraw the environmental assessment at any time before the deadline for completion of the Ministry review of the environmental assessment.

Same

(8) The proponent may amend or withdraw the environmental assessment after the deadline for completion of the Ministry review only upon such conditions as the Minister may by order impose.

Same

(9) The Minister may by order amend or revoke conditions imposed under this section.

Public notice of submission

17.8 (1) The proponent shall give public notice of the submission of the environmental assessment and shall do so by the prescribed deadline and in the form and manner as the Director may require.

Same

(2) The public notice must indicate where and when members of the public may inspect the environmental assessment, state that they may give their comments about it to the Ministry and contain such other information as the Director may require.

Notice to clerk of a municipality

(3) The proponent shall give the information contained in the public notice to the clerk of each municipality in which the Part II.3 project is to be carried out and shall do so by the deadline for giving the public notice.

Notice to other persons

(4) The proponent shall give the information contained in the public notice to such other persons as the Director may require and shall do so by the deadline for giving the public notice.

Public inspection of environmental assessment

17.9 (1) Any person may inspect the environmental assessment in the places and at the times set out in the public notice.

Comments

(2) Any person may comment in writing on the Part II.3 project or on the environmental assessment to the Ministry and, if the person wishes the comments to be considered during the preparation of the Ministry review, shall submit the comments by the prescribed deadline.

Information to be made available

17.10 In addition to complying with any requirements under this Act with respect to public notice, a proponent shall make available such information as the Director may require with respect to the application and the Part II.3 project in such form and manner as the Director may require.

MINISTRY REVIEW**Ministry review of environmental assessment**

17.11 (1) The Ministry shall prepare a review of the environmental assessment and shall take into account any comments received from members of the public by the deadline prescribed under subsection 17.9 (2).

Completion date

(2) The review must be completed by the prescribed deadline.

Extension

(3) The deadline for completing the review may be extended by the Director for a prescribed reason or for an unusual, unexpected or urgent reason that the Director considers compelling. The Director shall notify such persons as he or she considers appropriate if the deadline is extended.

Deficient environmental assessment

(4) If the Director considers that the environmental assessment is deficient in relation to the approved terms of reference and the purpose of this Act, the Director may give the proponent a statement describing the deficiencies and shall do so at least 14 days before the deadline for completing the review.

Remedying deficiencies

(5) The proponent may take such steps as are necessary to remedy the deficiencies described in the statement and shall do so within seven days after receiving the statement or such other period as the Director may specify in the statement given under subsection (4).

Rejection of environmental assessment

(6) The Minister may reject the environmental assessment if the Director is not satisfied that the deficiencies have been remedied within the seven-day period or such other period as the Director may specify in the statement given under subsection (4).

Notice of rejection

(7) The Director shall notify the proponent, the clerk of each municipality in which the Part II.3 project is to be carried out and the public if the Minister rejects the environmental assessment, and shall do so before the deadline for completing the review.

Notice of completion of Ministry review

17.12 (1) The Director shall notify the proponent and the clerk of each municipality in which the Part II.3 project is to be carried out when the Ministry review is completed.

Public notice

(2) The Director shall give public notice of the completion of the review in such form and manner as the Director considers suitable.

Same

(3) The public notice must indicate where and when members of the public may inspect the review and state that they may give their comments about it to the Ministry. It must also contain such other information as may be prescribed.

Public inspection of Ministry review

17.13 (1) Any person may inspect the Ministry review in the places and at the times set out in the public notice.

Comments

(2) Any person may comment in writing on the Part II.3 project, the environmental assessment and the review to the Ministry and, if the person wishes the comments to be considered when the Minister decides the proponent's application, shall submit the comments by the prescribed deadline.

Request for hearing

(3) Any person may request that the Minister refer the proponent's application or a matter that relates to it to the Tribunal for hearing and decision.

Same

(4) A request under subsection (3) must be made in writing to the Ministry before the deadline for submitting comments on the review.

DECISIONS ON THE APPLICATION**Mediation**

17.14 (1) Before the application is decided, the Minister may appoint one or more persons to act as mediators who shall endeavour to resolve such matters as may be identified by the Minister as being in dispute or of concern in connection with the Part II.3 project.

Same

(2) The Minister may appoint the Tribunal to act as mediator.

Notice of mediation

(3) The Minister shall notify the following persons of his or her decision to refer certain matters to mediation and shall give them written reasons for the decision:

1. The proponent.
2. The clerk of each municipality in which the Part II.3 project is to be carried out.
3. Every person who submitted comments under subsection 17.9 (2) or 17.13 (2).
4. Such other persons as the Minister considers appropriate.

Parties

(4) The parties to the mediation are the proponent and such other persons as the Minister may identify. Instead of identifying parties by name, the Minister may determine the manner in which they are to be identified and invited to participate.

Closed proceedings

(5) Unless the mediators decide otherwise, the mediation is not open to the public.

Report

(6) The mediators shall give the Minister a written report on the conduct and results of the mediation.

Deadline

(7) The mediators shall give their report to the Minister within 60 days after their appointment or by such earlier deadline as the Minister may specify.

Confidentiality

(8) No person except the Minister shall make public any portion of the report.

Disclosure

(9) The Minister shall make the report public promptly after the Minister makes his or her decision under section 17.15 or the decision of the Tribunal under section 17.16 becomes effective. The Minister may make all or part of the report public before then only with the consent of the parties to the mediation.

Fees and expenses

(10) The proponent shall pay the fees and reasonable expenses of the mediators.

Decision by Minister

17.15 (1) The Minister may decide an application and, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may,

- (a) give approval to proceed with the Part II.3 project;
- (b) give approval to proceed with the Part II.3 project subject to such conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying,
 - (i) the methods and phasing of the carrying out of the Part II.3 project,
 - (ii) the works or actions to prevent, mitigate or remedy effects of the Part II.3 project on the environment,
 - (iii) such research, investigations, studies and monitoring programs related to the Part II.3 project, and reports thereof, as the Minister considers necessary,
 - (iv) such changes in the Part II.3 project as the Minister considers necessary,
 - (v) a process to be followed in respect of any changes to the project that the proponent may wish to make after the approval is given, which may include granting authority to the Director or Minister to,
 - (A) require the proponent to engage in additional consultation, and to provide additional information, in respect of proposed changes, and
 - (B) give approval, attach conditions to the approval or refuse to give approval to proceed with the changes,
 - (vi) that the process referred to in subclause (v) is only available for specified changes or classes of changes to the projects,
 - (vii) that the proponent enter into one or more agreements related to the Part II.3 project with any person with respect to such matters as the Minister considers necessary,
 - (viii) that the proponent comply with all or any of the provisions of the environmental assessment that may be incorporated by reference in the approval,
 - (ix) the period of time during which the Part II.3 project or any part thereof shall be commenced or carried out; or
- (c) refuse to give approval to proceed with the Part II.3 project.

Subs. (1) (b) (v), process to make changes

(2) A process mentioned in subclause (1) (b) (v) may be set out in an approval or may be incorporated by reference into an approval.

Basis for decision

(3) The Minister shall consider the following matters when deciding an application:

1. The purpose of this Act.
2. The approved terms of reference for the environmental assessment.
3. The environmental assessment.
4. The Ministry review of the environmental assessment.
5. The comments submitted under subsections 17.9 (2) and 17.13 (2).
6. The mediator's report, if any, given to the Minister under section 17.14.
7. Such other matters as the Minister considers relevant to the application.

Notice to proponent

- (4) The Minister shall notify the proponent of the decision and shall give the proponent written reasons for it.

Notice to others

- (5) The Minister shall notify every person who submitted comments to the Ministry under subsection 17.13 (2) of the decision.

Referral to Tribunal

- 17.16** (1) The Minister may refer an application to the Tribunal for a decision.

Powers of Tribunal

- (2) The Tribunal may make any decision the Minister is permitted to make under subsection 17.15 (1).

Basis for decision

- (3) The Tribunal shall consider the following things when deciding an application:
1. The purpose of this Act.
 2. The approved terms of reference for the environmental assessment.
 3. The environmental assessment.
 4. The Ministry review of the environmental assessment.
 5. The comments submitted under subsections 17.9 (2) and 17.13 (2).
 6. If a mediators' report has been given to the Minister under section 17.14, any portion of the report that has been made public.

Same

- (4) The decision of the Tribunal must be consistent with the approved terms of reference for the environmental assessment.

Deadline

- (5) The Tribunal shall make its decision by the deadline the Minister specifies or by such later date as the Minister may permit if he or she considers that there is a sufficient reason (which is unusual, urgent or compassionate) for doing so.

Referral to Tribunal of part of a decision

- 17.17** (1) The Minister may refer to the Tribunal for hearing and decision a matter that relates to an application.

Restrictions

- (2) The Minister may give such directions or impose such conditions on the referral as the Minister considers appropriate and may amend the referral.

Proposed decision

- (3) The Minister shall inform the Tribunal of decisions that the Minister proposes to make on matters not referred to the Tribunal in connection with the application.

Notice of referral

- (4) The Minister shall give notice of the referral to the proponent and to every person who submitted comments to the Ministry under subsection 17.13 (2) and shall give them the information given to the Tribunal under subsection (3).

Basis for decision

- (5) The Tribunal shall observe any directions given and conditions imposed by the Minister when referring the matter to the Tribunal and shall consider the following things to the extent that the Tribunal considers them relevant:

1. The purpose of this Act.
2. The approved terms of reference for the environmental assessment.

3. The Ministry review of the environmental assessment.
4. The comments submitted under subsections 17.9 (2) and 17.13 (2).
5. If a mediators' report has been given to the Minister under section 17.14, any portion of the report that has been made public.
6. The decisions the Minister proposes to make on matters not referred to the Tribunal in connection with the application.

Deadline for deciding

(6) The Tribunal shall make its decision by the deadline the Minister specifies or by such later date as the Minister may permit if he or she considers that there is a sufficient reason (which is unusual, urgent or compassionate) for doing so.

Request for referral to Tribunal

17.18 (1) This section applies if under subsection 17.13 (3) a person requests the Minister to refer an application or a matter that relates to one to the Tribunal for hearing and decision.

Referral of application

(2) If referral of the application is requested, the Minister shall refer the application to the Tribunal under section 17.16 unless in his or her absolute discretion,

- (a) the Minister considers the request to be frivolous or vexatious;
- (b) the Minister considers a hearing to be unnecessary; or
- (c) the Minister considers that a hearing may cause undue delay in determining the application.

Same, related matter

(3) If referral of a matter that relates to the application is requested, the Minister shall refer the matter to the Tribunal under section 17.17 except in the circumstances described in subsection (2).

Referral in part

(4) Despite subsection (2) or (3), if referral of an application or of matters relating to the application is requested but the Minister considers a hearing to be appropriate in respect of only some matters, the Minister shall refer those matters to the Tribunal under section 17.17.

Deadline, Minister's decisions

17.19 (1) Once the deadline has passed for submitting comments on the Ministry review of an environmental assessment, the Minister shall determine by the prescribed deadline whether to refer a matter in connection with the application to mediation or to the Tribunal under section 17.17.

Same

(2) By the prescribed deadline, the Minister shall decide the application under section 17.15 or refer it to the Tribunal for a decision under section 17.16.

Different deadlines

(3) For the purpose of subsection (2), different deadlines may be prescribed for applications in which a matter is referred to mediation or to the Tribunal under section 17.17 and for applications in which no referral is made.

Same

(4) If the Minister has not made a decision under subsection (2) by the prescribed deadline, the Minister shall provide written reasons to the proponent indicating why a decision was not made and when a decision is expected to be made:

Referral to other tribunal, entity

17.20 (1) The Minister may refer to a tribunal (other than the Environmental Review Tribunal) or an entity for decision a matter that relates to an application if the Minister considers it appropriate in the circumstances.

Deadline for referring

(2) The Minister shall make any decision to refer a matter to the tribunal or entity by the deadline by which the application must otherwise be decided.

Restrictions

(3) The Minister may give such directions or impose such conditions on the referral as the Minister considers appropriate and may direct that the matter be decided without a hearing, whether or not a hearing on the matter is otherwise required.

Same

(4) If the Minister refers a matter under this section, the Minister shall refer it to the tribunal or entity, if any, that is authorized under another Act to decide such matters. However, the Minister is not required to select that tribunal or entity if the Minister has a reason not to.

Amendment

(5) The Minister may amend a referral to the tribunal or entity.

Deemed decision

(6) A decision of the tribunal or entity under this section shall be deemed to be a decision of the Minister.

Referral by Tribunal

(7) The Tribunal may refer to another tribunal or entity for decision a matter that relates to an application, and subsections (1) to (6) apply with necessary modifications with respect to the referral.

Deferral of part of a decision

17.21 (1) The Minister may defer deciding a matter that relates to an application if the Minister considers it appropriate to do so because the matter is being considered in another forum or for scientific, technical or other reasons.

Same, Tribunal

(2) The Tribunal may defer deciding a matter that relates to an application if the Tribunal considers it appropriate to do so because the matter is being considered in another forum or for scientific, technical or other reasons.

Deadline

(3) The Minister or the Tribunal shall make any decision to defer deciding a matter by the deadline by which the application must otherwise be decided.

Notice of deferral

(4) The Minister or the Tribunal shall give notice of the deferral to the proponent and to every person who submitted comments to the Ministry under subsection 17.13 (2).

Reasons

(5) The Minister or the Tribunal shall give written reasons for a deferral, indicating why the deferral is appropriate in the circumstances.

Review of Tribunal decision

17.22 (1) The Minister may review a decision of the Tribunal under section 17.16 and may make an order or give a notice described in subsection (3) within 28 days after receiving a copy of the decision or within such longer period as the Minister may determine within that 28-day period.

Same; s. 17.17

(2) The Minister may review a decision of the Tribunal under section 17.17 and may make an order or give a notice described in subsection (3) at any time before the Minister decides the application under section 17.15.

Order

(3) With the approval of the Lieutenant Governor in Council or such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may,

- (a) by order, vary the decision of the Tribunal;
- (b) by order, substitute his or her decision for the decision of the Tribunal; or
- (c) by a notice to the Tribunal,
 - (i) require the Tribunal to hold a new hearing respecting all or part of the application and reconsider its decision, if the notice is given under subsection (1), or
 - (ii) require the Tribunal to hold a new hearing respecting all or part of the matter referred to the Tribunal under section 17.17 and reconsider its decision, if the notice is given under subsection (2).

Same

(4) If the Minister reviews under subsection (1) a decision of the Tribunal made under section 17.16 and then, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, makes an order under clause (3) (a) or (b), the varied or substituted decision is deemed to be the decision made by the Minister, with the necessary approval, under section 17.15.

Notice of order, etc.

- (5) The Minister shall notify the persons who were given a copy of the Tribunal's decision,
- (a) that the Minister has made an order or given a notice described in subsection (3); or
 - (b) that the Minister intends to do so within the period specified in the notice.

Copy of order, etc.

- (6) The Minister shall give a copy of his or her order or notice under subsection (3), together with the reasons for it, to the persons who were given a copy of the Tribunal's decision.

When Tribunal decision is effective

- 17.23** A decision of the Tribunal is effective only after the expiry of the period under section 17.22 during which the Minister may review it and make an order or give a notice in respect of it.

Reconsideration of decisions

- 17.24** (1) If there is a change in circumstances or new information concerning an application and if the Minister considers it appropriate to do so, he or she may reconsider an approval given by the Minister or the Tribunal to proceed with a Part II.3 project.

Same

- (2) The Minister may request the Tribunal to determine whether it is appropriate to reconsider an approval.

Same

- (3) The Minister may request the Tribunal to reconsider an approval given by the Minister or the Tribunal.

Minister may require plans, etc.

- (4) For the purposes of making a decision under this section, the Minister or the Tribunal may, by order, require the proponent of the Part II.3 project to provide plans, specifications, technical reports or other information and to carry out and report on tests or experiments relating to the Part II.3 project.

Amendment, revocation

- (5) Where the Minister or the Tribunal reconsiders an approval under this section, that approval may be amended or revoked.

Rules, etc.

- (6) A decision under this section shall be made in accordance with any rules and subject to any restrictions as may be prescribed.

Expiry of approval

Application of section

- 17.25** (1) Subject to subsection (5), this section applies in respect of an approval to proceed with a Part II.3 project if the approval does not specify a period of time following the giving of the approval after which the approval expires or a date after which a proponent cannot proceed under the approval.

Expiry

- (2) If the Part II.3 project has not been substantially commenced by the 10th anniversary of the day approval to proceed with the project was given under this Act or by the end of any extension to that 10-year period granted by the Minister under subsection (3), the approval expires on the later of,
- (a) the 10th anniversary or the end of the extended period, as the case may be; or
 - (b) the day section 29 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Extension

- (3) The Minister may, by notice to the proponent, grant an extension of the period within which a Part II.3 project is to be substantially commenced beyond the 10th anniversary of the day approval to proceed with the project was given and may grant such an extension subject to any conditions specified in the notice.

Same

- (4) An extension under subsection (3) may be granted at any time, including after the approval has expired.

Exception, regulations

- (5) The Minister may make regulations exempting projects from this section.

Minister may include date

(6) If a Part II.3 project is exempted from this section by regulations, the Minister may amend the approval to proceed with that project to include a date on which the approval will expire.

OTHER MATTERS**Replacement of environmental assessment**

17.26 (1) A proponent may submit a second environmental assessment to replace an environmental assessment withdrawn by the proponent or rejected by the Minister.

Same

(2) The second environmental assessment must be prepared in accordance with the approved terms of reference.

Activities permitted before approval

17.27 (1) Before a proponent receives approval to proceed with a Part II.3 project, a person may,

- (a) take any action in connection with the Part II.3 project that may be necessary to comply with this Act;
- (b) acquire property or rights in property in connection with the Part II.3 project;
- (c) prepare a feasibility study and engage in research in connection with the Part II.3 project;
- (d) establish a reserve fund or another financing mechanism in connection with the Part II.3 project.

Restriction on issuing certain documents

(2) No person shall issue a document evidencing that an authorization required at law to proceed with the Part II.3 project has been given until the proponent receives approval under this Act to proceed with the Part II.3 project.

Exception

(3) Despite subsection (2), a document described in that subsection may be issued with respect to an activity permitted by subsection (1) before the proponent receives the approval.

Restriction on provincial funding

(4) The Crown or a Crown agency shall not give a loan, grant, subsidy or guarantee with respect to the Part II.3 project until the proponent receives approval to proceed with the Part II.3 project.

Exception

(5) Despite subsection (4), a loan, grant, subsidy or guarantee described in that subsection may be given with respect to an activity permitted by subsection (1) before the proponent receives the approval.

Prohibition following approval

(6) No person shall issue a document described in subsection (2) or give a loan, grant, subsidy or guarantee described in subsection (4) with respect to a Part II.3 project if it would be inconsistent with a condition imposed upon the approval to proceed with the Part II.3 project.

Application of s. 17.24

17.28 Section 17.24 applies in respect of an environmental assessment to which all or part of Part II or a predecessor to that Part applied, and such an environmental assessment is deemed to be an application for the purpose of section 17.24.

30 The Act is amended by adding the following Part:

**PART II.4
STREAMLINED ENVIRONMENTAL ASSESSMENTS**

Prohibition

17.29 (1) No person shall proceed with a Part II.4 project until the person has satisfied the prescribed requirements for commencing the project, including the completion of a prescribed environmental assessment process.

Exception

(2) Despite subsection (1), a proponent of a Part II.4 project may apply under subsection 17.2 (1) to the Minister for approval to proceed with the Part II.4 project as a Part II.3 project. On and after the day the proponent applies under subsection 17.2 (1), the project shall be deemed to be a Part II.3 project and Part II.3 applies in respect of it instead of this section.

Same

(3) Subsection (2) ceases to apply if the application for approval to proceed with a project as a Part II.3 project is withdrawn by the proponent.

Same

(4) Despite subsection (1), if the Minister makes an order under subsection 17.31 (1) declaring the Part II.4 project to be a Part II.3 project for the purposes of this Act, this section ceases to apply with respect to the project and Part II.3 applies.

Proceeding with project

(5) After the prescribed requirements for commencing a Part II.4 project have been satisfied, a person may proceed with the project but shall do so only in accordance with the prescribed requirements for proceeding with the project.

Activities permitted before proceeding

17.30 (1) Before the proponent of a Part II.4 project has satisfied the prescribed requirements for commencing the project, a person may,

- (a) take any action in connection with the project that may be necessary to comply with this Act;
- (b) acquire property or rights in property in connection with the project;
- (c) prepare a feasibility study and engage in research in connection with the project; or
- (d) establish a reserve fund or another financing mechanism in connection with the project.

