

**THE REGIONAL MUNICIPALITY OF NIAGARA  
PROCEEDINGS OF COUNCIL  
MINUTES**

**CL 2-2025**

**Thursday, January 23, 2025**

**Meeting held by electronic participation**

Council: Bradley (Regional Chair)\*, Bateman, Campion, Chiocchio, Davies, Diodati, Easton, Foster, Gale, Ganann, Grant, Heit, Huson, Jordan, Morocco, Rigby\*, Seaborn, Secord, Siscoe, Sorrento, Ugulini, Villella, Whalen, Witteveen

Absent/Regrets: Craitor, Insinna, Ip, Junkin, Kaiser, Redekop, Steele, Zalepa

Staff: D. Carnegie, Acting Commissioner, Corporate Services/Treasurer\*, S. Dunsmore, Director, Infrastructure Planning & Development Engineering, B. Fricke, Senior Planner, D. Gibbs, Director, Legal & Court Services, C. Habermebl, Director, Waste Management Services, Dr. A. Kasmani, Medical Officer of Health, S. Klair, Director, Childrens Services, H. Koning, Commissioner, Community Services, A. Korchok, Chief of Staff, Governance\*, K. Lotimer, Deputy Clerk\*, M. Marino, Associate Director, Economic Development, D. Morreale, Director, Growth Management & Planning, A.-M. Norio, Regional Clerk\*, T. Ricketts, Commissioner, Public Works, M. Sergi, Deputy Chief Administrative Officer\*, J. Spratt, Legislative Coordinator\*, A. Stea, Director, Corporate Strategy & Community Sustainability, F. Tassone, Director, Transportation Services, A, Tikky, Senior Project Policy Manager, R. Tripp, Chief Administrative Officer

\* indicates participants who attended the meeting in person, all others participated electronically

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**1. CALL TO ORDER**

Regional Chair Bradley called the meeting to order at 6:30 p.m.

**2. LAND ACKNOWLEDGEMENT STATEMENT**

Councillor Ganann read the Land Acknowledgment Statement.

**3. SINGING OF 'O CANADA'**

Regional Chair Bradley asked all in attendance to stand for the singing of 'O Canada'.

**4. ADOPTION OF AGENDA**

4.1 Addition of Items

There were no items added to the agenda.

4.2 Changes in Order of Items

Moved by Councillor Siscoe  
Seconded by Councillor Bateman

That the order of the agenda **BE AMENDED** to move the consideration of the motion respecting Use of the Notwithstanding Clause (Legislation that would facilitate the eviction or displacement of encampment residents) Violating Charter Rights (Agenda Item 14.1) to immediately following the delegations on this matter (Agenda Items 8.1.1 to 8.1.10).

**Carried**

Moved by Councillor Morocco  
Seconded by Councillor Whalen

That Council Agenda CL 2-2025, **BE ADOPTED**, as amended.

**Carried**

**5. DISCLOSURES OF PECUNIARY INTEREST**

Councillor Huson declared a conflict with respect to the portion of Minutes BRCOTW 7-2024 (Agenda Item 12.1) pertaining to the Niagara Peninsula Conservation Authority operating budget (Memorandum BRC-C 25-2024 (Minute Item 6.1, Clause 3(b)), as the Niagara Peninsula Conservation Authority (NPCA) is a client of her employer; therefore, she did not take part in any discussion pertaining to the NPCA.

Councillor Morocco declared a conflict during the closed session portion of the meeting with respect to Confidential Report PDS 1-2025 (Agenda Item 16.2.1); therefore she did not take part in any discussion or vote on this matter.

**6. PRESENTATIONS**

There were no presentations.

**7. CHAIR'S REPORTS, ANNOUNCEMENTS, REMARKS**

The Regional Chair provided an update respecting activities within the Region.

## 8. **DELEGATIONS**

### 8.1 Use of the Notwithstanding Clause (Legislation that would facilitate the eviction or displacement of encampment residents) Violating Charter Rights (Agenda Item 14.1)

#### 8.1.1 Alicia Marshall, Niagara Advocates with Lived and Living Experience (NALE)

This delegate did not appear before Council.

#### 8.1.2 Craig Adams, Fresh Niagara Mushrooms

Craig Adams, Fresh Niagara Mushrooms, appeared before Council in support of the motion respecting Use of the Notwithstanding Clause (Legislation that would facilitate the eviction or displacement of encampment residents) Violating Charter Rights.

#### 8.1.3 Skye Butters, Resident, City of St. Catharines

Skye Butters, resident, City of St. Catharines, appeared before Council in support of Councillor Bateman's motion respecting the Use of the Notwithstanding Clause.

#### 8.1.4 Tori Wattam, Resident, City of Niagara Falls

Tori Wattam, resident, City of Niagara Falls, appeared before Council in support of the motion respecting the Use of the Notwithstanding Clause.

#### 8.1.5 Saleh, Waziruddin, Resident, City of St. Catharines

Saleh Waziruddin, resident, City of St. Catharines, appeared before Council in support of the motion respecting the Use of the Notwithstanding Clause.

#### 8.1.6 Deanna Ernest, Beyond the Streets

Deanna Ernest, Beyond the Streets, appeared before Council in support of Councillor Bateman's motion respecting the Use of the Notwithstanding Clause.

#### 8.1.7 Gabriel Gebril, Resident, City of St. Catharines

Gabriel Gebril, resident, City of St. Catharines, appeared before Council in support of Councillor Bateman's motion respecting the Use of the Notwithstanding Clause (Legislation that would facilitate the eviction or displacement of encampment residents) Violating Charter Rights.

8.1.8 Kerry Duncan, Resident, City of St. Catharines

Kerry Duncan, resident, City of St. Catharines, appeared before Council to request that Councillor's support the motion respecting the Use of the Notwithstanding Clause.

8.1.9 Brad Envoy, Executive Director, Disability Justice Network of Ontario

Brad Envoy, Executive Director, Disability Justice Network of Ontario, appeared before Council in support of Councillor Bateman's motion respecting the Use of the Notwithstanding Clause.

8.1.10 Rin Simon, Resident, City of St. Catharines

Rin Simon, resident, City of St. Catharines, appeared before Council in support of the motion respecting the Use of the Notwithstanding Clause.

**14. MOTIONS**

14.1 Use of the Notwithstanding Clause (Legislation that would facilitate the eviction or displacement of encampment residents) Violating Charter Rights

Moved by Councillor Bateman  
Seconded by Councillor Seaborn

**WHEREAS** mayors from several Ontario municipalities have recently petitioned the Premier of Ontario to invoke the notwithstanding clause for the removal of encampments, where no housing or shelter space exists or any action or enforcement for such eviction or displacement thereby undermining and violating the very rights that Canada's Charter of Rights and Freedoms is in place to protect; and

**WHEREAS** the application of Section 7 of the Charter to issues concerning encampments and individuals living in temporary shelters was affirmed in the decision of Justice Valente in *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670; and

**WHEREAS** The Regional Municipality of Niagara has declared a state of emergency on homelessness, housing and mental health and addictions; and

**WHEREAS** The Regional Municipality of Niagara recently endorsed a motion supporting the Big City Mayors' "Solve the Crisis Campaign", which thoughtfully outlined a path forward including the appointment of ministry and Minister who would be responsible with the appropriate funding and powers as a single point of contact to address the full spectrum of housing needs as well as mental health, addictions and wrap around supports; and

**WHEREAS** individuals who remain unhoused are experiencing trauma, mental health challenges, and may be experiencing substance use disorders are among the most vulnerable members of our society, deserving of protection and support rather than further marginalization; and

**WHEREAS** the resources to remove encampments will have a significant impact on our budget and all financial resources should be directed to housing supports.