Restriction on issuing certain documents

(2) No person shall issue a document evidencing that an authorization required at law to proceed with the project has been given until the proponent has satisfied the prescribed requirements for commencing the project.

Exception

(3) Despite subsection (2), a document described in that subsection may be issued with respect to an activity permitted by subsection (1) before the proponent has satisfied the prescribed requirements for commencing the project.

Restriction on provincial funding

(4) The Crown or a Crown agency shall not give a loan, grant, subsidy or guarantee with respect to the project until the proponent has satisfied the prescribed requirements for commencing the project.

Exception

(5) Despite subsection (4), a loan, grant, subsidy or guarantee described in that subsection may be given with respect to an activity permitted by subsection (1) before the proponent has satisfied the prescribed requirements for commencing the project.

Prohibition on projects that are proceeding

(6) No person shall issue a document described in subsection (2) or give a loan, grant, subsidy or guarantee described in subsection (4) with respect to a Part II.4 project after the prescribed requirements for commencing the project have been satisfied if doing so would be contrary to,

- (a) a prescribed requirement for proceeding with the project; or
- (b) a requirement imposed in an order of the Minister under subsection 17.31 (3).

Order to comply with Part II.3

17.31 (1) The Minister may make an order declaring a Part II.4 project to be a Part II.3 project for the purposes of this Act.

Same

(2) In an order under subsection (1), the Minister may do the following:

1. Set out directions with respect to the terms of reference governing the preparation of an environmental assessment under Part II.3 for the project.
2. Declare that the proponent has satisfied such requirements for the preparation of an environmental assessment under Part II.3 as are specified in the order.

Same, additional requirements

(3) The Minister may by order impose requirements on a Part II.4 project in addition to any prescribed requirements for commencing or proceeding with the project.

Same

(4) An order under subsection (1) or (3) may be made on the initiative of the Minister or on the request of a person under subsection (7).

Prescribed limits

(5) The Minister shall not make an order under subsection (1) or (3) on his or her own initiative after the prescribed deadline.

Basis for order

(6) The Minister shall consider the following matters when making an order under this section:

1. The purpose of this Act.
2. The factors suggesting that the proposed Part II.4 project differs from other Part II.4 projects of the same type.
3. The significance of the factors and of the differences mentioned in paragraph 2.
4. If a request for the order was made by a person under subsection (7), any ground for making the request that is given by that person and permitted under subsection (7).
5. The mediators' report, if any, following a referral under subsection (10).
6. Such other matters as may be prescribed.
7. Such other matters as the Minister considers appropriate.

Request for order

(7) A person may request the Minister to make an order under this section only on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

Same

(8) A request under subsection (7) shall be made in the form and manner that may be specified by the Director and shall include such information as may be specified by the Director.

Same

(9) If a request is made under subsection (7) with respect to a project, no person shall proceed with the project until such time as,

- (a) the Minister has made a decision with respect to the request; or
- (b) the Minister has given a notice to the proponent stating that the proponent may proceed with the project.

Mediation

(10) The Minister may refer a matter in connection with a request to mediation and section 17.14 applies with necessary modifications.

Order after request

(11) For the purpose of considering a request made by a person under subsection (7), the Director may require the proponent to undertake such consultations and to provide such information as the Director may specify.

Refusal after request

(12) If, after receiving a request under subsection (7), the Minister refuses to make an order, the Minister shall notify the person who made the request of his or her decision and shall give the person reasons for the decision.

Notice of order

(13) The Minister shall give a copy of an order under this section, together with the reasons for it, to the proponent, to the person, if any, who requested an order and to such other persons as the Minister considers advisable.

Change to project

(14) If a proponent of a Part II.4 project wishes to make a change to the project after it has satisfied the prescribed requirements for commencing the project, the Minister may make an order under this section with respect to the change and this section shall apply with necessary modifications to such an order.

Amendment of subs. (3) order

(15) The Minister may, in accordance with the regulations, if any, amend any order made under subsection (3), regardless of whether the order was made before or after section 30 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force.

31 Subsection 19 (1) of the Act is amended by striking out “subsection 7.2 (3)” and substituting “subsection 17.13 (3)”.

32 Section 22 of the Act is amended,

- (a) by striking out “subsection 7.2 (2)” and substituting “subsection 17.13 (2)”; and
- (b) by striking out “undertaking” and substituting “project”.

33 Section 23.1 of the Act is amended by striking out “Subject to section 11.2” at the beginning and substituting “Subject to section 17.22”.

34 The French version of subsection 25 (1) of the Act is amended by striking out “études, examens, enquêtes, épreuves et recherches” and substituting “arpentages, examens, enquêtes, tests, analyses et recherches”.

35 (1) Clause 28 (a) of the Act is amended by striking out “an undertaking” and substituting “an undertaking or a designated project”.

(2) Clause 28 (a) of the Act, as amended by subsection (1), is amended by striking out “an undertaking or”.

(3) Clause 28 (b) of the Act is amended by striking out “subsection 12.2 (2) or (6)” at the end and substituting “subsection 12.2 (2) or (6) or 15.1.2 (2) or (6)”.

(4) Clause 28 (b) of the Act, as amended by subsection (3), is amended by striking out “subsection 12.2 (2) or (6) or 15.1.2 (2) or (6)” at the end and substituting “subsection 15.1.2 (2) or (6), 17.27 (2) or (6) or 17.30 (2) or (6)”.

(5) Clause 28 (b) of the Act, as amended by subsection (4), is amended by striking out “15.1.2 (2) or (6)”.

36 (1) Subsection 30 (1) of the Act is amended by striking out “and for every application submitted under Part II.1” at the end.

(2) Subsection 30 (1) of the Act, as amended by subsection (1), is repealed and the following substituted:

Record

(1) The Director shall maintain a record for every project in respect of which an application is submitted under Part II.3.

(3) Paragraphs 2 and 3 of subsection 30 (1.1) of the Act are amended by striking out “or the class environmental assessment, as the case may be” wherever it appears.

(4) Paragraph 4 of subsection 30 (1.1) of the Act is amended by striking out “subsections 6.4 (2) and 7.2 (2)” at the end and substituting “subsections 17.9 (2) and 17.13 (2)”.

(5) Paragraph 3 of subsection 30 (2) of the Act is repealed and the following substituted:

3. An undertaking in respect of which an order under section 16 is proposed or a Part II.4 project in respect of which an order under section 17.31 is proposed.

(6) Paragraph 3 of subsection 30 (2) of the Act, as re-enacted by subsection (5), is repealed and the following substituted:

3. A Part II.4 project in respect of which an order under section 17.31 is proposed.

(7) Subsection 30 (3) of the Act is repealed and the following substituted:

Inspection

(3) Upon request, the Director shall make available on a website or in such other manner as the Director considers appropriate any record referred to in this section including any document that forms part of the record and shall make a document available as soon as practicable after a document is issued or received.

37 (1) The French version of clause 31 (1) (h) of the Act is repealed and the following substituted:

- h) prendre les arrangements qu’il estime nécessaires, y compris faire des enquêtes, des arpentages, des examens, des tests ou des analyses;

(2) Paragraph 2 of subsection 31 (3) of the Act is amended by striking out “subsection 9 (1)” at the end and substituting “subsection 17.15 (1)”.

(3) Subsection 31 (3) of the Act is amended by adding the following paragraph:

- 3.1 The power to review decisions of the Tribunal under subsections 11.2 (1) and (1.1).

(4) Paragraph 3.1 of subsection 31 (3) of the Act, as enacted by subsection (3), is repealed and the following substituted:

- 3.1 The power to review decisions of the Tribunal under subsections 17.22 (1) and (2).

(5) Paragraph 4 of subsection 31 (3) of the Act is repealed and the following substituted:

4. The power under section 17.24 to reconsider a decision. However, the Minister may make a delegation to the Tribunal as provided in that section or in respect of the power to issue an order under subsection 17.24 (4).

(6) Paragraph 5 of subsection 31 (3) of the Act is repealed.

38 Paragraphs 2 to 4 of subsection 32 (1) of the Act are repealed and the following substituted:

1. Any current or former member of the Executive Council.
2. Any current or former officer, employee or agent of or adviser to the Crown.

3. Any current or former mediator appointed under this Act.

39 The Act is amended by adding the following Part:

**PART V.1
TRANSITION**

Regulations re transitional matters

38.1 (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

Same

- (2) A regulation made under subsection (1) may, without limitation,
- (a) provide that specified provisions of this Act or regulations as they read immediately before specified provisions of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force continue to apply to a project despite amendments made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*;
 - (b) provide that all or part of an approved class environmental assessment continues to apply to a project after the day the approval of the class environmental assessment is revoked;
 - (c) exempt a designated project from any provision of this Act or the regulations.

Conflict

- (3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

Retroactive effect

- (4) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed.

Termination of request for s. 16 order

38.2 (1) Subject to subsection (2), any request for the Minister to make an order under section 16 of Part II.1 that was made before the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent and in respect of which no decision has been made as of that day shall be terminated on that day.

Exception

(2) Subsection (1) does not apply in respect of a request for the Minister to make an order under section 16 of Part II.1 on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

40 Part V.1 of the Act, as enacted by section 39, is amended by adding the following section:

Deemed Part II.3 projects, approval

38.3 If approval was given to proceed with an undertaking under Part II as it read before the day section 20 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force or under the predecessor to that Part and the approval was in effect immediately before that day,

- (a) the undertaking is deemed to be a Part II.3 project; and
- (b) the approval is deemed to be an approval under Part II.3.

41 Part V.1 of the Act, as enacted by section 39, is amended by adding the following sections:

Amendment, etc., by order, transition to Part II.4

38.4 (1) If the Minister considers it appropriate to amend or revoke an approval of a class environmental assessment or amend an approved class environmental assessment in order to facilitate the transition of some or all of the activities covered by the approved class environmental assessment from Part II.1 to Part II.4, the Minister may amend or revoke the approval or amend the approved class environmental assessment.

Same

- (2) Section 15.4 does not apply in respect of an amendment under subsection (1).

Deemed Part II.4 projects

38.5 If a proponent was authorized to proceed with an undertaking in accordance with an approved class environmental assessment under Part II.1 on or before the day the approval of the class environmental assessment was revoked, then after that day,

- (a) the undertaking is deemed to be a Part II.4 project; and

- (b) the proponent is deemed to have satisfied all the prescribed requirements for commencing a Part II.4 project.

Orders under s.16

38.6 (1) If, before the day Part II.1 is repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*, an order was made under subsection 16 (1) of that Part requiring the proponent of an undertaking to comply with Part II before proceeding with the undertaking, then, on and after the day Part II.1 is repealed,

- (a) the order is deemed to be an order made under subsection 17.31 (1) of Part II.4 declaring the undertaking to be a Part II.3 project;
- (b) the undertaking is deemed to be a Part II.3 project; and
- (c) Part II.3 applies with respect to the project.

Same

(2) If, before the day Part II.1 is repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*, an order was made under subsection 16 (3) of that Part imposing conditions on an undertaking referred to in section 15 that is deemed to be a Part II.4 project under section 38.5, then, on and after the day Part II.1 is repealed, the conditions imposed in the order made under subsection 16 (3) shall continue to apply with respect to the deemed Part II.4 project.

42 (1) The French version of clause 39 (e) of the Act is amended,

- (a) by striking out “un projet” and substituting “une proposition”; and
- (b) by striking out “de projets” and substituting “de propositions”.

(2) Clause 39 (f) of the Act is repealed and the following substituted:

- (f) exempting any person, class of persons, undertaking or class of undertakings from this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act, and imposing conditions with respect to the exemptions;

(3) Section 39 of the Act is amended by adding the following clause:

- (f.1) defining “substantially commenced” for the purposes of subsection 11.5 (2);

(4) The French version of subclause 39 (g) (iii) of the Act is amended by striking out “un projet” at the beginning and substituting “une proposition”.

(5) Section 39 of the Act is amended by adding the following clause:

- (g.1) providing that Part II of this Act or specific provisions of an approved class environmental assessment apply in respect of an undertaking designated in a regulation made pursuant to clause (g) and requiring compliance with a Part or process;

(6) Section 39 of the Act, as amended by subsections (1) to (5), is repealed and the following substituted:

Regulations, general

39 The Lieutenant Governor in Council may make regulations,

- (a) governing anything that is required or permitted to be prescribed or that is required or permitted to be done by, or in accordance with, the regulations or as authorized, specified or provided in the regulations;
- (b) defining any body as a public body for the purposes of this Act;
- (c) defining “ancillary” for the purposes of subsections 3 (3) and (4);
- (d) defining “substantially commenced” for the purposes of subsection 17.25 (2);
- (e) exempting any person, class of persons, undertaking, class of undertakings, project or class of project from this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act, and imposing conditions with respect to the exemptions;
- (f) authorizing the Director to extend any deadline or period of time established under this Act, other than a deadline or period of time established under section 16.1 or subsection 17.31 (5), in such circumstance as may be prescribed or in such circumstances as the Director considers appropriate, whether or not the deadline has passed or the period has expired;
- (g) providing that an approved class environmental assessment or a specific provision of an approved class environmental assessment applies in respect of an undertaking, class or undertakings proponent or class of proponents;
- (h) prescribing the method of determining any deadline that is to be prescribed under this Act;
- (i) respecting anything that the Lieutenant Governor in Council considers necessary or advisable for the purposes of this Act.

(7) Clause 39 (e) of the Act, as re-enacted by subsection (6), is amended by striking out “undertaking, class of undertakings”.

(8) Clause 39 (g) of the Act, as re-enacted by subsection (6), is repealed.

43 The Act is amended by adding the following section:

Regulations, Part II.4

40 (1) The Lieutenant Governor in Council may make regulations governing Part II.4 projects, including regulations,

- (a) governing the prescribed requirements for commencing a Part II.4 project that are referred to in subsection 17.29 (1), including the environmental assessment process that must be completed before proceeding with the project;
- (b) respecting the commencement of Part II.4 projects and defining “commencing” for the purposes of subsection 17.29 (1);
- (c) specifying a time period that a person must wait before proceeding with a Part II.4 project after the prescribed requirements for commencing the project have been satisfied;
- (d) specifying a deadline for substantially commencing a Part II.4 project;
- (e) governing the prescribed requirements for proceeding with a Part II.4 project that are referred to in subsection 17.29 (5);
- (f) requiring studies and consultations to be carried out in relation to Part II.4 projects and respecting the manner in which the studies and consultations are to be carried out;
- (g) requiring information in relation to Part II.4 projects and in relation to the studies and consultations referred to in clause (f) to be made available to the public;
- (h) requiring proponents of a Part II.4 project to maintain records and documents in relation to the project;
- (i) requiring persons to satisfy prescribed conditions in order to mitigate any adverse effects of a Part II.4 project;
- (j) specifying changes that may be made to a Part II.4 project after the prescribed requirements for commencing the project have been satisfied and specifying rules and procedures that persons must follow in order to make the changes, including complying with such conditions as may be specified by the Director;
- (k) governing orders that may be made by the Minister under section 17.31, including prescribing deadlines for the making of such orders and respecting amendments that may be made under subsection 17.31 (15) to an order made under subsection 17.31 (3);
- (l) respecting any other matter that the Lieutenant Governor may consider necessary or advisable for the purposes of this Part.

Same

(2) A regulation under clause (1) (a) respecting the environmental assessment process that must be completed before proceeding with a Part II.4 project may require persons to,

- (a) consider alternatives to a proposed project and alternative methods of carrying out a project;
- (b) conduct studies as part of an environmental assessment;
- (c) carry out consultations with the public, aboriginal communities, government bodies and municipalities;
- (d) give notice to the public or to specified persons and make information available to the public with respect to a proposed project, the studies referred to in clause (b) or the consultations required under clause (c);
- (e) maintain records and documents in relation to an environmental assessment.

44 Section 43 of the Act is repealed.

CONSEQUENTIAL AMENDMENTS

Cap and Trade Cancellation Act, 2018

45 Subsection 4 (4) of the *Cap and Trade Cancellation Act, 2018* is repealed.

Capital Investment Plan Act, 1993

46 (1) Paragraph 2 of subsection 2 (1) of the *Capital Investment Plan Act, 1993* is repealed.

(2) Subsection 2 (5) of the Act is amended by striking out “three corporations” and substituting “two corporations”.

(3) Subsection 3 (2) of the Act is repealed.

(4) Part III of the Act is repealed.

(5) Sections 55 and 56 of the Act are repealed.

City of Toronto Act, 2006

47 (1) Subsection 411.1 (7) of the *City of Toronto Act, 2006* is repealed and the following substituted:

Activities deemed not to be undertaking

(7) An enterprise, proposal, plan, activity or program of the corporation or of the City as it relates to the corporation is deemed not to be an undertaking or designated project to which the *Environmental Assessment Act* applies unless it is specifically designated as a designated project under section 3 of that Act or it is an undertaking to which a class environmental assessment applies pursuant to a regulation made under clause 39 (g) of that Act.

(2) Subsection 411.1 (7) of the Act, as re-enacted by subsection (1), is repealed and the following substituted:

Activities deemed not to be undertaking

(7) An enterprise, proposal, plan, activity or program of the corporation or of the City as it relates to the corporation is deemed not to be a designated project to which the *Environmental Assessment Act* applies unless it is specifically designated as a designated project under section 3 of that Act.

Clean Water Act, 2006

48 Subsection 95 (2) of the *Clean Water Act, 2006* is repealed.

Electricity Act, 1998

49 Section 25.32.1 of the *Electricity Act, 1998* is repealed.

Endangered Species Act, 2007

50 Subsection 20.8 (6) of the *Endangered Species Act, 2007* is repealed.

Environmental Bill of Rights, 1993

51 (1) Subsection 32 (2) of the *Environmental Bill of Rights, 1993* is repealed and the following substituted:

Same

(2) Section 22 does not apply where, in the minister's opinion, the issuance, amendment or revocation of an instrument would be a step towards implementing an undertaking that has been exempted from the *Environmental Assessment Act*,

- (a) by a regulation made under that Act; or
- (b) under section 15.3 of that Act.

(2) Section 32 of the Act, as amended by subsection (1), is repealed and the following substituted:

Exception: instruments in accordance with statutory decisions

32 (1) Section 22 does not apply to a proposal to issue, amend or revoke an instrument where, in the minister's opinion, the issuance, amendment or revocation of the instrument would be a step towards implementing an undertaking or a project that,

- (a) has been approved by a decision made by a tribunal under an Act after affording an opportunity for public participation;
- (b) has been approved to proceed by a decision made under the *Environmental Assessment Act*; or
- (c) has satisfied the prescribed requirements for commencing the Part II.4 project under Part II.4 of the *Environmental Assessment Act*.

Same

(2) Section 22 does not apply to a proposal to issue, amend or revoke an instrument where, in the minister's opinion, the issuance, amendment or revocation of the instrument would be a step towards implementing an undertaking or a project,

- (a) that has been exempted from the *Environmental Assessment Act* by a regulation made under that Act; or
- (b) that has been exempted from the *Environmental Assessment Act* pursuant to section 15.3 of that Act.

Same

(3) A decision about a class of undertakings or a class of projects is a decision about each undertaking or project in the class for the purposes of clause (1) (a) or (b).

Same

(4) An exemption of a class of undertakings or class of projects under the *Environmental Assessment Act* is an exemption of each undertaking or project in the class for the purposes of subsection (2).

(3) Subsection 32 (1) of the Act, as re-enacted by subsection (2), is amended by striking out "an undertaking or" in the portion before clause (a).

(4) Subsection 32 (2) of the Act, as re-enacted by subsection (2), is repealed and the following substituted:

Same

(2) Section 22 does not apply to a proposal to issue, amend or revoke an instrument where, in the minister's opinion, the issuance, amendment or revocation of the instrument would be a step towards implementing a project that has been exempted from the *Environmental Assessment Act* by a regulation made under that Act.

(5) Subsection 32 (3) of the Act, as re-enacted by subsection (2), is repealed and the following substituted:

Same

(3) A decision about a class of projects is a decision about each project in the class for the purposes of clause (1) (a).

(6) Subsection 32 (4) of the Act, as enacted by subsection (2), is repealed and the following substituted:

Same

(4) An exemption of a class of projects under the *Environmental Assessment Act* is an exemption of each project in the class for the purposes of subsection (2).