NOW THEREFORE IT BE RESOLVED:

1. That the Regional Municipality of Niagara **OPPOSES** the use of the notwithstanding clause by the Government of Ontario in connection with any legislation that would facilitate the eviction or displacement of encampment residents;
2. That the Regional Municipality of Niagara **AFFIRMS** that all individuals, regardless of their housing status or personal circumstances, are entitled to the full protection of their Charter rights;
3. That the Regional Municipality of Niagara **RECOGNIZES** that addressing homelessness, mental health issues, and addiction requires trauma-informed, evidence-based solutions that respect the dignity and rights of all individuals;
4. That the Regional Municipality of Niagara **CALLS** upon the provincial government to work collaboratively with municipalities, health experts, and community organizations to develop comprehensive strategies that address the root causes of homelessness, mental health challenges, and addiction, while upholding the Charter rights of all citizens; and

5. That the Regional Municipality of Niagara **COMMITTS** to advocating for increased funding and support for affordable housing, mental health services, and addiction treatment programs as more effective and humane alternatives to encampment evictions and that this motion be shared with all local area municipalities, Ontario Big City Mayors, local MPP's and the Honourable Doug Ford. Attorney General, Doug Downey, the Minister of Children, Community and Social Services, Michael Parsa, the Finance Minister, Peter Bethlenfalvy and the Minister of Health, Sylvia Jones.

Moved by Councillor Huson  
Seconded by Councillor Easton

That Clause 1 of the motion **BE AMENDED** as follows:

1. ~~That the Regional Municipality of Niagara **OPPOSES** the use of the notwithstanding clause by the Government of Ontario in connection with any legislation that would facilitate the eviction or displacement of encampment residents;~~ ***That Niagara Regional Council SUPPORTS Section 7 of the Canadian Charter of Rights and Freedoms and upholding the values presented therein;***

Recorded Vote:

Yes (21) Campion, Chiocchio, Davies, Diodati, Easton, Foster, Gale, Ganann, Grant, Heit, Huson, Jordan, Morocco, Rigby, Secord, Siscoe, Sorrento, Ugulini, Villella, Whalen, Witteveen.

No (2): Bateman, Seaborn.

**Carried**

The Regional Chair called the vote on the motion, as amended.

Recorded Vote:

Yes (23): Bateman, Campion, Chiocchio, Davies, Diodati, Easton, Foster, Gale, Ganann, Grant, Heit, Huson, Jordan, Morocco, Rigby, Seaborn, Secord, Siscoe, Sorrento, Ugulini, Villella, Whalen, Witteveen.

No: (0).

**Carried**

**9. ADOPTION OF MINUTES**

Moved by Councillor Rigby  
Seconded by Councillor Seaborn

That the following minutes of Regional Council **BE ADOPTED**:

Open and Closed Session Minutes CL 17-2024, Thursday, December 12, 2024  
(Regular Meeting)

Open Session Minutes CL 1-2025, Thursday, January 16, 2025 (Special  
Meeting)

**Carried**

**10. CORRESPONDENCE**

Moved by Councillor Heit  
Seconded by Councillor Campion

That the following items **BE RECEIVED** for information:

CL-C 11-2024

Correspondence from R. Reid, resident, City of St. Catharines, respecting the  
use of the Notwithstanding Clause

CL-C 12-2024

Correspondence from S. Hesse, resident, City of Niagara Falls, respecting the  
use of the Notwithstanding Clause

**Carried**

**11. ITEMS FOR CONSIDERATION**

11.1 CL-C 15-2025  
Standing Committee Appointment

Moved by Councillor Foster  
Seconded by Councillor Whalen

That Memorandum CL-C 15-2025, dated January 23, 2025, respecting  
Standing Committee Appointment **BE RECEIVED** and the following  
recommendation **BE APPROVED**:

1. That, effective immediately, Councillor Insinna **BE APPOINTED** to the  
Corporate Services Committee.

**Carried**

**12. COMMITTEE REPORTS - OPEN SESSION**

- 12.1 Budget Review Committee of the Whole  
Minutes BRCOTW 8-2024, Thursday, December 12, 2024

Moved by Councillor Ganann  
Seconded by Councillor Whalen

That Minutes BRCOTW 8-2024 being the Open Session minutes of the Budget Review Committee of the Whole meeting held on Thursday, December 12, 2024, **BE ADOPTED.**

**Carried**

- 12.2 Public Works Committee  
Minutes PWC 1-2025, Tuesday, January 7, 2025

Moved by Councillor Witteveen  
Seconded by Councillor Siscoe

That Minutes PWC 1-2025 being the Open Session minutes of the Public Works Committee meeting held on Tuesday, January 7, 2025, **BE RECEIVED** and the recommendations contained therein **BE APPROVED.**