Transition

(5) Subsection (2), as it read on the day before the day subsection 51 (4) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to a proposal to issue, amend or revoke an instrument on or after that day where, in the Minister's opinion, the issuance, amendment or revocation of the instrument would be a step in implementing an undertaking that, before the day Part II.1 of the *Environmental Assessment Act* was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*,

- (a) was an undertaking within the meaning of the *Environmental Assessment Act*;
- (b) was exempted from the *Environmental Assessment Act* by a regulation made under that Act or pursuant to section 15.3 of that Act; and
- (c) had commenced proceeding.

(7) The Act is amended by adding the following section immediately before the heading "Ministerial Role after Giving Notice of a Proposal":

Exception: COVID-19 Economic Recovery Act, 2020

33.1 The requirements of this Part are deemed not to have applied with respect to the amendments made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

(8) Section 33.1 of the Act, as enacted by subsection (7), is repealed.

Environmental Protection Act

52 (1) Subsection 20.6 (3) of the *Environmental Protection Act* is amended by striking out "Subsection 12.2 (2)" at the beginning and substituting "Subsections 12.2 (2) and 15.1.2 (2)".

(2) Subsection 20.6 (3) of the Act, as amended by subsection (1), is amended by striking out "Subsections 12.2 (2) and 15.1.2 (2)" at the beginning and substituting "Subsections 15.1.2 (2) , 17.27 (2) and 17.30 (2)".

(3) Subsection 20.6 (3) of the Act, as amended by subsection (2), is amended by striking out "15.1.2 (2)".

(4) Subclause 176 (9.1) (b) (i) of the Act is amended by adding "as those Parts read before the day the *COVID-19 Economic Recovery Act, 2020* received Royal Assent" after "*Environmental Assessment Act*".

Far North Act, 2010

53 Subsections 7 (8), 8 (4), 9 (19) and 13 (5) of the *Far North Act, 2010* are repealed.

Great Lakes Protection Act, 2015

54 Subsection 35 (2) of the *Great Lakes Protection Act, 2015* is repealed.

Highway 407 Act, 1998

55 (1) Paragraph 1 of subsection 1 (2) of the *Highway 407 Act, 1998* is repealed and the following substituted:

1. The lands must not exceed a width sufficient to accommodate 10 highway lanes, a median, and the additional lands required for infrastructure that is essential to the design, construction, use and safety of the highway constructed along the route that was, on October 19, 1998, exempt or approved under the *Environmental Assessment Act* between,
 - i. the intersection of Highway 407 and the Queen Elizabeth Way in the City of Burlington, and
 - ii. Highway 7 east of Brock Road in the Town of Pickering.

(2) Subsection 47 (1) of the Act is repealed.

(3) Section 47 of the Act is amended by adding the following subsection:

Same

(1.1) Part II.3 of the *Environmental Assessment Act* applies to any part of the Highway 407 undertaking that is a Part II.3 project.

(4) Subsection 47 (1.1) of the Act, as enacted by subsection (3), is repealed.

(5) Subsection 47 (2) of the Act is repealed and the following substituted:

Same

(2) Despite subsection (1), the Ministry of Transportation may elect to be a proponent or co-proponent of any part of the undertaking, including a Part II.3 project under the *Environmental Assessment Act* that is part of the undertaking.

(6) Subsection 47 (2) of the Act, as re-enacted by subsection (5), is repealed and the following substituted:

Minister as proponent

(2) If a designated project under the *Environmental Assessment Act* relates to the management of Highway 407, the Ministry of Transportation may elect to be a proponent or co-proponent of any part of the designated project.

(7) Subsection 47 (3) of the Act is repealed.

(8) Paragraph 2 of subsection 47 (4) of the Act is repealed.

(9) Subsections 47 (4), (5) and (6) of the Act are repealed.

Housing Services Act, 2011

56 Paragraph 3 of subsection 167 (1) of the *Housing Services Act, 2011* is repealed.

Kawartha Highlands Signature Site Park Act, 2003

57 (1) Subsection 10 (7) of the *Kawartha Highlands Signature Site Park Act, 2003* is amended by striking out “the requirements” and substituting “any requirements”.

(2) Subsection 17 (2) of the Act is amended by striking out “the requirements” and substituting “any requirements”.

(3) Section 21 of the Act is repealed.

Lake Simcoe Protection Act, 2008

58 Subsection 22 (2) of the *Lake Simcoe Protection Act, 2008* is repealed.

Metrolinx Act, 2006

59 (1) Subsection 31.1 (18) of the *Metrolinx Act, 2006* is repealed.

(2) Subsection 39 (1) of the Act is repealed.

(3) Subsection 39 (2) of the Act is repealed.

(4) Subsection 39 (3) of the Act is repealed.

More Homes, More Choice Act, 2019

60 (1) Section 6 of Schedule 6 to the *More Homes, More Choice Act, 2019* is repealed.

(2) Subsection 7 (2) of Schedule 6 to the Act is repealed.

(3) Subsection 9 (2) of Schedule 6 to the Act is repealed.

Places to Grow Act, 2005

61 Subsection 17 (2) of the *Places to Grow Act, 2005* is repealed.

Planning Act

62 (1) Subsection 62 (1) of the *Planning Act* is repealed and the following substituted:

Not subject to Act

(1) An undertaking or Part II.3 project of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006*.

(2) Subsection 62 (1) of the Act, as amended by subsection (1), is repealed and the following substituted:

Not subject to Act

(1) A Part II.3 project of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006*.

(3) Section 62 of the Act is amended by adding the following subsection:**Transition**

(3) Subsection (1), as it read on the day before the day subsection 62 (2) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to an undertaking approved under Part II.1 of the *Environmental Assessment Act* before the day Part II.1 of that Act was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

(4) Subsection 62.0.1 (1) of the Act is repealed and the following substituted:**Exempt projects, undertakings, etc.**

(1) Any project, class of projects, undertaking or class of undertakings within the meaning of the *Environmental Assessment Act* that relates to energy is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

- (a) any of the following applies with respect to the project, class of projects, undertaking or class or undertakings:
 - (i) it is approved under Part II.1 or Part II.3 of the *Environmental Assessment Act*,
 - (ii) the prescribed requirements for commencing a project under Part II.4 of the *Environmental Assessment Act* have been satisfied,
 - (iii) it is the subject of an order under section 3.1 of the *Environmental Assessment Act* or a declaration under section 3.2 of that Act, or
 - (iv) it is exempted from the *Environmental Assessment Act* by a regulation made under that Act; and
- (b) a regulation made under clause 70 (h) prescribing the project, class of projects, undertaking or class of undertakings for the purposes of this subsection is in effect.

(5) Subsection 62.0.1 (1) of the Act, as re-enacted by subsection (4), is repealed and the following substituted:**Exempt projects**

(1) Any project or class of projects within the meaning of the *Environmental Assessment Act* that relates to energy is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

- (a) any of the following applies with respect to the project or class of projects:
 - (i) it is approved under Part II.3 of the *Environmental Assessment Act*,
 - (ii) the prescribed requirements for commencing a project under Part II.4 of the *Environmental Assessment Act* have been satisfied,
 - (iii) it is the subject of an order under section 3.1 of the *Environmental Assessment Act* or a declaration under section 3.2 of that Act, or
 - (iv) it is exempted from the *Environmental Assessment Act* by a regulation made under that Act; and
- (b) a regulation made under clause 70 (h) prescribing the project or class of projects for the purposes of this subsection is in effect.

(6) Subsection 62.0.1 (2) of the Act is repealed.**(7) Section 62.0.1 of the Act is amended by adding the following subsections:****Transition**

(2) Subsection (1), as it read on the day before the day subsection 62 (5) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to an undertaking or class of undertakings that, before the day Part II.1 of the *Environmental Assessment Act* was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*,

- (a) was approved under Part II.1 of the *Environmental Assessment Act*;
- (b) was the subject of an order under section 3.1 of the *Environmental Assessment Act* or of a declaration under section 3.2 of that Act; or
- (c) was exempted from the *Environmental Assessment Act* by a regulation made under that Act.

Same, regulations

(3) For the purposes of the continued application of subsection (1) under subsection (2),

- (a) the Lieutenant Governor in Council may make regulations prescribing undertakings or classes of undertakings that relate to energy and are referred to in subsection (2); and
- (b) a regulation made under clause (a) is deemed to be a regulation made under clause 70 (h) for the purposes of the continued application of clause (1) (b).

(8) Clause 70 (h) of the Act is repealed and the following substituted:

- (h) for the purposes of section 62.0.1, prescribing a project, class of projects, an undertaking or class of undertakings that relates to energy.

(9) Clause 70 (h) of the Act, as re-enacted by subsection (8), is repealed and the following substituted:

- (h) for the purposes of section 62.0.1, prescribing a project or class of projects that relates to energy.

Public Lands Act**63 Subsection 12.2 (5) of the *Public Lands Act* is repealed.*****Resource Recovery and Circular Economy Act, 2016*****64 (1) Section 7 of the *Resource Recovery and Circular Economy Act, 2016* is repealed.****(2) Subsection 11 (10) of the Act is repealed.*****Safe Drinking Water Act, 2002*****65 (1) Subsection 37 (3) of the *Safe Drinking Water Act, 2002* is amended by striking out “Subsection 12.2 (2)” at the beginning and substituting “Subsections 12.2 (2) and 15.1.2 (2)”.****(2) Subsection 37 (3) of the Act, as amended by subsection (1), is amended by striking out “Subsections 12.2 (2) and 15.1.2 (2)” at the beginning and substituting “Subsections 15.1.2 (2), 17.27 (2) and 17.30 (2)”.****(3) Subsection 37 (3) of the Act, as amended by subsection (2), is amended by striking out “15.1.2 (2)”.****(4) Subsection 41 (3) of the Act is amended by striking out “Subsection 12.2 (2)” at the beginning and substituting “Subsections 12.2 (2) and 15.1.2 (2)”.****(5) Subsection 41 (3) of the Act, as amended by subsection (4), is amended by striking out “Subsections 12.2 (2) and 15.1.2 (2)” at the beginning and substituting “Subsections 15.1.2 (2), 17.27 (2) and 17.30 (2)”.****(6) Subsection 41 (3) of the Act, as amended by subsection (5), is amended by striking out “15.1.2 (2)”.****COMMENCEMENT****Commencement****66 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.****(2) Subsection 51 (8) comes into force 30 days after the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.****(3) The following provisions of this Schedule come into force on a day to be named by proclamation of the Lieutenant Governor:**

1. Subsections 1 (1), (3) to (8) and (10), 3 (2), 4 (2) and (3) and 5 (3) to (7).
2. Sections 6, 7, 17 and 20.
3. Subsections 21 (2) to (4),
4. Section 22.
5. Subsections 25 (2) and (3).
6. Sections 26 and 28 to 33.
7. Subsections 35 (1), (2), (4) and (5), 36 (2) and (4) to (6), 37 (2) and (4) to (6).
8. Sections 40 and 41.
9. Subsections 42 (3) and (6) to (8).
10. Sections 43 to 45.
11. Subsection 46 (5).
12. Sections 47 to 50.
13. Subsections 51 (2) to (6) and 52 (2) and (3).
14. Sections 53 and 54.
15. Subsections 55 (2) to (9).
16. Sections 56 to 59 and 61 to 64.

17. Subsections 65 (2), (3), (5) and (6).

SCHEDULE 7
FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

1 The *Farm Registration and Farm Organizations Funding Act, 1993* is amended by adding the following section:

Appeal to Tribunal

2.1 (1) A person who has been denied a farming business registration number may appeal to the Tribunal by providing written notice to the Tribunal and the Director within 30 days after receiving notice of the Director's decision respecting the denial.

Extension of time

(2) The Tribunal may extend the time for providing the notice of appeal, either before or after the expiry of that time, if it is satisfied that there are apparent grounds for appeal and that there are reasonable grounds for applying for the extension.

Record

(3) As soon as reasonably possible in the circumstances after receiving notice of the appeal, the Director shall provide the Tribunal with a copy of,

- (a) all materials the appellant provided when making the request for a farming business registration number; and
- (b) the Director's decision to deny the farming business registration number.

Parties

(4) The parties to an appeal under this section are the appellant and the Director.

Powers of Tribunal

(5) The Tribunal shall review the Director's determination and,

- (a) if the Tribunal finds that the Director's determination was reasonable, it shall confirm the decision; and
- (b) if the Tribunal finds that the Director's determination was not reasonable, it shall alter the Director's decision or direct the Director to do any act that the Director is authorized to do under this Act and that the Tribunal considers proper.

2 The Act is amended by adding the following section:

Continued eligibility to receive special funding

17.1 (1) If the Tribunal determines that the francophone organization continues to meet the conditions for eligibility set out in subsection 12 (1), the Tribunal shall, by order, declare that it continues to be eligible for special funding.

Term of eligibility

(2) The francophone organization shall receive special funding under this section for the prescribed period of time.

3 Subsection 33 (2) of the Act is amended by adding the following clause:

- (p.1) governing how documents are to be given or served under this Act, including providing rules for when they are deemed to be received;

COMPLEMENTARY AMENDMENT AND COMMENCEMENT

Restoring Ontario's Competitiveness Act, 2019

4 Section 11 of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019* is repealed.

Commencement

5 (1) Subject to subsections (2) and (3), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Section 3 comes into force on the later of the day section 35 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force and the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(3) Section 4 comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 8 JUSTICES OF THE PEACE ACT

1 (1) Section 2 of the *Justices of the Peace Act* is amended by adding the following subsections:

Qualifications

(1.1) No person shall be appointed as a justice of the peace under subsection (1) unless he or she has performed paid or volunteer work equivalent to at least 10 years of full-time experience and,

- (a) has a university degree;
- (b) has a diploma or advanced diploma granted by a college of applied arts and technology or a community college following completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters;
- (c) has a degree from an institution, other than a university, that is authorized to grant the degree,
 - (i) under the *Post-secondary Education Choice and Excellence Act, 2000*,
 - (ii) under a special Act of the Assembly that establishes or governs the institution, or
 - (iii) under legislation of another province or territory of Canada;
- (d) has successfully completed a program designated as an equivalency under subsection (1.2); or
- (e) meets the equivalency requirement set out in subsection (1.3).

Equivalency programs

(1.2) For the purposes of clause (1.1) (d), the Attorney General may designate programs that involve training in the justice system, including programs designed to enhance diversity in the justice system, as programs that meet the educational equivalency requirement, and shall make the list of programs so designated public.

Exceptional qualifications

(1.3) For the purposes of clause (1.1) (e), a candidate may be considered to have met the equivalency requirement if he or she clearly demonstrates exceptional qualifications, including life experience, but does not have the educational requirements set out in clauses (1.1) (a) to (d).

(2) Section 2 of the Act is amended by adding the following subsections:

Information to be maintained in confidence

(5) Any records or other information collected, prepared, maintained or used by the Attorney General in relation to the appointment or consideration of an individual as a justice of the peace, including any such records or other information provided to the Attorney General by the Justices of the Peace Appointments Advisory Committee, shall be maintained in confidence and shall not be disclosed except as authorized by the Attorney General.

Prevails over FIPPA

(6) Subsection (5) prevails over the *Freedom of Information and Protection of Privacy Act*.

2 Section 2.1 of the Act is repealed and the following substituted:

Justices of the Peace Appointments Advisory Committee

Composition and governance

2.1 (1) The committee known as the Justices of the Peace Appointments Advisory Committee in English and Comité consultatif sur la nomination des juges de paix in French is continued.

Composition

(2) The Committee is composed of three core members as follows:

1. A judge of the Ontario Court of Justice, or a justice of the peace, appointed by the Chief Justice of the Ontario Court of Justice.
2. A justice of the peace appointed by the Chief Justice of the Ontario Court of Justice who is either the Senior Indigenous Justice of the Peace or another justice of the peace familiar with Indigenous issues or, when the justice of the peace so appointed is not available to act as a member of the Committee, another justice of the peace familiar with Indigenous issues who is designated by the Chief Justice of the Ontario Court of Justice.
3. One person appointed by the Attorney General.

Regional members

(3) In addition to the core members appointed under subsection (2), the Committee shall include the following regional members in respect of its functions in a particular region:

1. The regional senior justice of the peace for the region or, when he or she is not available to act as a member of the Committee, another justice of the peace from the same region who is designated by the regional senior judge.
2. Up to three persons appointed by the Attorney General.
3. A licensee within the meaning of the *Law Society Act* in the region appointed by the Attorney General from a list of three names submitted to the Attorney General by the Law Society of Ontario.

Criteria

(4) In the appointment of members under paragraph 3 of subsection (2) and paragraph 2 of subsection (3), the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.

Regional leads

(5) The Attorney General shall designate a regional lead for each region from among the regional members for that region.

Term of office

(6) The members appointed under paragraph 3 of subsection (2) and under paragraphs 2 and 3 of subsection (3) hold office for three-year terms and may be reappointed.

Chair

(7) The Attorney General shall designate one of the core members to chair the Committee for a term of up to three years.

Term of office

(8) The same person may serve as chair for two or more terms.

Chair votes

(9) The chair is entitled to vote and may cast a second, deciding vote if there is a tie.

Meetings

(10) The Committee may hold its meetings and conduct interviews in person or through electronic means, including telephone conferencing and video conferencing.

Employees

(11) Such employees as are considered necessary for the proper conduct of the affairs of the Committee may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

Annual report

(12) The Committee shall prepare an annual report, provide it to the Attorney General and make it available to the public.

Same

(13) The annual report must include,

- (a) statistics about the sex, gender, gender identity, sexual orientation, race, ethnicity, cultural identity, disability status and ability to speak French of candidates who volunteer that information, including whether the candidates identify as Indigenous or as a member of a Francophone community, at each stage of the process, as specified by the Attorney General; and
- (b) such other content as the Attorney General may require.

Tabling of annual report

(14) The Attorney General shall table the Committee's annual report in the Assembly.

Information to be maintained in confidence

(15) Any records or other information collected, prepared, maintained or used by the Committee in relation to the consideration of an individual for appointment as a justice of the peace shall be maintained in confidence and shall not be disclosed except as authorized by the chair of the Committee.

Personal liability

(16) No action or other proceeding for damages shall be instituted against any member or former member of the Committee for any act done in good faith in the execution or intended execution of any power or duty that he or she has or had as a member of the Committee, or for any neglect or default in the exercise or performance in good faith of such power or duty.

Crown liability

(17) Subsection (16) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (16) to which it would otherwise be subject.

Justices of the Peace Appointments Advisory Committee**Functions and manner of operating**

2.2 (1) The functions of the Justices of the Peace Appointments Advisory Committee are to,

- (a) classify candidates for appointment as justices of the peace;
- (b) report on the classifications to the Attorney General; and
- (c) provide advice to the Attorney General respecting the process for appointing justices of the peace in accordance with this Act.

Manner of operating

(2) The Committee shall perform its functions in the following manner:

- 1. It shall determine the skills, abilities and personal characteristics that are desired in a justice of the peace and make them available to the public.
- 2. It shall develop a candidate application form that specifies what supporting material is required, and it shall make the form available to the public.
- 3. It shall develop the application procedure and make information about it available to the public.
- 4. On the request of the Attorney General, it shall advertise for applications for vacant justice of the peace positions.
- 5. It shall review and evaluate all applications received in response to the advertisement.
- 6. It may interview any of the candidates in conducting its review and evaluation.
- 7. It shall conduct the advertising, review and evaluation process in accordance with the criteria it establishes, which must, at minimum, provide for an assessment that,
 - i. assesses the candidates' professional excellence, community awareness and personal characteristics, and
 - ii. recognizes the desirability of reflecting the diversity of Ontario society in appointments of justices of the peace.
- 8. It shall make the criteria it established under paragraph 7 available to the public.
- 9. It shall classify the candidates as "Not Recommended", "Recommended" or "Highly Recommended" and provide a list of the classified candidates to the Attorney General, with brief supporting reasons for the candidates classified as "Recommended" or "Highly Recommended".

Qualifications

(3) The Committee shall not consider an application by a candidate,

- (a) who does not meet the qualifications set out in subsection 2 (1.1); or
- (b) who is or was a member of the Committee within the previous three years.

Chair consent required re interview, classification

(4) The interview of a candidate shall not be conducted, and a meeting for the making of a decision under paragraph 9 of subsection (2) shall not be held, without the consent of the chair of the Committee.

Quorum for interview

(5) If the Committee interviews a candidate, the interview must be conducted by at least three members of the Committee, at least two of whom are regional members referred to in paragraph 2 or 3 of subsection 2.1 (3) from the region for which an appointment is considered and another of whom is a core member under subsection 2.1 (2).

Quorum re classification

(6) The quorum for decisions under paragraph 9 of subsection (2) is three members of the Committee, at least two of whom are regional members referred to in paragraph 2 or 3 of subsection 2.1 (3) from the region for which an appointment is considered and another of whom is a core member under subsection 2.1 (2).

Information to be provided to Attorney General on request

(7) The Committee shall provide the Attorney General with any information about the application, review and evaluation process that the Attorney General requests, other than information collected or prepared by the Committee through a discreet inquiry.

Meaning of discreet inquiry

(8) For the purposes of subsection (7), a discreet inquiry is a confidential inquiry conducted by the Committee into the views or opinions of individuals with knowledge of a candidate's suitability for appointment.

Recommendation of criteria

(9) The Attorney General may recommend criteria to be included in the criteria the Committee establishes under paragraph 7 of subsection (2), and the Committee shall consider whether to include those criteria in the criteria it has established.

Rejection of list

(10) The Attorney General may reject the list of classified candidates provided by the Committee under subsection (2).

Reconsideration or re-advertisement

(11) If the Attorney General rejects the list of classified candidates provided by the Committee, or if there are not enough candidates who are classified as "Recommended" or "Highly Recommended" for the number of vacant justice of the peace positions, the Committee shall either reconsider the applicants and provide a new list to the Attorney General in accordance with paragraph 9 of subsection (2) or re-advertise for applications, as the chair of the Committee considers appropriate.

Recommendation by Attorney General

(12) The Attorney General shall only recommend a candidate who has been classified as "Recommended" or "Highly Recommended" to the Lieutenant Governor in Council to fill a justice of the peace vacancy.

Transition

(13) Despite this section, subsections 2.1 (2) and (12) to (18) of this Act, as they read immediately before the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force, continue to apply to any vacancy that was advertised by the Committee before that day.

Transitional matters re Justices of the Peace Appointments Advisory Committee**Appointments continued**

2.3 (1) Subject to subsection (2), the appointment of every person who was a member of the Justices of the Peace Appointments Advisory Committee on the day before the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force is continued.

Termination without cause

(2) The Attorney General may terminate the appointment of any member of the Committee whose appointment was continued by subsection (1), without cause, for the purpose of transitioning the Committee's composition to the composition specified in subsections 2.1 (2) and (3).

No compensation or damages

(3) No person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of section 1 or 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020*.

No cause of action

(4) No cause of action arises against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown as a direct or indirect result of the enactment of section 1 or 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020*.

Proceedings barred

(5) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to the enactment of section 1 or 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* may be brought or maintained against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown.

Application

(6) Subsection (5) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings.

Retrospective effect

(7) Subsections (5) and (6) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Proceedings set aside

(8) Any proceeding referred to in subsection (5) or (6) commenced before the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force shall be deemed to have been dismissed, without costs, on the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Commencement

3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 9
MARRIAGE ACT**

1 Section 27 of the *Marriage Act* is amended by adding the following subsection:

Extension — declaration of emergency

(4) Despite subsection (3), the period in which a marriage may be solemnized under the authority of a licence is extended in accordance with Schedule 1 (Extension — Declaration of Emergency) if Schedule 1 applies.

2 The Act is amended by adding the following Schedule:

**SCHEDULE 1
EXTENSION — DECLARATION OF EMERGENCY**

With respect to a licence issued during the period described in paragraph 1, if all of the conditions listed in paragraph 2 are met, the period in which a marriage may be solemnized under the authority of the licence is extended to the period described in paragraph 3:

1. The period in which the licence was issued is the period,
 - i. beginning on the first day of a month that is three months prior to a month in which a declaration was made under the *Emergency Management and Civil Protection Act* that an emergency exists throughout Ontario, and
 - ii. ending on the first day following the declaration of emergency on which there is not a period of emergency throughout Ontario under the *Emergency Management and Civil Protection Act*.

For greater certainty, this includes the period beginning on December 1, 2019 in respect of the emergency that was declared on March 17, 2020 under the *Emergency Management and Civil Protection Act*.

2. The conditions that must be met are:
 - i. The parties to the marriage have not married each other since the licence was issued.
 - ii. Neither party to the marriage has married anyone else since the licence was issued.
 - iii. Neither party to the marriage has legally changed their name since the licence was issued.
3. The period in which a marriage may be solemnized under the authority of the licence is the period beginning on the day the licence was issued and ending 24 months after the day described in subparagraph 1 ii.

Commencement

3 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 10
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

1 The *Ministry of Municipal Affairs and Housing Act* is amended by adding the following section:

Provincial Land and Development Facilitator

12 (1) The office to be known as the Provincial Land and Development Facilitator in English and Facilitateur provincial de l'aménagement in French is established.

Same

(2) The Minister may appoint the Facilitator and fix their terms of reference.

Functions

(3) The Facilitator shall, at the direction of the Minister,

- (a) advise and make recommendations to the Minister in respect of growth, land use and other matters, including Provincial interests; and
- (b) perform such other functions as the Minister may specify.

Remuneration and expenses

(4) The Lieutenant Governor in Council may determine the remuneration and expenses of any person appointed under subsection (2).

Commencement

2 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 11 MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020

Preamble

Ontario is committed to fostering a strong business climate that supports growth while ensuring appropriate regulatory oversights that protect the public, workers and the environment.

Ontario recognizes that modern regulations protect the public interest, including health, safety and the environment, while enabling economic growth, prosperity and a competitive business climate.

As a part of Ontario's regulatory modernization efforts, the province is committed to reducing unnecessary red tape and regulatory burdens while also ensuring the public interest is protected, and to supporting business needs and ensuring that interactions with government are efficient and straightforward.

Ontario is dedicated to a regulatory environment that considers both costs and benefits as part of the evidence, utilizes recognized standards, considers the unique needs of small businesses, provides digital options and recognizes businesses with excellent compliance records.

INTERPRETATION

Definitions

1 (1) In this Act,

“administrative cost” means a cost that is imposed on a regulated entity as a consequence of complying with a regulation, policy or form and that is prescribed for the purposes of this definition; (“frais administratifs”)

“burden” means a cost that may be measured in terms of money, time or resources and is considered by the Minister in consultation with other members of the Government of Ontario to be unnecessary to achieve the purpose of the statutory, regulatory, procedural, administrative or other requirement that creates the cost; (“fardeau administratif”)

“instrument governed by this Act” means,

- (a) subject to any prescribed exceptions, a draft bill before its introduction in the Legislature,
- (b) subject to any prescribed exceptions, a regulation made or approved by a minister or the Lieutenant Governor in Council,
- (c) subject to any prescribed exceptions, any policy or form made by a minister, and
- (d) any other instrument that may be prescribed; (“acte régi par la présente loi”)

“Minister” means the Minister of Economic Development, Job Creation and Trade or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“recognized standards” means requirements that have been set by standard development organizations that have been accredited by the Standards Council of Canada, or by similar standard development organizations; (“normes reconnues”)

“regulated entity”, subject to the regulations, includes every business, trade, occupation, profession, service or venture, whether or not carried on with a view to profit; (“entité réglementée”)

Making or proposing an instrument

(2) For greater certainty, a reference in this Act to proposing an instrument governed by this Act includes both proposing a new instrument and proposing an amendment to an existing instrument.

CONTROL OF ADMINISTRATIVE COSTS

Offset of administrative costs

2 (1) Where an instrument governed by this Act that is a regulation, policy or form is made or approved for use and has the effect of creating or increasing one or more administrative costs, a prescribed offset must be made within a prescribed time after the regulation, policy or form is made or approved for use.

Public interest

(2) If an offset required under subsection (1) is proposed to be made or approved for use, the Lieutenant Governor in Council or responsible minister shall, before making or approving the regulation, policy or form, review it to take into account the protection of the public interest, including health, safety and the environment.

Analysis of regulatory impact

3 Where an instrument governed by this Act is proposed, the minister responsible for the administration of the instrument shall ensure that,

- (a) in the prescribed circumstances, an analysis of the potential regulatory impact is conducted, including the prescribed administrative costs; and
- (b) the analysis is published in the prescribed manner.

Development of instruments

4 (1) When developing an instrument governed by this Act, every minister shall have regard to the following principles:

- 1. Recognized industry standards or international best practices should be adopted.
- 2. Less onerous compliance requirements should apply to small businesses than to larger businesses.
- 3. Digital services that are accessible to stakeholders should be provided.
- 4. Regulated entities that demonstrate excellent compliance should be recognized.
- 5. Unnecessary reporting should be reduced, and steps should be taken to avoid requiring stakeholders to provide the same information to government repeatedly.
- 6. An instrument should focus on the user by communicating clearly, providing for reasonable response timelines and creating a single point of contact.
- 7. An instrument should specify the desired result that regulated entities must meet, rather than the means by which the result must be achieved.

(2) If the minister responsible for developing the instrument believes that it is not possible or appropriate to comply with subsection (1), a rationale must be provided to the Minister.

ELECTRONIC TRANSMISSION OF DOCUMENTS

Electronic transmission of documents

5 A business that is required, for any reason, to submit documents to a Ministry of the Government of Ontario in order to comply with an instrument governed by this Act may, at the option of the business, submit the documents electronically.

RECOGNITION OF EXCELLENT COMPLIANCE

Recognition of excellent compliance

6 Every Ministry of the Government of Ontario that administers regulatory programs shall develop a plan to recognize businesses that demonstrate excellent compliance with regulatory requirements.

REPORTING

Annual report on burden reduction

7 (1) The Minister shall make available to the public an annual report with respect to,

- (a) actions taken by the Government of Ontario to reduce burdens; and
- (b) the Government of Ontario's future burden reduction goals.

Publication of report

(2) The Minister shall ensure that the report is,

- (a) published on a Government of Ontario website or in such other manner as the Minister considers advisable; and
- (b) available to the public on or before September 30 in each year or, if the regulations prescribe another date, on or before the prescribed date in each year.

Tabling

(3) The Minister shall table the annual report in the Legislative Assembly as soon as possible after it is published.

IMMUNITY

Immunity

8 (1) No action or other proceeding shall be commenced against the Crown or any of its agencies with respect to anything done or omitted to be done, or purported to be done or omitted to be done, under this Act.

Validity of instrument

(2) No instrument governed by this Act is invalid by reason only of a failure to comply with any provision of this Act.

REGULATIONS

Regulations, Minister

9 The Minister may make regulations,

- (a) providing for exemptions from any requirement under section 5 or 6, and may make such an exemption subject to conditions or limitations;
- (b) respecting the report required under section 7, which may include regulations,
 - (i) specifying any actions to reduce burdens that must be referred to in the report,
 - (ii) prescribing the manner in which the Minister must evaluate, quantify or describe actions of the Government of Ontario in the report,
 - (iii) prescribing a date for the purpose of clause 7 (2) (b).

Regulations, LG in C

10 (1) Subject to section 9, the Lieutenant Governor in Council may make regulations respecting anything provided for in this Act and for carrying out the purposes, provisions and intent of this Act.

Same

(2) Without restricting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

- (a) respecting anything that may be prescribed under this Act;
- (b) defining words and expressions used in this Act that are not otherwise defined in this Act;
- (c) prescribing costs for the purposes of the definition of “administrative cost” in subsection 1 (1);
- (d) further defining or clarifying the definition of “regulated entity” in subsection 1 (1) and providing for exemptions from that definition;
- (e) governing how administrative costs are to be measured and offset under section 2, prescribing offsets and setting requirements and formulas for offsets, and establishing time periods for when offsets must be made;
- (f) governing the analysis required under section 3, including governing the circumstances when an analysis of the regulatory impact is to be conducted, the scope of the administrative costs to be considered in the analysis of the regulatory impact, and the manner in which the analysis is to be published;
- (g) governing the application and interpretation of the principles set out in subsection 4 (1) and when the requirement in that subsection to have regard to a principle has been satisfied;
- (h) providing for exemptions from anything under this Act that are not provided for in section 9 and making any such exemption subject to conditions or limitations.

AMENDMENTS TO OTHER ACTS

Burden Reduction Reporting Act, 2014

11 The *Burden Reduction Reporting Act, 2014* is repealed.

Reducing Regulatory Costs for Business Act, 2017

12 The *Reducing Regulatory Costs for Business Act, 2017* is repealed.

COMMENCEMENT AND SHORT TITLE

Commencement

13 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

14 The short title of the Act set out in this Schedule is the *Modernizing Ontario for People and Businesses Act, 2020*.

**SCHEDULE 12
MUNICIPAL ACT, 2001**

1 (1) Subsection 238 (3.1) of the *Municipal Act, 2001* is repealed and the following substituted:

Electronic participation

(3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

(2) Subsection 238 (3.2) of the Act is repealed.

(3) Subsection 238 (3.3) of the Act is repealed and the following substituted:

Same

(3.3) The applicable procedure by-law may provide that,

- (a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

(4) Subsection 238 (3.4) of the Act is repealed and the following substituted:

Special meeting, amend procedure by-law re electronic participation

(3.4) A municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3).

Same, quorum

(3.5) A member participating electronically in a special meeting described in subsection (3.4) may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2 The Act is amended by adding the following section:

Proxy vote

243.1 (1) The procedure by-law may provide that, in accordance with a process to be established by the clerk, a member of council may appoint another member of council as a proxy to act in their place when they are absent subject to the following rules:

1. A member of a local council appointed as an alternate member of the upper-tier council under section 267 may appoint a member of the upper-tier council as a proxy to act in their place when they are absent from the upper-tier council.
2. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 267 shall not appoint a proxy.
3. A member appointed as an alternate member of the upper-tier council under section 268 shall not appoint a proxy.
4. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 268 shall not appoint a proxy if the appointed member is acting on their behalf at the meeting.

Rules re proxy votes

(2) The following rules apply with respect to the appointment of another member of council to act as a proxy under subsection (1):

1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of council at any one time.
3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
5. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.
6. Where a recorded vote is requested under section 246, the clerk shall record the name of each proxyholder, the name of the member of council for whom the proxyholder is voting and the vote cast on behalf of that member.
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 259 (1) (c).

Pecuniary interest

(3) A member who has a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.

Same, pre-meeting discovery

(4) If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

- (a) notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and
- (b) request that the clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the clerk.

Same, post-meeting discovery

(5) For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5 (3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

Conflict, etc., proxyholder

(6) For greater certainty, nothing in this section authorizes a proxyholder who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* from participating in the meeting in the place of an appointing member.

Regulations, proxy votes

(7) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section.

Commencement

3 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

**SCHEDULE 13
OCCUPATIONAL HEALTH AND SAFETY ACT**

1 Section 70 of the *Occupational Health and Safety Act* is amended by adding the following subsection:

Rolling incorporation by reference

(3) The power to adopt by reference and require compliance with a code or standard in paragraph 25 of subsection (2) and to adopt by reference any criteria or guide in relation to the exposure of a worker to any biological, chemical or physical agent or combination thereof in paragraph 26 of subsection (2) includes the power to adopt a code, standard, criteria or guide as it may be amended from time to time.

Commencement

2 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 14
ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY ACT

1 The definition of “distance education programs” in section 1 of the *Ontario Educational Communications Authority Act* is repealed and the following substituted:

“distance education programs” means programs to provide courses of study online, through correspondence, or by other means that do not require the physical attendance by the student at a school and that are prescribed under paragraph 2 of subsection 8 (1) of the Education Act or are approved by the Minister of Education; (“programme d’enseignement à distance”)

2 Section 3 of the Act is amended by striking out “and” at the end of clause (c) and by adding the following clauses:

- (e) to support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities; and
- (f) to discharge any prescribed duties.

3 The Act is amended by adding the following section:

Support of distance education programs

16.1 The Authority has the prescribed duties and responsibilities to support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities.

4 (1) Section 17 of the Act is amended by adding the following clauses:

- (0.a) prescribing persons or entities for the purposes of clause 3 (e);
- (0.a.1) prescribing duties for the purposes of clause 3 (f);

(2) Clause 17 (b) of the Act is repealed and the following substituted:

- (b) prescribing and governing the duties and responsibilities of the Authority in relation to the operation of distance education programs;
- (b.1) prescribing and governing the duties and responsibilities of the Authority in relation to supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities;

(3) Section 17 of the Act is amended by adding the following clause:

- (f) defining any word or expression used in this Act that is not already defined and further defining any word or expression used in this Act that is already defined in this Act.

(4) Section 17 of the Act is amended by adding the following subsection:

Conflict

(2) In the event of a conflict between a regulation made under this section and this Act, or any other Act or regulation, the regulation made under this section prevails.

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 15

ONTARIO FRENCH-LANGUAGE EDUCATIONAL COMMUNICATIONS AUTHORITY ACT, 2008

1 The definition of “distance education programs” in section 1 of the *Ontario French-language Educational Communications Authority Act, 2008* is repealed and the following substituted:

“distance education programs” means programs to provide courses of study online, through correspondence, or by other means that do not require the physical attendance by the student at a school and that are prescribed under paragraph 2 of subsection 8 (1) of the *Education Act* or are approved by the Minister of Education; (“programme d’enseignement à distance”)

2 Section 4 of the Act is amended by striking out “and” at the end of clause (c) and by adding the following clauses:

- (e) support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities; and
- (f) discharge any prescribed duties.

3 The Act is amended by adding the following section:

Support of distance education programs

21.1 The Authority has the prescribed duties and responsibilities to support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities.

4 (1) Section 22 of the Act is amended by adding the following clauses:

- (0.a) prescribing persons or entities for the purposes of clause 4 (e);
- (0.a.1) prescribing duties for the purposes of clause 4 (f);

(2) Clause 22 (b) of the Act is repealed and the following substituted:

- (b) prescribing and governing the duties and responsibilities of the Authority in relation to the operation of distance education programs;
- (b.1) prescribing and governing the duties and responsibilities of the Authority in relation to supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities;

(3) Section 22 of the Act is amended by adding the following clause:

- (f) defining any word or expression used in this Act that is not already defined and further defining any word or expression used in this Act that is already defined in this Act.

(4) Section 22 of the Act is amended by adding the following subsection:

Conflict

(2) In the event of a conflict between a regulation made under this section and this Act, or any other Act or regulation, the regulation made under this section prevails.

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 16
PAYDAY LOANS ACT, 2008**

1 The *Payday Loans Act, 2008* is amended by adding the following section:

Interest on payday loans in default

32.1 (1) This section applies to a payday loan agreement if,

- (a) the advance under the agreement is \$1,500 or less or, if another amount is prescribed, that amount or less; and
- (b) the term of the agreement is 62 days or less or, if another number of days is prescribed, that number of days or less.

Duty of lender

(2) A lender shall not impose against a borrower under a payday loan agreement, and the borrower is not liable to pay, interest on the amount in default, except as provided for under subsection (3).

Maximum interest

(3) A lender may charge a borrower a maximum interest rate of 2.5 per cent per month, not to be compounded, on the outstanding principal, unless otherwise prescribed.

Duty of loan broker

(4) No loan broker shall facilitate a contravention of subsection (2).

Consequence

(5) If the lender contravenes subsection (2), the borrower is only required to repay the advance to the lender and is not liable to pay the cost of borrowing or any interest.

Transition

(6) This section does not apply to a payday loan agreement that was in existence before the day this section came into force.

2 (1) Clause 33 (1) (b) of the Act is repealed and the following substituted:

- (b) unless otherwise prescribed, a fee no greater than \$25 for,
 - (i) a dishonoured cheque,
 - (ii) a dishonoured pre-authorized debit, or
 - (iii) any other dishonoured instrument of payment.

(2) Section 33 of the Act is amended by adding the following subsection:

Multiple fees prohibited

(1.1) A lender shall not impose a fee under clause (1) (b) against a borrower more than once with respect to each payday loan agreement, regardless of the number of dishonoured instruments of payment accumulated with respect to that payday loan agreement.

(3) Subsection 33 (2) of the Act is amended by adding “or (1.1)” at the end.

(4) Section 33 of the Act is amended by adding the following subsections:

Consequence

(3) If the lender contravenes subsection (1) or (1.1), the borrower is only required to repay the advance to the lender and is not liable to pay the cost of borrowing or any default charges.

Transition

(4) Clause (1) (b) and subsections (1.1) and (3) do not apply to a payday loan agreement that was in existence before the day this subsection came into force.

Same

(5) Clause (1) (b), as it read before the day this subsection came into force, applies to a payday loan agreement that was in existence before the day this subsection came into force.

3 (1) Section 44 of the Act is amended by adding the following subsection:

Illegal default charges, interest

(1.1) A payment referred to in subsection (1) includes interest or a default charge received by a licensee from a borrower to which the licensee is not entitled under this Act or that the borrower is not liable to pay under this Act.

(2) Subsection 44 (4) of the Act is amended by striking out “Subsections (1)” at the beginning and substituting “Subsections (1), (1.1)”.

4 Section 77 of the Act is amended by adding the following paragraphs:

24. changing the maximum rate of interest that a lender may charge for the purposes of subsection 32.1 (3).

24.1 changing the maximum fee for the purposes of clause 33 (1) (b).

Commencement

5 This Schedule comes into force 30 days after the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 17 PLANNING ACT

1 Section 37 of the *Planning Act* is repealed and the following substituted:

Community benefits charges

Definitions

37 (1) In this section,

“specified date” means the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997*; (“date précisée”)

“valuation date” means, with respect to land that is the subject of development or redevelopment,

- (a) the day before the day the building permit is issued in respect of the development or redevelopment, or
- (b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued. (“date d’évaluation”)

Community benefits charge by-law

(2) The council of a local municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies.

What charge can be imposed for

(3) A community benefits charge may be imposed only with respect to development or redevelopment that requires,

- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34;
- (b) the approval of a minor variance under section 45;
- (c) a conveyance of land to which a by-law passed under subsection 50 (7) applies;
- (d) the approval of a plan of subdivision under section 51;
- (e) a consent under section 53;
- (f) the approval of a description under section 9 of the *Condominium Act, 1998*; or
- (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

Excluded development or redevelopment

(4) A community benefits charge may not be imposed with respect to,

- (a) development of a proposed building or structure with fewer than five storeys at or above ground;
- (b) development of a proposed building or structure with fewer than 10 residential units;
- (c) redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
- (d) redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
- (e) such types of development or redevelopment as are prescribed.

Community benefits charge — relationship to development charge, etc.

(5) For greater certainty, nothing in this Act prevents a community benefits charge from being imposed with respect to land for park or other public recreational purposes or with respect to the services listed in subsection 2 (4) of the *Development Charges Act, 1997*, provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law or from the special account referred to in subsection 42 (15).

In-kind contributions

(6) A municipality that has passed a community benefits charge by-law may allow an owner of land to provide to the municipality facilities, services or matters required because of development or redevelopment in the area to which the by-law applies.

Notice of value of in-kind contributions

(7) Before the owner of land provides facilities, services or matters in accordance with subsection (6), the municipality shall advise the owner of land of the value that will be attributed to them.

Deduction of value of in-kind contributions

(8) The value attributed under subsection (7) shall be deducted from the amount the owner of land would otherwise be required to pay under the community benefits charge by-law.

Community benefits charge strategy

(9) Before passing a community benefits charge by-law under subsection (2), the municipality shall prepare a community benefits charge strategy that,

- (a) identifies the facilities, services and matters that will be funded with community benefits charges; and
- (b) complies with any prescribed requirements.

Consultation

(10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

Commencement of by-law

(11) A community benefits charge by-law comes into force on the day it is passed or the day specified in the by-law, whichever is later.

Limitation

(12) Only one community benefits charge by-law may be in effect in a local municipality at a time.

Notice of by-law and time for appeal

(13) The clerk of a municipality that has passed a community benefits charge by-law shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed.

Requirements of notice

(14) Notices required under subsection (13) must meet the prescribed requirements and shall be given in accordance with the regulations.

Same

(15) Every notice required under subsection (13) must be given no later than 20 days after the day the by-law is passed.

When notice given

(16) A notice required under subsection (13) is deemed to have been given on the prescribed day.

Appeal of by-law after passed

(17) Any person or public body may appeal a community benefits charge by-law to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

Clerk's duties on appeal

(18) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a community benefits charge by-law, the clerk shall compile a record that includes,

- (a) a copy of the by-law certified by the clerk;
- (b) a copy of the community benefits charge strategy;
- (c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and
- (d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

Same

(19) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal.

Affidavit, declaration conclusive evidence

(20) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration.

L.P.A.T. hearing of appeal

(21) The Tribunal shall hold a hearing to deal with any notice of appeal of a community benefits charge by-law forwarded by the clerk of a municipality.

Notice of hearing

(22) The Tribunal shall determine who shall be given notice of the hearing and in what manner.

Powers of L.P.A.T.

(23) After the hearing, the Tribunal may,

- (a) dismiss the appeal in whole or in part;
- (b) order the council of the municipality to repeal or amend the by-law in accordance with the Tribunal's order; or
- (c) repeal or amend the by-law in such manner as the Tribunal may determine.

Limitation on powers

(24) The Tribunal may not amend or order the amendment of a by-law so as to,

- (a) increase the amount of a community benefits charge that will be payable in any particular case;
- (b) add or remove, or reduce the scope of, an exemption provided in the by-law;
- (c) change a provision for the phasing in of community benefits charges in such a way as to make a charge, or part of a charge, payable earlier; or
- (d) change the date, if any, the by-law will expire.

Dismissal without hearing

(25) Despite subsection (21), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

When L.P.A.T. ordered repeals, amendments effective

(26) The repeal or amendment of a community benefits charge by-law by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force.

Refunds if L.P.A.T. repeals by-law, etc.

(27) If the Tribunal repeals or amends a community benefits charge by-law, or orders the council of a municipality to repeal or amend a community benefits charge by-law, the municipality shall refund,

- (a) in the case of a repeal, any community benefits charge paid under the by-law; or
- (b) in the case of an amendment, the difference between any community benefits charge paid under the by-law and the community benefits charge that would have been payable under the by-law as amended.

When refund due

(28) If a municipality is required to make a refund under subsection (27), it shall do so,

- (a) if the Tribunal repeals or amends the by-law, within 30 days after the Tribunal's order; or
- (b) if the Tribunal orders the council of the municipality to repeal or amend the by-law, within 30 days after the repeal or amendment by the council.

Interest

(29) The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality to the day it is refunded.

Application of specified provisions to by-law amendments

(30) Subsections (9) to (11) and (13) to (29) apply, with necessary modifications, to an amendment to a community benefits charge by-law other than an amendment by, or pursuant to an order of, the Tribunal.

Limitation of L.P.A.T. powers

(31) In an appeal of an amendment to a community benefits charge by-law, the Tribunal may exercise its powers only in relation to the amendment.

Maximum amount of community benefits charge

(32) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.

Payment under protest and appraisal provided by owner

(33) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (32), the owner shall,

- (a) pay the charge under protest; and
- (b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date.

No appraisal under subs. (33) (b)

(34) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (33) (b), the payment is deemed not to have been made under protest.

Appraisal provided by the municipality

(35) If the municipality disputes the value of the land identified in the appraisal referred to in clause (33) (b), the municipality shall, within the prescribed time period, provide the owner with an appraisal of the value of the land as of the valuation date.

No appraisal under subs. (35)

(36) If the municipality does not provide an appraisal in accordance with subsection (35), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (32) based on the value of the land identified in the appraisal referred to in clause (33) (b).

Appraisal under subs. (35) within 5%

(37) If the municipality provides an appraisal in accordance with subsection (35) and the value of the land identified in that appraisal is within 5 per cent of the value identified in the appraisal referred to in clause (33) (b), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (32) based on the value of the land identified in the appraisal referred to in clause (33) (b) or subsection (35), whichever identifies the higher value of the land.

Appraisal under subs. (35) not within 5%

(38) If the municipality provides an appraisal in accordance with subsection (35) and the value of the land identified in that appraisal is not within 5 per cent of the value identified in the appraisal referred to in clause (33) (b), the municipality shall request that a person selected by the owner from the list referred to in subsection (42) prepare an appraisal of the value of the land as of the valuation date.

Time period for appraisal referred to in subs. (38)

(39) The municipality shall provide the owner with the appraisal referred to in subsection (38) within the prescribed time period.

Appraisal under subs. (38)

(40) If an appraisal is prepared in accordance with subsection (38), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (32) based on the value of the land identified in the appraisal referred to in subsection (38).

Non-application of subss. (36), (37) and (40)

(41) For greater certainty, a refund is not required under subsection (36), (37) or (40) if the maximum amount determined in accordance with subsection (32), based on the value of the land identified in the applicable appraisal, is greater than the amount of the community benefits charge imposed by the municipality.

List of appraisers

- (42) A municipality that has passed a community benefits charge by-law shall maintain a list of at least three persons who,
- (a) are not employees of the municipality or members of its council; and
 - (b) have an agreement with the municipality to perform appraisals for the purposes of subsection (38).

Same

- (43) A municipality shall maintain the list referred to in subsection (42) until the later of,
- (a) the day on which the community benefits charge by-law is repealed; and
 - (b) the day on which there is no longer any refund that is or could be required to be made under subsection (40).

No building without payment

- (44) No person shall construct a building on the land proposed for development or redevelopment unless,
- (a) the payment required by the community benefits charge by-law has been made or arrangements for the payment that are satisfactory to the council have been made; and

- (b) any facilities, services or matters being provided in accordance with subsection (6) have been provided or arrangements for their provision that are satisfactory to the council have been made.

Special account

- (45) All money received by the municipality under a community benefits charge by-law shall be paid into a special account.

Investments

- (46) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account.

Requirement to spend or allocate monies in special account

- (47) In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.

Reports and information

- (48) A council of a municipality that passes a community benefits charge by-law shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.

Application of subs. (51)

- (49) Subsection (51) applies with respect to the following:

1. A special account established in accordance with subsection 37 (5), as it read on the day before section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force.
2. A reserve fund established by a local municipality in accordance with section 33 of the *Development Charges Act, 1997* for any service other than the services described in paragraphs 1 to 20 of subsection 2 (4) of the *Development Charges Act, 1997*.

Same, services prescribed under par. 21 of s. 2 (4) of *Development Charges Act, 1997*

- (50) Despite subsection (49), subsection (51) does not apply with respect to a reserve fund established for a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the *Development Charges Act, 1997* if the service is prescribed before the earlier of,

- (a) the day the municipality passes a community benefits charge by-law under subsection (2); and
- (b) the specified date.

Transition respecting special account and reserve fund described in subs. (49)

- (51) The following rules apply with respect to a special account or reserve fund to which this subsection applies:

1. If the municipality passes a community benefits charge by-law under this section before the specified date, the municipality shall, on the day it passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (45).
2. If the municipality has not passed a community benefits charge by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.
3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 2.
4. If paragraph 2 applies and the municipality passes a community benefits charge by-law under this section on or after the specified date, the municipality shall, on the day it passes the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (45).

Credit under s. 38 of *Development Charges Act, 1997*

- (52) If the municipality passes a community benefits charge by-law under this section before the specified date, any credit under section 38 of the *Development Charges Act, 1997* that was held as of the day before the day the by-law is passed and that relates to any services other than the services described in paragraphs 1 to 20 of subsection 2 (4) of that Act may be used by the holder of the credit with respect to a community benefits charge that the holder is required to pay under a community benefits charge by-law.

Same, services prescribed under par. 21 of s. 2 (4) of *Development Charges Act, 1997*

- (53) Subsection (52) does not apply with respect to a credit that relates to a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the *Development Charges Act, 1997* if the service is prescribed before the date the municipality passes the community benefits charge by-law.

Transitional matters respecting repealed s. 37, etc.**Definitions**

37.1 (1) In this section,

“by-law described in the repealed subsection 37 (1)” means a by-law passed under section 34 that includes, under subsection 37 (1) as it read on the day before the effective date, any requirement to provide facilities, services or matters; (“règlement municipal visé au paragraphe 37 (1) abrogé”)

“effective date” means the day section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force. (“date d’effet”)

Continued application of repealed s. 37 (1) to (5)

(2) Despite their repeal by section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section:

1. Subsections 37 (1) to (4), as they read on the day before the effective date.
2. Subsection 37 (5), as it read on the day before the effective date, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (45).

By-law described in repealed s. 37 (1)

(3) On and after the applicable date described in subsection (5), the following rules apply if, before that date, the local municipality has passed a by-law described in the repealed subsection 37 (1):

1. Subsections 37 (1) to (4), as they read on the day before the effective date, continue to apply with respect to the by-law and the lands that are the subject of the by-law.
2. Subsection 37 (5), as it read on the day before the effective date, continues to apply with respect to the by-law and the lands that are the subject of the by-law, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (45).
3. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is not subject to a community benefits charge by-law passed under section 37.

Non-application of subs. (3)

(4) Subsection (3) does not apply with respect to the lands that are the subject of a by-law described in the repealed subsection 37 (1) if, on or after the applicable date described in subsection (5), the by-law,

- (a) is amended to remove any requirement to provide facilities, services or matters that was included under subsection 37 (1), as it read on the day before the effective date; or
- (b) is repealed.

Applicable date

(5) The applicable date referred to in subsections (2), (3) and (4) is the earlier of,

- (a) the day the municipality passes a community benefits charge by-law under subsection 37 (2); and
- (b) the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997*.

2 (1) The definition of “effective date” in subsection 42 (0.1) of the Act is amended by striking out “the day subsection 28 (1) of the *Smart Growth for Our Communities Act, 2015* comes into force” and substituting “July 1, 2016”.

(2) Section 42 of the Act is amended by adding the following subsection:

Commencement of by-law

(2) A by-law passed under this section comes into force on the day it is passed or the day specified in the by-law, whichever is later.

(3) Section 42 of the Act is amended by adding the following subsection:

Consultation

(3.1) Before passing a by-law under this section that provides for the alternative requirement authorized by subsection (3), the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

(4) Section 42 of the Act is amended by adding the following subsections:

Application, subss. (4.5) to (4.24)

(4.4) Subsections (4.5) to (4.24) apply in respect of a by-law passed under this section or an amendment to such a by-law only if the by-law or amendment provides for the alternative requirement authorized by subsection (3).

Notice of by-law and time for appeal

(4.5) The clerk of a municipality that has passed a by-law under this section shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed.

Requirements of notice

(4.6) Notices required under subsection (4.5) must meet the prescribed requirements and shall be given in accordance with the regulations.

Same

(4.7) Every notice required under subsection (4.5) must be given not later than 20 days after the day the by-law is passed.

When notice given

(4.8) A notice required under subsection (4.5) is deemed to have been given on the prescribed day.

Appeal of by-law after passed

(4.9) Any person or public body may appeal a by-law passed under this section to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

Clerk's duty on appeal

(4.10) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a by-law passed under this section, the clerk shall compile a record that includes,

- (a) a copy of the by-law certified by the clerk;
- (b) a copy of the parks plan referred to in subsection (4.1), if one exists;
- (c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and
- (d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

Same

(4.11) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal.

Affidavit, declaration conclusive evidence

(4.12) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration.

L.P.A.T. hearing of appeal

(4.13) The Tribunal shall hold a hearing to deal with any notice of appeal of a by-law passed under this section forwarded by the clerk of a municipality.

Notice

(4.14) The Tribunal shall determine who shall be given notice of the hearing and in what manner.

Powers of L.P.A.T.

(4.15) After the hearing, the Tribunal may,

- (a) dismiss the appeal in whole or in part;
- (b) order the council of the municipality to amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in accordance with the Tribunal's order; or
- (c) amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in such manner as the Tribunal may determine.

Limitation on powers

(4.16) The Tribunal may not amend or order the amendment of a by-law so as to,

- (a) increase the amount of parkland that will be required to be conveyed or payment in lieu that will be required to be paid in any particular case;
- (b) add or remove, or reduce the scope of, an exemption provided in the by-law; or
- (c) change the date, if any, the by-law will expire.

Dismissal without hearing

(4.17) Despite subsection (4.13), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

When L.P.A.T. ordered amendments effective

(4.18) The amendment of a by-law passed under this section by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force.

Refunds if L.P.A.T. amends by-law, orders amendment

(4.19) If the Tribunal amends a by-law passed under this section or orders the council of a municipality to amend a by-law passed under this section, the municipality shall refund,

- (a) in the case of a development or redevelopment that was subject to a requirement to convey land but not a requirement for a payment in lieu, the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended;
- (b) in the case of a development or redevelopment that was subject to a requirement for a payment in lieu but not a requirement to convey land, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended; or
- (c) in the case of a development or redevelopment that was subject both to a requirement for a payment in lieu and to a requirement to convey land,
 - (i) if the amount of land that was conveyed is greater than or equal to the amount of land required to be conveyed under the by-law as amended, the payment in lieu and the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended, or
 - (ii) if the amount of land that was conveyed is less than the amount of land required to be conveyed under the by-law as amended, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended.

When refund due

(4.20) If a municipality is required to make a refund under subsection (4.19), it shall do so,

- (a) if the Tribunal amends the by-law, within 30 days after the Tribunal's order; or
- (b) if the Tribunal orders the council of the municipality to amend the by-law, within 30 days after the amendment by the council.

Interest

(4.21) The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality or, where land was required to be conveyed, the day the building permit was issued in respect of the development or redevelopment, to the day the amount is refunded.

Same, more than one building permit

(4.22) If more than one building permit was required for the development or redevelopment in respect of which an amount is being refunded, the municipality shall pay interest, at a rate not less than the prescribed minimum interest rate, from the day the first permit was issued for the development or redevelopment to the day the amount is refunded.

Application of specified provisions to by-law amendments

(4.23) Subsections (2), (3.1) and (4.5) to (4.22) apply, with necessary modifications, to an amendment to a by-law passed under this section other than an amendment by, or pursuant to an order of, the Tribunal.

Limitation of L.P.A.T. powers

(4.24) In an appeal of an amendment to a by-law passed under this section, the Tribunal may exercise its powers only in relation to the amendment.

Non-application

(4.25) For greater certainty, subsections (3.1) and (4.5) to (4.24) do not apply to a by-law passed under this section or an amendment to a by-law passed under this section before the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Transition, expiry of by-law

(4.26) A by-law passed under this section that is in force on the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force and that provides for the alternative requirement authorized by subsection (3) expires on the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997* unless it is repealed earlier.

(5) Subsection 42 (6.4) of the Act is amended by adding “(4.19)” before “(6)”.

(6) Section 42 of the Act is amended by adding the following subsections:

Same, refund following appeal if by-law is amended

(10.1) In the event of a dispute between a municipality and an owner of land as to the value of land for the purposes of subsection (4.19),

- (a) the municipality shall pay the owner the amount it considers to be owed under that subsection in accordance with subsection (4.20); and
- (b) the owner shall, no later than 30 days after receiving payment, apply to the Tribunal to have the value determined for the purpose of that subsection.

Same

(10.2) An owner of land who applies to the Tribunal under subsection (10.1) shall give notice of the application to the municipality within 15 days after the application is made.

Same

(10.3) On an application under subsection (10.1), the Tribunal shall, in accordance as nearly as may be with the *Expropriations Act*, determine the value of the land.

3 Section 47 of the Act is amended by adding the following subsections:

Interpretation, “specified land”

(4.1) In subsections (4.3) to (4.16),

“specified land” means land other than land in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*.

Exclusion of land in Greenbelt Area

(4.2) For greater certainty, the land in the Greenbelt Area that is excluded from the definition of “specified land” in subsection (4.1) is the area of land designated under clause 2 (1) (a) of the *Greenbelt Act, 2005* which, pursuant to subsection 2 (2) of that Act, includes,

- (a) the areas covered by the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*;
- (b) the areas covered by the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*; and
- (c) such areas of land as may be described in the regulations made under the *Greenbelt Act, 2005*.

Site plan control and inclusionary zoning, specified land

(4.3) The Minister may, in an order made under clause (1) (a) that applies to specified land,

- (a) provide that section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of all or a specified part of the specified land described in the order;
- (b) require that a person who owns all or any part of the specified land described in the order enter into one or more agreements with a municipality in which all or part of the specified land is situate dealing with some or all of the matters listed in subsection (4.4); and
- (c) exercise any of the powers conferred on councils by subsections 35.2 (1) and (2) in respect of all or a specified part of the specified land described in the order.

Matters that may be dealt with in agreement

(4.4) The matters referred to in clause (4.3) (b) are the following, subject to subsection (4.6):

1. A requirement that any development, within the meaning of subsection 41 (1), on all or a specified part of the specified land described in the order be undertaken in accordance with,
 - i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
 - ii. drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display,
 - A. the massing and conceptual design of the proposed building,

- B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,
 - C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,
 - D. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design,
 - E. matters relating to exterior access to each building that will contain affordable housing units or to any part of such a building, but only to the extent that it is a matter of exterior design,
 - F. the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, and
 - G. facilities designed to have regard for accessibility for persons with disabilities.
2. Anything that may be imposed as a condition by a municipality under subsection 41 (7) of this Act or subsection 114 (11) of the *City of Toronto Act, 2006*.
 3. Anything that may be imposed as a condition by an upper-tier municipality under subsection 41 (8).

Same, Minister's direction

(4.5) If an order made under clause (1) (a) includes a requirement described in clause (4.3) (b) to enter into an agreement, the Minister may, at any time before or after the agreement has been entered into, provide the parties with written direction concerning the agreement.

Contents of Minister's direction

- (4.6) Without limiting the generality of subsection (4.5), the Minister's direction may,
- (a) provide that one or more of the matters listed in subsection (4.4) shall not be dealt with in an agreement; or
 - (b) specify how any matter listed in subsection (4.4) shall be addressed in an agreement.

Compliance with Minister's direction

- (4.7) The parties that are required under clause (4.3) (b) to enter into an agreement shall ensure that,
- (a) if the Minister gives direction under subsection (4.5) before the agreement is entered into, the agreement complies with the direction; and
 - (b) if the Minister gives direction under subsection (4.5) after the agreement is entered into, the agreement is amended to comply with the direction.

Effect of non-compliance

(4.8) A provision of an agreement entered into pursuant to a requirement described in clause (4.3) (b) is of no effect to the extent that it does not comply with a direction the Minister gives under subsection (4.5).

Same, timing of Minister's direction

(4.9) Subsection (4.8) applies whether the Minister's direction is given before or after the agreement has been entered into.

Non-application of *Legislation Act, 2006*, Part III

(4.10) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a direction given by the Minister under subsection (4.5).

Restriction on matters in subs. (4.4), par. 1

(4.11) The following matters relating to buildings described in subparagraph 1 ii of subsection (4.4) shall not be dealt with in an agreement entered into pursuant to a requirement described in clause (4.3) (b):

1. The interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-subparagraph 1 ii C of subsection (4.4).
3. The manner of construction and construction standards.

Enforceability of agreement

(4.12) If an agreement is entered into between the owner of land and a municipality in accordance with a requirement described in clause (4.3) (b),

- (a) the agreement may be registered against the land to which it applies; and

- (b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Inclusionary zoning policies

(4.13) If an order is made under clause (1) (a) in which the Minister exercises a power described in clause (4.3) (c), the Minister may do one or both of the following:

1. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order and the municipality in which all or part of the specified land is situate enter into one or more agreements dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to (h) and ensuring continued compliance with the matters dealt with in the agreement.
2. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order enter into one or more agreements with the Minister dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to (h) and ensuring continued compliance with the matters dealt with in the agreement.

Same

(4.14) An order containing a requirement described in paragraph 1 of subsection (4.13) is deemed to be a by-law passed by the council of the relevant local municipality for the purposes of subsections 35.2 (3) to (9) and a municipality that is a party to an agreement mentioned in that paragraph shall take the steps required under those subsections.

Same

(4.15) If an agreement is entered into in accordance with a requirement described in subsection (4.13),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the Minister may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Same

(4.16) An order made under clause (1) (a) in which the Minister exercises a power described in clause (4.3) (c) applies regardless of whether the official plan in effect in the relevant local municipality contains policies described in subsection 16 (4).

.

Exception re notice — order exercising powers under subs. (4.3)

(9.1) Subsection (9) does not apply with respect to an order under clause (1) (a) if, in the order, the Minister has exercised any of the powers in subsection (4.3).

4 The definition of “effective date” in subsection 51.1 (0.1) of the Act is amended by striking out “the day subsection 32 (1) of the *Smart Growth for Our Communities Act*, 2015 comes into force” and substituting “July 1, 2016”.

5 Paragraph 24.1 of section 70.1 of the Act is repealed and the following substituted:

- 24.1 prescribing types of development or redevelopment for the purposes of subsection 37 (4);
- 24.1.1 prescribing requirements for the purposes of clause 37 (9) (b);
- 24.1.2 prescribing the percentage referred to in subsection 37 (32) to be applied to the value of land;
- 24.1.3 prescribing time periods for the purposes of clause 37 (33) (b) and subsections 37 (35) and (39);

AMENDMENTS TO OTHER ACTS

More Homes, More Choice Act, 2019

6 Sections 9 and 10, subsections 12 (1) to (8), 15 (1) to (5) and (7) and 17 (1) and (5) of Schedule 12 to the *More Homes, More Choice Act*, 2019 are repealed.

Plan to Build Ontario Together Act, 2019

7 Schedule 31 to the *Plan to Build Ontario Together Act*, 2019 is repealed.

COMMENCEMENT

Commencement

8 (1) Subject to subsection (2), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act*, 2020 receives Royal Assent.

(2) Sections 1, 2, 4 and 5 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 18
PROVINCIAL OFFENCES ACT**

1 The French version of the definition of “police officer” in subsection 1 (1) of the *Provincial Offences Act* is amended by striking out “constables spéciaux” and substituting “agents spéciaux”.

2 (1) Clause 5 (2) (b) of the Act is amended by striking out “in the manner provided in the offence notice” at the end and substituting “by mail or in any other manner specified in the offence notice”.

(2) Subsection 5 (2) of the Act, as amended by subsection (1), is amended by striking out “If the offence notice includes a part with a notice of intention to appear, the defendant” at the beginning and substituting “The defendant”.

(3) Subsection 5 (3) of the Act is repealed.

(4) Section 5 of the Act is amended by adding the following subsection:

Exception

(3.1) Despite subsection (3), the requirements of that subsection may be met without personal attendance by delivering the notice of intention to appear to the court office specified in the offence notice by mail or by any other method permitted by the court office, if the offence notice was served,

- (a) on or after the day subsection 2 (4) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force; or
- (b) before the day subsection 2 (4) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force, unless, before that day, the defendant,
 - (i) gave notice of intention to appear under this section, requested a meeting with the prosecutor in accordance with section 5.1 or pleaded guilty under section 7 or 8, or
 - (ii) was convicted under subsection 9 (2).

(5) Subsection 5 (3.1) of the Act, as enacted by subsection (4), is repealed.

(6) Subsection 5 (4) of the Act is repealed and the following substituted:

Specified court office

(4) A notice of intention to appear is not valid unless it is given to the court office specified on the offence notice.

(7) Subsection 5 (5) of the Act is amended by striking out “under subsection (2) or (3)” and substituting “under this section”.

3 (1) Subsections 5.1 (1) and (2) of the Act are repealed and the following substituted:

Availability of meeting procedure

(1) This section applies if the offence notice indicates that an option of a meeting with the prosecutor to discuss the resolution of the offence is available.

Requesting a meeting

(2) A defendant may, instead of giving notice of intention to appear under section 5, request a meeting with the prosecutor to discuss the resolution of the offence if, within 15 days after being served with the offence notice, the defendant,

- (a) indicates the request on the offence notice; and
- (b) delivers the offence notice to the court office specified in the offence notice by mail or in any other manner specified in the offence notice.

Specified court office

(2.1) An offence notice is not valid unless it is delivered to the court office specified in the offence notice.

(2) Subsection 5.1 (2) of the Act, as re-enacted by section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by striking out “Instead of filing the notice of intention to appear” at the beginning and substituting “Instead of giving notice of intention to appear under section 5”.

(3) The French version of subsection 5.1 (3) of the Act is amended by striking out “dès que possible” and substituting “dès que matériellement possible”.

(4) Subsection 5.1 (3) of the Act, as re-enacted by section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by striking out the portion before clause (a) and substituting the following:

Types of early resolution meetings

(3) The defendant may request to attend the early resolution meeting,

.

(5) Clause 5.1 (3) (a) of the Act, as re-enacted by section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding “at the court office” at the end.

(6) The French version of subsection 5.1 (5) of the Act is amended by striking out “dès que possible” and substituting “dès que matériellement possible”.

(7) Subsection 5.1 (6) of the Act is amended by striking out “if unable to attend in person because of remoteness”.

(8) The French version of subsections 5.1 (10) and (11) of the Act is amended by striking out “dès que possible” wherever it appears and substituting in each case “dès que matériellement possible”.

(9) Section 5.1 of the Act is amended by adding the following subsections:

Transition

(13) This section applies to a defendant served with an offence notice before the day subsection 3 (1) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* came into force, unless, before that day, the defendant,

- (a) gave notice of intention to appear under section 5, requested and attended a meeting with the prosecutor in accordance with this section or pleaded guilty under section 8; or
- (b) was convicted under subsection 9 (2).

Same

(14) Despite subsection (13), if the defendant requested a meeting with the prosecutor before the day referred to in that subsection and the meeting was not held but was scheduled before that day, this section applies to the defendant only if permitted by the clerk of the court.

(10) Subsections 5.1 (13) and (14) of the Act, as enacted by subsection (9), are repealed.

4 (1) Subsection 11 (2) of the Act is amended by adding “or on other evidence or information” after “if satisfied by affidavit of the defendant”.

(2) Subsection 11 (2) of the Act, as re-enacted by section 6 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding “or on other evidence or information” after “if satisfied by affidavit of the defendant” in the portion before clause (a).

(3) Clauses 11 (3) (a) and (b) of the Act are repealed and the following substituted:

- (a) proceed under section 7, if the offence notice does not indicate that the option of a meeting under section 5.1 is available and the defendant wishes to proceed under section 7;
- (b) direct the clerk of the court to give notice to the defendant and the prosecutor of the time and place of their meeting under section 5.1, if the offence notice indicates that the option of a meeting under that section is available and the defendant wishes to proceed under that section; or

5 (1) Subsections 17.1 (1) and (3) of the Act are repealed and the following substituted:

Alternative to s. 17

(1) This section applies if the parking infraction notice allows for the defendant to make an appointment to discuss the parking infraction notice and, if applicable, file the notice of intention to appear.

.

Filing

(3) A defendant who is served with a parking infraction notice may give notice of intention to appear in court for the purpose of entering a plea and having a trial of the matter by filing a notice of intention to appear with a person designated by the regulations,

- (a) in person at the time or times specified in the parking infraction notice;
- (b) by mail; or
- (c) in any other manner specified in the parking infraction notice.

(2) Section 17.1 of the Act is amended by adding the following subsection:

Exception

(3.1) Despite subsection (3), the requirements of that subsection may be met without personal attendance by delivering the notice of intention to appear to the place specified in the parking infraction notice by mail or in any other method permitted by the applicable municipality, if the parking infraction notice was served,

- (a) on or after the day subsection 5 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force; or

- (b) before the day subsection 5 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force, unless, before that day, the defendant,
 - (i) delivered a notice of intention to appear under this section or section 18.1.1 or paid the fine, or
 - (ii) was convicted under subsection 18.2 (6).

(3) Subsection 17.1 (3.1) of the Act, as enacted by subsection (2), is repealed.

6 (1) Subsections 18.1.1 (1) and (3) of the Act are repealed and the following substituted:

Alternative to s. 18.1

(1) This section applies if the notice of impending conviction allows for the defendant to make an appointment to discuss the notice of impending conviction and, if applicable, file the notice of intention to appear.

Filing

(3) A defendant who receives a notice of impending conviction may give notice of intention to appear in court for the purpose of entering a plea and having a trial of the matter by filing a notice of intention to appear with a person designated by the regulations,

- (a) in person at the time or times specified in the notice of impending conviction;
- (b) by mail; or
- (c) in any other manner specified in the notice of impending conviction.

(2) Section 18.1.1 of the Act is amended by adding the following subsection:

Exception

(3.1) Despite subsection (3), the requirements of that subsection may be met without personal attendance by delivering the notice of intention to appear to the place specified in the notice of impending conviction by mail or in any other method permitted by the applicable municipality, if the notice of impending conviction was received,

- (a) on or after the day subsection 6 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force; or
- (b) before the day subsection 6 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force, unless, before that day, the defendant,
 - (i) delivered a notice of intention to appear under this section or section 17.1 or paid the fine, or
 - (ii) was convicted under subsection 18.2 (6).

(3) Subsection 18.1.1 (3.1) of the Act, as enacted by subsection (2), is repealed.

7 Subsection 19 (2) of the Act is amended by striking out “or otherwise” and substituting “or on other evidence or information”.

8 (1) Subsection 26 (2) of the Act is repealed and the following substituted:

Service

- (2) A summons shall be served by a provincial offences officer,
 - (a) by delivering it personally to the person to whom it is directed or, if that person cannot conveniently be found, by leaving it for the person at the person’s last known or usual place of residence with an individual who appears to be at least sixteen years of age and resident at the same address; or
 - (b) in any other manner permitted by the regulations.

(2) Section 26 of the Act is amended by adding the following subsection:

Regulations

(7) The Lieutenant Governor in Council may make regulations specifying how a summons may be served on a person for the purposes of clause (2) (b), and setting out when such service is deemed to have been effected.

9 Section 45 of the Act is amended by adding the following subsection:

Same, participation by electronic method

(3.1) If the defendant is making a plea by electronic method under section 83.1, the court may accept a plea of guilty only if, in addition to subsection (3), the court is satisfied that,

- (a) the defendant does not believe that the defendant’s ability to conduct a defence is compromised by participating by electronic method; and

- (b) the defendant is not being unduly influenced in making the plea by circumstances or persons at the location where the defendant is physically located.

10 Subsection 76.1 (1) of the Act is amended by adding “or the rules of court” after “under this Act”.

11 Section 83.1 of the Act is repealed and the following substituted:

Participation in proceedings by electronic method

83.1 (1) In this section,

“electronic method” means video conference, audio conference, telephone conference or other method determined by the regulations.

Same

(2) Subject to this section, in any proceeding under this Act or any step in a proceeding under this Act, any person, including a defendant, a prosecutor, a witness, an interpreter, a justice or the clerk of the court, may participate by an electronic method made available by the court office.

Excepted proceedings, circumstances

(3) Subsection (2) does not apply with respect to proceedings or steps in a proceeding, or in circumstances, that are specified by the regulations.

Requirement to appear in person

(4) A justice may order a person to appear in person if the justice is satisfied that the interests of justice require it or it is necessary for a fair trial.

Same

(5) In making a determination under subsection (4), the justice shall consider any factors set out in the regulations.

Direction re method

(6) A justice may, subject to subsection (7), by order specify which of available electronic methods must or may be used.

Limitation re methods

(7) The electronic method that may be used in a proceeding or step in a proceeding is subject to any limitations specified by the regulations as to which electronic methods may be used in the proceeding or step.

Duties of the clerk

(8) If an offence notice indicates that the option of a meeting under section 5.1 is available, the clerk of the court at the court office indicated in the offence notice shall ensure that the court office has the means available to allow a defendant or prosecutor to attend by electronic method.

Oaths

(9) If evidence is given under oath by electronic method, the oath may be administered by the same electronic method.

Interpretation

(10) A provision of this Act, the regulations or the rules of court that presumes that participation would be in person shall not be read as limiting the application of this section, and shall be read in a manner consistent with this section.

Territorial jurisdiction

(11) A hearing in a proceeding by electronic method under this section is deemed to meet the requirements of subsections 29 (1) and (2) regardless of where a justice is physically located during the hearing.

Application in appeals

(12) This section applies, with necessary modifications, with respect to appeals under Part VII, and, for the purpose, references in this section to a court and to a justice shall be read as including reference to a court and to a judge respectively, as those terms are defined for the purposes of that Part.

Transition

(13) This section applies with respect to a proceeding whether it was commenced before, on or after the day section 11 of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Regulations

(14) The Lieutenant Governor in Council may make regulations,

- (a) respecting anything that, in this section, may or must be done by regulation;

- (b) requiring the payment of fees for using electronic methods, fixing the amounts of the fees, and specifying circumstances in which and conditions under which a justice or another person designated in the regulations may waive the payment of a fee.

12 The French version of section 89 of the Act is amended by striking out “introduite” and substituting “accomplie”.

13 Subsection 141 (2) of the Act is amended by striking out “file with the Superior Court of Justice for use on the application, all material concerning the subject-matter of the application” at the end and substituting “ensure that all material concerning the subject-matter of the application is filed with the Superior Court of Justice for use on the application”.

14 (1) Subsection 158.1 (1) of the Act is repealed and the following substituted:

Electronic warrants

Submission of information

(1) A provincial offences officer may submit an information on oath, by a means of electronic communication that produces a writing, to a justice designated for the purpose by the Chief Justice of the Ontario Court of Justice.

(2) **Clause 158.1 (4) (a) of the Act is repealed.**

(3) **Subsection 158.1 (6) of the Act is amended by adding “and” at the end of clause (a) and by striking out clause (b).**

(4) **Clause 158.1 (8) (b) of the Act is amended by striking out “telecommunication” and substituting “electronic communication”.**

15 The French version of the following provisions of the Act is amended by striking out “à sa face même” wherever it appears and substituting in each case “à première vue”:

1. **Clauses 9 (2) (a) and (b) and subsection 9 (3).**
2. **Subsection 9.1 (2).**
3. **Clause 18.2 (2) (a).**
4. **Subsection 18.4 (2).**
5. **Subsection 36 (1).**

16 The French version of the following provisions of the Act is amended by striking out “à sa face” wherever it appears and substituting in each case “à première vue”:

1. **Subsection 18.3 (1).**
2. **Subsection 18.3 (2).**

Stronger, Fairer Ontario Act (Budget Measures), 2017

17 Sections 2 and 16 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* are repealed.

Commencement

18 (1) Subject to subsections (2) to (5), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(2) Subsections 2 (2), (3) and (5) and 3 (10) come into force on the first anniversary of the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(3) Subsections 5 (1) and (3) and 6 (1) and (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

(4) Subsections 3 (2), (4) and (5) come into force on the later of the day section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(5) Subsection 4 (2) comes into force on the later of the day section 6 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 19
PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT

1 The *Public Transportation and Highway Improvement Act* is amended by adding the following sections:

No hearings of necessity

11.1 (1) Subsections 6 (2) to (5), section 7 and subsections 8 (1) and (2) of the *Expropriations Act* do not apply to an expropriation of land under section 11.

Transition

(2) If a decision under subsection 8 (2) of the *Expropriations Act* has not been made in respect of an intended expropriation of land under section 11 before the day section 1 of Schedule 19 of the *COVID-19 Economic Recovery Act, 2020* comes into force,

- (a) no hearing shall be held on the matter under section 7 of the *Expropriations Act*;
- (b) any hearing on the matter that has been commenced is deemed to be terminated on the day section 1 of Schedule 19 of the *COVID-19 Economic Recovery Act, 2020* comes into force; and
- (c) no report on the matter shall be given under subsection 7 (6) of the *Expropriations Act*.

This section prevails

(3) This section applies despite subsection 2 (4) of the *Expropriations Act*.

Alternative process

11.2 (1) The Minister may establish a process for receiving comments from property owners about a proposed expropriation under section 11 and for considering those comments.

How process established

(2) The Minister may make regulations establishing the process or may establish the process by another means.

Statutory Powers Procedure Act

(3) The *Statutory Powers Procedure Act* does not apply to a process for receiving and considering comments about a proposed expropriation under this section.

Commencement

2 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 20
TRANSIT-ORIENTED COMMUNITIES ACT, 2020

Definitions

1 In this Act,

“Minister” means the Minister of Transportation or such other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“priority transit project” means,

- (a) the line known as the Ontario Line located in the City of Toronto,
- (b) the subway extension known as the Scarborough Subway Extension, and also known as the Line 2 East Extension, located in the City of Toronto,
- (c) the subway extension known as the Yonge Subway Extension, and also known as the Yonge North Subway Extension, extending from within the City of Toronto to within the Regional Municipality of York, or
- (d) the light rail transit extension known as the Eglinton Crosstown West Extension extending westward from within the City of Toronto at the station known as Mount Dennis; (“projet de transport en commun prioritaire”)

“transit-oriented community project” means a development project of any nature or kind and for any usage in connection with the construction or operation of a station that is part of a priority transit project, and includes a development project located on transit corridor land within the meaning of Bill 171 (*Building Transit Faster Act, 2020*), introduced on February 18, 2020. (“projet communautaire axé sur le transport en commun”)

Designation of transit-oriented community land

2 (1) The Lieutenant Governor in Council may, by order in council, designate land as transit-oriented community land if, in the opinion of the Lieutenant Governor in Council, it is or may be required to support a transit-oriented community project.

Public notice

(2) The Minister shall publish notice of each designation made under subsection (1) on a Government of Ontario website.

Expropriations, no hearings of necessity

3 (1) Subsections 6 (2) to (5), section 7 and subsections 8 (1) and (2) of the *Expropriations Act* do not apply to an expropriation of land, within the meaning of that Act, if,

- (a) at least some part of the land is designated under subsection 2 (1) as transit-oriented community land; and
- (b) the expropriation is for a transit-oriented community project.

Conflict

(2) Subsection (1) applies despite subsection 2 (4) of the *Expropriations Act*.

Process for comments

(3) The Minister may establish a process for receiving comments from property owners about a proposed expropriation and for considering those comments.

Same, regulations

(4) The Minister may make regulations establishing a process described in subsection (3).

Statutory Powers Procedure Act

(5) The *Statutory Powers and Procedure Act* does not apply to a process for receiving and considering comments about a proposed expropriation established under subsection (3) or by regulations made under subsection (4).

AMENDMENTS TO OTHER ACTS**Ministry of Infrastructure Act, 2011**

4 (1) The Ministry of Infrastructure Act, 2011 is amended by adding the following section:

Investing in a transit-oriented community project

7.1 (1) The Minister may, subject to the approval of the Lieutenant Governor in Council, establish, acquire, manage, participate in or otherwise deal with corporations, partnerships, joint ventures or other entities for the purpose of investing assets in, supporting or developing transit-oriented community projects related to priority transit projects.

Borrowing and risk management

(2) When acting under subsection (1), the Minister may borrow or manage financial risks as long as,

- (a) the Minister of Finance has, in writing, approved the borrowing or management; and
- (b) the Ontario Financing Authority co-ordinates and arranges the borrowing or management, unless otherwise agreed to in writing by the Minister of Finance.

Investment policy

(3) The Minister shall ensure that every entity referred to in subsection (1) invests any funds that it receives either directly or indirectly from the Minister in accordance with an investment policy that has been approved in writing by the Minister of Finance.

Regulations

(4) The Lieutenant Governor in Council may make regulations,

- (a) prescribing and governing any additional powers that the Minister may require in order to carry out the activities set out in subsection (1);
- (b) prescribing and governing any limitations to permitted activities for the purposes of subsection (1);
- (c) prescribing provisions of the *Corporations Act*, *Business Corporations Act* and *Corporations Information Act* that apply or do not apply to any particular corporation referred to in subsection (1) and, in the case of provisions prescribed as applying, prescribing such modifications of those provisions as the Lieutenant Governor in Council considers necessary or advisable;
- (d) providing that an entity referred to in subsection (1) is or is not a Crown agent;
- (e) prescribing and respecting the governance structure, purposes, powers or duties for a partnership, joint venture or other entity referred to in subsection (1) that is not a corporation;
- (f) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for the purposes of this section, including to ensure that an entity referred to in subsection (1) may effectively carry out its purposes, powers and duties.

Definitions

(5) In this section,

“priority transit project” and “transit-oriented community project” have the same meaning as in the *Transit-Oriented Communities Act, 2020*.

(2) **Subsection 19 (2) of the Act is amended by adding the following paragraph:**

2.1 Section 7.1.

COMMENCEMENT AND SHORT TITLE

Commencement

5 (1) If Bill 171 (*Building Transit Faster Act, 2020*), introduced on February 18, 2020, receives Royal Assent, the Act set out in this Schedule comes into force on the later of,

(a) the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent; and

(b) the day Bill 171 receives Royal Assent.

(2) The Act set out in this Schedule does not come into force if Bill 171 does not receive Royal Assent.

Short title

6 The short title of the Act set out in this Schedule is the *Transit-Oriented Communities Act, 2020*.

In accordance with the notice and submission deadline requirements of Sections 18.1 (a) and 11.3, respectively, of Niagara Region's Procedural By-law, the Regional Clerk received from Councillor Huson a motion to be brought forward for consideration at the August 13, 2020 Council meeting respecting Child Care.

WHEREAS the Region of Niagara and Niagara's twelve local area municipalities jointly declared a state of emergency on April 3, 2020 to protect the health of our communities;

WHEREAS the COVID-19 pandemic has taken a destructive toll on Niagara's economy, resulting in business closures, job losses or a reduction of wages for Niagara residents and families;

WHEREAS women have been disproportionately impacted by these economic impacts, or have had to leave the labour market altogether in order to provide child care or home-schooling;

WHEREAS the provision of child care benefits employers, is proven to support economic recovery, but also leads to greater workforce participation by women and supports their return to the workforce;

WHEREAS the economic recovery of the Niagara Region and Ontario is dependent on families having access to safe, reliable, and affordable child care that incorporates early learning principles; and

WHEREAS a 2012 study on the economic value of child care identified that every dollar invested in child care in Ontario has a direct regional economic output of \$2.27.

NOW THEREFORE BE IT RESOLVED:

1. That the Niagara Region **REQUEST** that:

- a. The Government of Ontario prioritize children and child care as part of our overall post-pandemic recovery plan;
- b. The Government of Ontario develop, adequately fund and release publicly a comprehensive plan that can support families through the provision of licensed child care and early learning education; and
- c. The Government of Ontario and the Government of Canada work collaboratively to develop a National Child Care Strategy to make child care an essential part of our public infrastructure that can support and expedite economic recovery; and

2. That this motion **BE CIRCULATED** to those upper and single tier municipalities who are designated by the province as municipal service managers for childcare and local area MPPs and MPs.

The Economic Value of Child Care

County of Wellington Child Care Services

WINTER 2012

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This report is intended to stimulate discussion. Child Care Services supports the notion that there is a need for a broad range of services for supporting children's healthy development and family well-being - and licensed child care is an essential part of those services.

The Economic Value of Child Care

In Wellington and Guelph

Healthy Economies Depend on Child Care

- Countries with the healthiest families and sustained economic development are also most likely to view a licensed child care system as an essential part of the public infrastructure supporting the economy.

Each year more nations and regions around the world are considering child care and early childhood education as part of the public infrastructure designed to support the economy and to benefit society. These nations and regions (e.g., Sweden, New Zealand, Quebec) view child care as necessary for strengthening economic prosperity by encouraging high employment/population ratios by assisting parents in combining work and family responsibilities.

The Organisation for Economic Co-operation and Development (OECD) has identified publicly supported child care and early childhood education as critical to nations' wealth and citizen well-being. Hence, the OECD has been systematically documenting and comparing OECD member countries' development of child care and early childhood education policies and services since 1996, and is able to use this substantial database of world-wide statistics and information for relating child care to economic wealth.¹ Canada is classified as a rich nation, and yet, OECD and the United Nations International Children's Education Fund (UNICEF) relate our comparatively high level of relative child poverty (about 15%) to the low overall investment of the Gross Domestic Product (.3%) into our nation's child care and early childhood education infrastructure.²

Substantial longitudinal evaluation research studies show that child care and strategies for improving families' income are critical to reducing child poverty. Ultimately strategies without child care provisions and supports for improvements to family income have had little impact on reducing child poverty.³

The provincial Early Learning Program strategy for child care and early childhood education involved the historic move of child care policy to the Ministry of Education in 2011. This move, recommended by the OECD, fortifies the strategy for child care's governance and infrastructure by placing it under the domain of public education. By placing child care in the context of Education, it has greater potential to reduce child poverty and benefit all children and families, while also moving child care away from its restrictive image of being a social welfare service.⁴

This historic move will benefit the economy as well. The World Bank supports such action as an investment in human capital that prioritizes the development of less costly preventative programmes for young children who are vulnerable to developmental delay rather than more costly remedial programmes for older children and adults.⁵ In fact, the World Bank formally states that well conceived early childhood development programmes are a cost effective means of strengthening society.⁶ "When children fall behind, they tend to stay behind."⁷ A Canadian Paediatric Society Position Statement (2011) claims that if Canada does not address children's developmental vulnerability while they are young, economic growth in this country will likely be reduced by 15% to 20% over the next 60 years.⁸

THE BENEFITS OF CHILD CARE AND EARLY CHILDHOOD EDUCATION

1. Regional Economic Development

For every public dollar that is spent on child care in Ontario, there is a return on investment that benefits the regional economy. Economists describe the impact that the child care sector has on regional economies as “multipliers.”⁹ Child care and early childhood education multipliers across North America range in value, from 1.6 to 3.25, depending on the region being considered.¹⁰ This means that for every dollar invested, the economy’s output can be up to \$3.25.

- For every public dollar that is spent on child care in Ontario, the multiplier is 2.27. This means that an investment of \$1 results in an economic output of \$2.27.

There are, however, limitations on how effective the current system of child care and early childhood education can be in supporting regional economic development. Child care that is not full time, not high quality, and not delivered in a systematic way does not support regional economic development.¹¹

For there to be sustainable economic benefits for our region, full time, high quality, licensed child care and early childhood education needs to be available to families across all of our service planning areas.

- Research firmly shows that informal care arrangements that many families are forced to rely on in the absence of available accessible licensed child care options **do not** contribute to regional economic development in the same way that a system of high quality child care does.

The following charts demonstrate the importance of full time, full year licensed child care spaces and their impact on the local economy in our service delivery area

Glossary of terms

“Purchasing power of families” represents the ability of families to spend money in their local economy because they are accessing a local full time child care space. Only full time spaces are counted because full time, year round child care is important for helping families to stay connected to the workforce. The formula for determining the purchasing power of families used on the charts below is the number of full time licensed centre-based child care spaces in the area X the median family income (after tax) for the area.¹²

“The child care and ECE investment output impact on the economy” represents the multiplier effect of every dollar invested into child care in the community. The multiplier used on the charts below is 2.27.

This means that for every dollar invested into child care, there is a \$2.27 economic output. The formula for determining the output impact on the economy used below is the average cost of care for a full time space X the number of full time licensed centre-based child care spaces in the area (not including part time spaces) X the multiplier (2.27).¹³ The dollars invested in child care currently are mostly from fee-paying families; for a true multiplier impact on the economy using this particular formula, the investments in child care are meant to be public funding.

“With an additional 50 full time licensed child care spaces” represents the potential increase in the number of families’ ability to spend money in their local economy, and the potential increase in the investment output impact on the economy if there were an additional 50 full time, year round child care spaces in the area. The formula for determining the increase in the purchasing power of families is the median family income (after tax) for the area X 50 (full time licensed centre based child care spaces), added to the existing figure representing the “purchasing power of families” who have access to licensed child care in the area.¹⁴ The formula for determining the increase in the investment output impact on the economy if there were 50 more spaces is the average cost of care for a full time space X (the number of full time licensed centre-based child care spaces in the area (not including part time spaces) + an additional 50 spaces) X the multiplier (2.27).

City of Guelph		
	Based on current full time licensed spaces in child care centres	With an additional 50 full time licensed child care spaces
Purchasing Power of families using licensed child care	\$95,182,003	\$98,356,853
Child Care and ECE investment output impact on the economy	\$39,338,961	\$40,652,295

Town of Erin		
	Based on current full time licensed spaces in child care centres	With an additional 50 full time licensed child care spaces
Purchasing Power of families using licensed child care	\$4,584,146	\$8,535,996
Child Care and ECE investment output impact on the economy	\$1,442,204	\$2,685,644

Town of Minto		
	Based on current full time licensed spaces in child care centres	With an additional 50 full time licensed child care spaces
Purchasing Power of families using licensed child care	\$1,257,272	\$3,990,472
Child Care and ECE Investment output impact on the economy	\$571,943	\$1,815,297

Township of Centre Wellington		
	Based on current full time licensed spaces in child care centres	With an additional 50 full time licensed child care spaces
Purchasing Power of families using licensed child care	\$10,121,077	\$13,472,427
Child Care and ECE Investment output impact on the economy	\$3,754,928	\$4,998,283

Township of Guelph/Eramosa		
	Based on current full time licensed spaces in child care centres	With an additional 50 full time licensed child care spaces
Purchasing Power of families using licensed child care	\$4,263,504	\$8,070,204
Child Care and ECE Investment output impact on the economy	\$1,392,556	\$2,635,910

Township of Mapleton		
	Based on current full time licensed spaces in child care centres	With an additional 50 full time licensed child care spaces
Purchasing Power of families using licensed child care	No full time spaces	\$3,004,600
Child Care and ECE Investment output impact on the economy	No full time spaces	\$1,243,354

Township of Puslinch		
	Based on current full time licensed spaces in child care centres	With an additional 50 full time licensed child care spaces
Purchasing Power of families using licensed child care	No full time spaces	\$4,086,050
Child Care and ECE Investment output impact on the economy	No full time spaces	\$1,243,354

Township of Wellington North		
	Based on current full time licensed spaces in child care centres	With an additional 50 full time licensed child care spaces
Purchasing Power of families using licensed child care	\$2,896,188	\$5,735,588
Child Care and ECE Investment output impact on the economy	\$1,268,220	\$2,511,575

2. Labour Force Mobilization

Employment levels are connected to child care availability

When two parent families face labour market issues that discourage their work involvement (such as a local job market that is limited to one sector, shift work, etc) and there is the added stress of complicated child care arrangements, they often decide that they are “better off” financially and emotionally by having one parent not work (for single parent families, this is not likely to be an option at all).¹⁵

Despite a documented preference to work full time, parents will work part time, shorter days, and/or take jobs that accommodate the available child care schedule.¹⁶

- In Canada, there is an increase in numbers of parents working part time (rather than full time) that has been connected to child care not being available when they need it.¹⁷
- A 2011 OECD report shows that in Canada the proportion of working women who work fewer than 30 hours per week (part time) has risen since 1976. High rates of workers involved in part time and fragmented work arrangements reduces overall economic productivity. Lack of available child care contributes to parents’ part time and fragmented work arrangements.¹⁸
- Strategies and policies designed to support parents’ attachment to the workforce reduce gender inequality. Supportive policies for families who work are also important for addressing problems of population ageing and pension sustainability. A Goldman Sachs research paper states that in countries where it is relatively easy for women to work **and** have families, female employment and fertility **both** tend to be higher.¹⁹

Employment levels are connected to the cost of child care

- Research shows that a 10% increase in the cost of child care can result in a 2% decrease in maternal employment in the population.²⁰
- Families tend to seek out child care with a goal of cost reduction in mind, and tend to consider quality of their child’s care after they’ve found options they can afford.²¹

Across Canada, the highest cost of care in a licensed child care programme is for infants. For example, a full year of centre-based infant care can cost families about \$15,930 in Wellington and Guelph. Two semesters (i.e., one year) of tuition for a first year student in the College of Arts, BA programme at the University of Guelph is \$6,832.26.²²

The chart on the next page shows about how much, on average, families are paying for licensed centre-based child care in our service planning area. The far right column on the chart includes information about single parent families. Single parent families do not have the same options as two-parent families in deciding that one parent could remain working while the other cares for the children, nor do they

have the same level of flexibility as two parent families to coordinate their work schedules with family obligations (i.e., a strategy that is referred to as “off-shifting”).²³

Child Care Expenses for One Child in Full Time Centre-based Child Care as a Portion of Family Income²⁴

	Median Family Income after tax	Median female lone parent family income after tax	Annual Average Cost of Full Time Child Care	Portion of Median Family Income spent on child care for one child	Portion of Median female lone parent family income after tax spent on child care for one child
City of Guelph	\$63,497	\$35,879	\$11,561	18%	32%
Town of Erin	\$79,037	\$39,678	\$10,954	14%	28%
Town of Minto	\$54,664	\$34,420	\$10,954	20%	32%
Township of Centre Wellington	\$67,027	\$38,812	\$10,954	16%	28%
Township of Guelph/Eramosa	\$76,134	\$48,266	\$10,954	14%	22%
Township of Mapleton	\$60,092	\$50,713	\$10,954	18%	22%
Township of Puslinch	\$81,721	\$38,245	\$10,954	13%	29%
Township of Wellington North	\$56,788	\$33,318	\$10,954	19%	34%

Flexible licensed child care spaces are needed to support families

- Parents will seek the best combination of care arrangements they can get in order to achieve a comfortable level of work-life productivity.²⁵
- When child care programmes’ schedules are wider (e.g., earlier mornings, later evenings, even overnight and weekends), then families have more flexibility and can make choices among licensed options in order to find the programme that best suits their expectations and supports their child’s development.

In Canada, more people are working during hours that fall outside of the traditional work-day than ever before,²⁶ and many are working fewer hours overall, which can also lead to sporadic work schedules.²⁷

The pressure for families to cope with the work-life balance struggles that come from not being able to

work during traditional day-time hours can influence their child care decisions. What tends to happen in this kind of situation is families will prioritize any available child care arrangement that meets their schedule needs over a child care arrangement that is higher quality.²⁸

Research over the past several years shows that parents make decisions to enter into, re-enter, or stay in the workforce after having children based on a number of job-related characteristics such as having to work non-traditional hours, shift and seasonal work, or commuting. Licensed home child care is an available child care option in Wellington and Guelph that has potential for supporting families whose schedules do not match centre-based care.

In rural communities in particular, families tend to work long hours (about 1.5 hours per day longer than families in urban areas). Research shows that families living in rural communities often have no other choice but to rely on informal child care, because of a lack of available care and because the care schedules of programmes that do exist may not meet their care needs. This can interfere with rural families' ability to continue working, despite their desire to.²⁹

Child care benefits employers

Canadian work-life balance research includes examining public policy and a range of employer level supports for working families with young children. Return on investment (ROI) analyses of such work-life balance supports (e.g., parental leave policies, flexible work schedules, etc) have traditionally been described in terms of their impact on families, with emphasis on how these supports help to reduce the stresses individuals and families experience associated with caring for others while working. More recently, however, the research has included examinations of the return on investment of work-life policies and employer level supports in a wider frame – including the ROI such supports have on overall workplace effectiveness, employee performance and other benefits that accumulate for all employees (not only those with children).³⁰

Canadian statistics on sick time and workplace absenteeism illustrate the work-life balance challenges experienced by families with small children. Research shows that mothers of young children miss work an average of 10 days, and fathers miss work an average of 1.5 days due to child illness each year.³¹ These challenges become more difficult when a child care arrangement doesn't work out for whatever reason (e.g., unreliable provider, mis-fit between the programme and the expectations of parents, poor quality, too expensive, etc). It is estimated that parents of young children spend about 10 hours of work time organizing a new child care arrangement when a new one needs to be secured.³² Research from the US shows that breakdown in child care arrangements that causes workplace disruption costs American businesses \$3 billion each year.³³

The need for encouraging growth of licensed child care

- Families are using informal child care in our community. In Canada, 70% of children 5 years and younger, and 84% of school age children (6 to 12 years) have both their parents, or their sole parent, working.

Canadian estimates of the population of children who need child care show that the majority is in informal care for at least part of their parents' working hours.³⁴

- There is a licensed child care space available for only about 10% of children in Wellington and Guelph, and yet about 74% of all mothers with children younger than 6 years (and 95% of fathers) are working.³⁵
- It is reasonable to expect that there is a significant majority of working families that is relying on informal (unpaid and paid) child care arrangements in our communities so that they can be part of the local workforce.

The use of informal child care can result in additional financial consequences for families and for communities. Only an estimated 35% of unlicensed caregivers provide receipts.³⁶ This results in a majority of families being unable to access tax return incentives that are designed to reduce some of the cost burden experienced by young families paying for child care. This also means that child care providers who are working "under the table" are not contributing to the tax base.

From a policy development and service delivery planning perspective (at all levels of government), the undocumented nature of informal care used by families has two notable disadvantages:

1. It makes a proportion of child care work invisible, diminishing our ability to account for child care's true economic value;³⁷ and,
2. It contributes to the "market failure" of the child care industry to improve quality levels based on competitive market strategies. In other words, because informal child care is virtually invisible, the motivation for providers to offer better care than their competitors as a way to compete for client-families is also less likely. Therefore, the "market" fails to support improvements in child care quality through competition in the same that it might in another industry.³⁸

3. Child Care and Children's Healthy Development

Controlled research studies are most able to demonstrate the remarkable return on investment that child care and early childhood education has on children's healthy development. About 10 years ago, American economist, James Heckman recommended to the US government that the economic well-being of the country would improve significantly if there were a substantial public investment in child care and early childhood education in America. Heckman's proposition is based on Human Capital

Theory (early intervention is a good investment that protects against the expense of remedial action later in life).³⁹

For child care and early childhood education to have an impact on children's development and the subsequent gains for society, programmes need to be delivered in strategic ways.

- Full time, full year programmes have a greater impact on child development compared to part time, part year programmes.
- Children's participation in child care and early childhood education programmes **earlier** in their lives has a greater impact on their development than starting programmes later in their young lives.

Long term, children's involvement in high quality child care and early childhood education contributes to higher educational outcomes, lower rates of grade retention (school failure), and lower rates of children's involvement in special education. At its greatest potential, child care and early childhood education is known to influence individuals' health and their cognitive, social and financial status at 40 years of age.⁴⁰

- To have an impact on children's development, the focus of the early childhood education and care programming must involve the children directly.

Other approaches to supporting children's development are not as effective. For example, family-based home visiting strategies alone (without a formal early childhood education component) and even programmes that offer a combination of services (i.e., a parenting programme that includes children's involvement in early education and care activities) have little demonstrated direct impact on children's development.⁴¹

- Above all else, child care and early childhood education must be **high quality** to achieve an economic return on system investment.⁴²
- Quality rating systems play an important role in connecting public funding to child care programmes that demonstrate interest in developing and sustaining high quality programming for children and families.⁴³

All research studies that show a statistically significant impact of child care and early childhood education on the economy have also shown that for the impact to be measurable on children's development, programme staff must be well qualified and well paid. It is also important for child care and early childhood education programmes to have a strong focus on curriculum and to account for academic knowledge and skills **and** social emotional skills among children.⁴⁴

Final Note: Local Economic Development Depends on Child Care

- Child care is as important to the local economy as public transportation and road systems.

Child care is both an industry in its own right as well as an infrastructure that enables other sectors of the economy to function. It is therefore critical for strategic planning for sustainable economic development to include planning for the infrastructure of child care and early childhood education. This applies to urban and rural development. The Federation of Canadian Municipalities recommends that in order for rural communities to maintain a high level of quality of life and sustainable economic competitiveness, there needs to be infrastructure development unique to serving both urban and rural populations that includes child care services.⁴⁵

This is what we need to move toward. The infrastructure for child care and early childhood education must have sustained funding that is also flexible in order to be responsive to the community. Ultimately, the lack of available child care spaces costs taxpayers more than a comprehensive, publicly planned child care system would.⁴⁶

The cost-benefit research on child care's contribution to regional economies shows that the current market-based strategy for child care does not reap the same benefits as public child care and early childhood education systems do. Public systems that assume common governance are able to strengthen the link between system planning and system delivery. This has an impact on the development of policies and services, so that they can be more directly focused on ensuring that there are adequate facilities, well-trained educators, strong curricular approaches for supporting children's well-being.⁴⁷ In the current child care system, there are additional administration costs associated with planning for services and delivering funding to third parties, while, at the same time, there is less ability to ensure that services are delivered where (and how) they are needed to meet children's, families' and communities' needs.

- Child care is not a publicly delivered service. In Ontario, the main investors in child care and early childhood education are families paying fees for child care.

Public investments to support child care in Wellington and Guelph are distributed to independent child care programme operators by the County of Wellington Child Care Services. Although all child care centres in Ontario are required to have a provincial Day Nurseries license to operate; in our service planning area, only programmes engaged in a service contract with Child Care Services receive public funding. The main features of the child care "system" are through the elements related to the service system management responsibilities Child Care Services has for planning and delivering public funding to child care operators. Even so, public funding comprises only about 24% of the overall revenue that child care programmes need to operate; typically, the majority of their revenue (76%) is paid for by families.

Child care is delivered to families in Ontario based on a market strategy that is supported by limited public funding and policy. The child care system is supplemented by independent (not for profit and for profit) organizations and businesses. This method of system delivery appeals to some because of the

potential cost-savings to government; however, there are a number of factors that limit the cost-savings reality.⁴⁸ There is low profitability in child care, due to its high labour expenses; when child care is delivered with the intention of reducing costs and gaining profits, wages of workers are most often compromised in order to keep costs down.⁴⁹ Early childhood educators' wages have a direct link to quality levels in child care programmes: the lower the wages, the lower the quality.⁵⁰ To have a positive impact on sustainable economic development, child care must be high quality.

- The OECD recommends that coordination of child care and early childhood education policies occur at a central level (i.e., one ministry: the Ministry of Education), and practical management of the system occur at the municipal level. Integration of child care and early childhood education services at the local level reduces the investment cost, and improves the cost benefit outcome.⁵¹

Municipalities in Ontario already have some degree of authority to manage the child care system at the local level; however, our management capacity can be heightened to have a greater impact on local economic development. Strengthening and supporting our role as the Consolidated Municipal Service Manager (CMSM) for child care and early childhood education benefits us locally and is a worthwhile pursuit because:

- ▶ Child care is a labour intensive industry, which helps to make it an employment creating sector.⁵² Every one full time job in child care creates or sustains up to 2.15 jobs in Canada.⁵³
- ▶ The current licensed centre-based child care industry in Wellington County and Guelph generates over \$20 million annually (\$5,243,372 in Wellington and \$15,262,496 in Guelph) making it a notable industry in our community.
- ▶ There are more than 450 child care and early childhood education workers in Wellington and Guelph's centre and licensed home-based child care industry.

These important factors emphasize the progress that can be achieved by supporting our role as the CMSM to manage the child care sector as an integrated system.

Building the infrastructure for economic development in Wellington and Guelph includes helping families to balance their work and family priorities. Economic and social progress at a societal level requires children's well-being at the family level. Wellington and Guelph's economic wealth will benefit from high quality child care and early childhood education across all of our service planning areas.

End Notes

¹ OECD (2006). *Starting Strong II: Early Childhood Education and Care*. Available at: www.sourceoecd.org/education/9264035451

² UNICEF Innocenti Research Centre (2005). *Poverty in Rich Countries*. Florence, Italy: UNICEF.

³ Penn, H. (2007). Childcare market management: how the United Kingdom Government has reshaped its role in developing early childhood education and care. *Contemporary Issues in Early Childhood*, 8 (3): 192-206.

⁴ Pascal, C. (2009). *With Our Best Future in Mind: Implementing Early Learning in Ontario*. Report to the Premier by the Special Advisor on Early Learning. Available for download: www.ontario.ca/earlylearning.

⁵ Woodhead, M. (2006). Changing perspectives on early childhood: theory, research and policy. *International Journal of Equity and Innovation in Early Childhood*, 4 (2):5-48.

⁶ See the World Bank website at www.worldbank.org/

⁷ Felitti, V.J. (2002). Reverse alchemy in childhood: Turning gold into lead. Centre for Disease Control, Adverse Childhood Experiences Study, & Heckman, J. (2002). Invest in the very young. University of Chicago, cited in Williams, R. & Clinton, J. (2011). Getting it right at 18 months: In support of an enhanced well-baby visit. *Pediatric Child Health*, 16 (10): 647-650.

⁸ Kershaw, P., Warburton, B., Anderson, L., Hertzman, C., Irwin, L.G., Forer, B. (2010). The economic costs of early vulnerability in Canada. *Canadian Journal of Public Health*, 101 (3): S8-12 cited in Williams, R. & Clinton, J. (2011). Getting it right at 18 months: In support of an enhanced well-baby visit. *Pediatric Child Health*, 16 (10): 647-650.

⁹ Fairholm, R. (2011, June 22). Economic Impacts of Early Learning and Care. *Early Education Economic Forum*, Atkinson Centre, OISE/University of Toronto. Toronto, Ontario: The Centre for Spatial Economics.; Wehner, Kelly, & Prentice (2008); Warner, M. E. (2006). Overview: Articulating the economic importance of child care for community development. *Community Development, Journal of the Community Development Society*, 37 (2), pp. 1-6.; Warner, M. E. (2006). Putting child care in the regional economy: Empirical and conceptual challenges and economic development prospects. 37 (2), pp. 7-22.; and, Warner, M., Adriance, S., Barai, N., Hallas, J., Markeson, B., Morrissey, T., et al. (2004). *Economic Development Strategies to Promote Quality Child Care*. Ithaca, New York: Linking Economic Development and Child Care Research Project, Cornell University.

Multipliers account for the input and the corresponding output of units in economic terms. Robert Fairholm, Canadian economist at the Centre for Spatial Economics, uses an example of car manufacturing to illustrate the concept. A \$100 increase in spending on cars requires a \$100 increase in production, which indirectly increases production by all other suppliers to the car (tires, etc) by \$20, resulting in a needed increase in production by *their* suppliers by \$2 – making the multiplier in this scenario 1.22 (\$122/\$100) (2011, p. 9).

¹⁰ For the multipliers for a rural region in Manitoba, see: Wehner, Kelly, & Prentice, 2008. For the US state average of 1.91 to 3.25 for the entire country of the US, see: Liu, Ribeiro, & Warner, 2004. For all of Canada, the multiplier is 2.34 - see: Centre for Spatial Economics, 2009. Establishing the multiplier (long term and short term) of early childhood education and care programmes for specific regions includes analyses of the programme costs, programme benefits, kindergarten to grade 12 educational savings, participant earnings, smoking health, post-secondary school attendance, criminal justice system savings, welfare expenditure savings, etc. For Ontario, the multiplier for child care and early childhood education is determined to be 2.27 (Fairholm, 2011).

¹¹ Centre for Spatial Economics. (2009). *Understanding and Addressing Workforce Shortages in Early Childhood Education and Care (ECEC) Project: Literature Review of the Socioeconomic Effects and Benefits*. Ottawa: Child Care Human Resources Sector Council. & Cleveland, G., & Krashinsky, M. (2005, July 25). The Nonprofit Advantage: Producing Quality in Thick and Thin Child Care Markets. Scarborough, Ontario: Department of Management, University of Toronto at Scarborough. & Liu, Z. R., Ribeiro, R., & Warner, M. (2004). *Comparing Child Care Multipliers in the Regional Economy: Analysis from 50 States*. Cornell University Linking Economic Development and Child Care Research Project.

¹² The formula for estimating the purchasing power of families in an area who use licensed child care comes from Ribeiro & Warner, Methodology Guide, Section 4: Number of Working Parents using child care X the median annual family income (after tax) for the area. The number of full time, full year spaces (licensed capacity, November, 2011) is used to represent the “number of working families” using licensed child care. There is obvious variation in how families actually use child care (as is described in this report), however, this variable is used based on the premise that full time, year round child care is important to supporting families’ sustained connection to the workforce.

¹³ This formula is based on the current investment into child care based on parent fees and licensed capacity (infants to full time 72 mos; School Age and part time spaces are not included) X the Ontario multiplier 2.27 (Fairholm, 2011; a recent Report to the Toronto Core Service Review, Community Development and Recreation Committee, July 20, 2011, by Zeenat Janmohamed, Executive Director of the Centre for Society and Child Development included the statement, “every dollar invested in childcare increases the economy’s output (GDP) by \$2.30.”). There are municipal variations that would have an impact on the “true” multiplier for each region, however, for the purpose of this exercise, using the 2.27 multiplier is most efficient and most reliable.

¹⁴ The formula for estimating the purchasing power of families, with 50 additional full time, year round spaces, is the median family income (after tax) for the area X 50 (spaces)+ the existing “purchasing power” of families in the area who use licensed child care (see above)

¹⁵ Penn, H. (2011). Policy Rationales for Early Childhood Services. *International Journal of Child Care and Education Policy*, 5 (1), 1-16.

¹⁶ McKinley, R. (2010). Child care by choice or by default? Examining the experiences of unregulated home based child care for women in paid work and training. St Catherine's, Ontario: Social Justice and Equity Studies, Brock University. & Warner, M. E. (2006). Overview: Articulating the economic importance of child care for community development. *Community Development, Journal of the Community Development Society*, 37 (2), pp. 1-6.

¹⁷ Ferrao, V. (2010). *Paid Work: Women in Canada, A Gender Based Statistical Report*. Statistics Canada.

¹⁸ OECD (2011, 12 05). *Divided we stand: Why inequality keeps rising, Country Note: Canada*. Retrieved 12 06, 2011, from www.oecd.org/dataoecd/50/52/49177689.pdf

¹⁹ Daly, K. (2007). Gender inequality, growth and global ageing. *Goldman Sachs Global Economics Paper No: 154*.

²⁰ Blau 2001 in Barnett, W. S., & Ackerman, D. J. (2006). Cost, benefits and long-term effects of early care and education programs: recommendations and cautions for community developers. *Community Development*, 37 (2), pp. 86-100.

²¹ McKinley, R. (2010). Child care by choice or by default? Examining the experiences of unregulated home based child care for women in paid work and training. St Catherine's, Ontario: Social Justice and Equity Studies, Brock University.

²² University of Guelph, Office of Registrarial Services. (2011, September). *Student Financial Services*. Retrieved 12 7, 2011, from Undergraduate Student Tuition Fees: www.uoguelph.ca/registrar/studentfinance/index.cfm?app=tuition&page=index&level=ug&year=2011&semester=fall&cohort=2011&campus=uofg&feepage=canft

²³ Ruhm, C.J. (2011). Policies to assist parents with young children. *The Future of Children*, 21 (2): 37-68.

²⁴ Median family income after tax data are 2006 Census data from the Wellington-Dufferin-Guelph Coalition for Report Cards on the Well-Being of Children (2011). The well-being of children ages 7-13: A report card for Wellington-Dufferin-Guelph. The average cost of child care is the average of the “Average Public Rates 2010-2011” for full time, full year (52 weeks - Policies vary among programmes, however many require fees to be covered during times that the child is away from the programme for vacation, etc.) Infant, Toddler and Preschool care. Infant care is valued at \$15,340 (Guelph & Wellington), Toddler care is valued at \$10,244 (Guelph) and \$9,360 (Wellington), Preschool care is valued at \$9,100 (Guelph) and \$8,164 (Wellington). Please note that child care subsidies are available to families to support them in covering the cost of child care based on the following income guide, established by the Province of Ontario (Ministry of Education):

Family Income	Family's Share of Cost per month		Family Income	Family's Share of Cost per month
Under \$20, 000	No cost			
\$ 25 000	\$ 42		\$ 30 000	\$ 83
\$ 35 000	\$ 125		\$ 40 000	\$ 167
\$ 45 000	\$ 292		\$ 50 000	\$ 417
\$ 55 000	\$ 542		\$ 60 000	\$ 667
\$ 65 000	\$ 792		\$ 70 000	\$ 917

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THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO AMEND BY-LAW 89-2000 TO PROVIDE FOR THE REGULATION OF
TRAFFIC ON REGIONAL HIGHWAYS (SPEED LIMIT REDUCTION
REGIONAL ROAD 37 IN THE CITY OF THOROLD)

WHEREAS on the 20th day of April, 1989 the Council of The Regional Municipality of Niagara did pass By-law No. 89-2000, which is a by-law to provide for the regulation of traffic on Regional Highways;

WHEREAS it is necessary from time to time to amend the said by-law,

WHEREAS on the 23rd day of July, 2020, Council of The Regional Municipality of Niagara passed By-law 2020-47 being a by-law to delegate authority to the Director of Transportation Services to request the preparation of an amending by-law to make routine and administrative changes to the schedules of Traffic and Parking By-law 89-2000 in accordance with the Delegation of Authority Respecting Traffic and Parking By-law 89-2000 Matters Policy;

WHEREAS a memorandum dated August 7, 2020, has been received from the Director of Transportation Services in accordance with said Policy requesting the Clerk to prepare and present to Council an amending by-law to amend By-law 89-2000 for purposes of a speed limit reduction on Regional Road 37 in the City of Thorold.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That Schedule "W" of the said By-law No. 89-2000 be and the same is hereby amended by **deleting** the following:

Schedule "W"
Speed Limits

COLUMN 1	COLUMN 2		COLUMN 3
HIGHWAY	FROM	TO	MAXIMUM SPEED KM/H
Regional Road 37 (Merritt Road)	Regional Road 50 (Niagara Street)	Kottmeier Road	80

2. That Schedule "W" of the said By-law No. 89-2000 be and the same is hereby amended by **adding** the following:

Schedule "W"
Speed Limits

COLUMN 1	COLUMN 2		COLUMN 3
HIGHWAY	FROM	TO	MAXIMUM SPEED KM/H
Regional Road 37 (Merritt Road)	Regional Road 50 (Niagara Street)	Kottmeier Road	60

3. That this by-law shall come into force and effect on the day upon which it is passed and signs are installed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: < date >

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO AMEND BY-LAW 89-2000 TO PROVIDE FOR THE REGULATION OF
TRAFFIC ON REGIONAL HIGHWAYS (SPEED LIMIT REDUCTION
REGIONAL ROAD 67 IN THE CITY OF THOROLD)

WHEREAS on the 20th day of April, 1989 the Council of The Regional Municipality of Niagara did pass By-law No. 89-2000, which is a by-law to provide for the regulation of traffic on Regional Highways;

WHEREAS it is necessary from time to time to amend the said by-law,

WHEREAS on the 23rd day of July, 2020, Council of The Regional Municipality of Niagara passed By-law 2020-47 being a by-law to delegate authority to the Director of Transportation Services to request the preparation of an amending by-law to make routine and administrative changes to the schedules of Traffic and Parking By-law 89-2000 in accordance with the Delegation of Authority Respecting Traffic and Parking By-law 89-2000 Matters Policy;

WHEREAS a memorandum dated August 7, 2020, has been received from the Director of Transportation Services in accordance with said Policy requesting the Clerk to prepare and present to Council an amending by-law to amend By-law 89-2000 for purposes of a speed limit reduction on Regional Road 67 in the City of Thorold.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That Schedule "W" of the said By-law No. 89-2000 be and the same is hereby amended by **deleting** the following:

Schedule "W"
Speed Limits

COLUMN 1	COLUMN 2		COLUMN 3
HIGHWAY	FROM	TO	MAXIMUM SPEED KM/H
Regional Road 67 (Beaverdams Road)	Decew Road	300 metres west of Queen Street	70

2. That this by-law shall come into force and effect on the day upon which it is passed and signs are installed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: < date >

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO AMEND BY-LAW 89-2000 TO PROVIDE FOR THE REGULATION OF
TRAFFIC ON REGIONAL HIGHWAYS (PARKING PROHIBITION
REGIONAL ROAD 101 IN THE CITY OF NIAGARA FALLS)

WHEREAS on the 20th day of April, 1989 the Council of The Regional Municipality of Niagara did pass By-law No. 89-2000, which is a by-law to provide for the regulation of traffic on Regional Highways;

WHEREAS it is necessary from time to time to amend the said by-law,

WHEREAS on the 23rd day of July, 2020, Council of The Regional Municipality of Niagara passed By-law 2020-47 being a by-law to delegate authority to the Director of Transportation Services to request the preparation of an amending by-law to make routine and administrative changes to the schedules of Traffic and Parking By-law 89-2000 in accordance with the Delegation of Authority Respecting Traffic and Parking By-law 89-2000 Matters Policy;

WHEREAS a memorandum dated August 7, 2020, has been received from the Director of Transportation Services in accordance with said Policy requesting the Clerk to prepare and present to Council an amending by-law to amend By-law 89-2000 for purposes of a parking prohibition on Regional Road 101 in the City of Niagara Falls.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That Schedule "C" of the said By-law No. 89-2000 be and the same is hereby amended by **deleting** the following:

Schedule "C"
Parking Prohibitions

COLUMN 1 HIGHWAY	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 TIMES /DAYS
		FROM	TO	
Regional Road 101 (Mountain Road)	Both	92 metres west of Regional Road 100 (St. Paul Street)	74 metres east of Regional Road 100 (St. Paul Street)	Anytime

2. That Schedule “C” of the said By-law No. 89-2000 be and the same is hereby amended by **adding** the following:

Schedule “C”
Parking Prohibitions

COLUMN 1 HIGHWAY	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 TIMES /DAYS
		FROM	TO	
Regional Road 101 (Mountain Road)	Both	Mewburn Road	74 metres east of Regional Road 100 (St. Paul Street)	Anytime

3. That this by-law shall come into force and effect on the day upon which it is passed and signs have been erected and are on display.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO ADOPT, RATIFY AND CONFIRM THE ACTIONS OF
REGIONAL COUNCIL AT ITS MEETING
HELD AUGUST 13, 2020

WHEREAS subsection 5 (3) of the Municipal Act, S.O. 2001, Ch. 25, as amended, provides that, except if otherwise authorized, the powers of Regional Council shall be exercised by by-law; and,

WHEREAS it is deemed desirable and expedient that the actions of Regional Council as herein set forth be adopted, ratified and confirmed by by-law.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the actions of the Regional Council at its meeting held August 13, 2020, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.
2. That the above-mentioned actions shall not include:
 - a) Any actions required by law to be taken by resolution; or
 - b) Any actions for which prior Local Planning Appeal Tribunal approval is required, until such approval is obtained.
3. That the Chair and proper officials of The Regional Municipality of Niagara are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
4. That unless otherwise provided, the Chair and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of The Regional Municipality of Niagara to all documents necessary to give effect to the above-mentioned actions.
5. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: < >