**Carried**

- 12.3 Public Health and Social Services Committee  
Minutes PHSSC 1-2025, Tuesday, January 7, 2025

Moved by Councillor Chiochio  
Seconded by Councillor Morocco

That Minutes PHSSC 1-2025 being the Open Session minutes of the Public Health & Social Services Committee meeting held on Tuesday, January 7, 2025, **BE RECEIVED** and the recommendations contained therein **BE APPROVED.**

**Carried**

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

There were no Chief Administrative Officer's reports.

**15. NOTICES OF MOTION**

There were no notices of motion.



**16. CLOSED SESSION**

Moved by Councillor Diodati  
Seconded by Councillor Huson

That Council **DO NOW MOVE** into closed session for the purposes of receiving information of a confidential nature respecting:

A Matter of Litigation Affecting the Municipality under s. 239(2)(e) of the Municipal Act, 2001 - Region's Participation in Two Ontario Land Tribunal Appeals Post Proclamation (Official Plan Amendment 147 and 8970 and 9015 Stanley Avenue, Niagara Falls).

**Carried**

Council resolved into closed session at 8:51 p.m.

**17. BUSINESS ARISING FROM CLOSED SESSION**

Committee reconvened in open session at 9:49 p.m. with the following individuals in attendance:

Council: Bradley (Regional Chair)\*, Bateman, Campion, Chiocchio, Diodati, Easton, Foster, Gale, Ganann, Huson, Jordan, Morocco, Seaborn, Siscoe, Sorrento, Villella, Whalen, Witteveen

Absent/Regrets: Craitor, Davies, Grant, Heit, Insinna, Ip, Junkin, Kaiser, Redekop, Rigby, Secord, Steele, Ugulini, Zalepa

Staff: D. Carnegie, Acting Commissioner, Corporate Services/Treasurer, B. Fricke, Senior Planner, D. Gibbs, Director, Legal & Court Services, Dr. A. Kasmani, Medical Officer of Health, H. Koning, Commissioner, Community Services, A. Korchok, Chief of Staff, Governance, K. Lotimer, Deputy Clerk, D. Morreale, Director, Growth Management & Planning, A.-M. Norio, Regional Clerk, T. Ricketts, Commissioner, Public Works, M. Sergi, Deputy Chief Administrative Officer, J. Spratt, Legislative Coordinator, A. Stea, Director, Corporate Strategy & Community Sustainability

Others Present: A. Suriano, External Legal Counsel, Aird & Berlis

\* indicates participants who attended the meeting in person, all others participated electronically

17.1 Confidential PDS 1-2025

A Matter of Litigation Affecting the Municipality under s. 239(2)(e) of the Municipal Act, 2001 - Region's Participation in Two Ontario Land Tribunal Appeals Post Proclamation (Official Plan Amendment 147 and 8970 and 9015 Stanley Avenue, Niagara Falls)

Moved by Councillor Campion  
Seconded by Councillor Ganann

That Confidential Report PDS 1-2025, dated January 23, 2025, respecting A Matter of Litigation Affecting the Municipality under s. 239(2)(e) of the Municipal Act, 2001 - Region's Participation in Two Ontario Land Tribunal Appeals Post Proclamation (Official Plan Amendment 147 and 8970 and 9015 Stanley Avenue, Niagara Falls), **BE RECEIVED** for information.

**Carried**

18. **BY-LAWS**

18.1 Bill 2025-02

Moved by Councillor Morocco  
Seconded by Councillor Diodati

That Bill 2025-02, being a by-law to adopt, ratify and confirm the actions of Regional Council at its meeting held January 23, 2025, **BE NOW READ** and **DO PASS**.

**Carried**

19. **OTHER BUSINESS**

19.1 Update on GO Advocacy Efforts

Councillor Gale requested an update on advocacy efforts to secure all-day, two-way GO Train Service to Niagara. Andrew Korchok, Chief of Staff, Governance, advised that an update would be provided in the coming weeks.

19.2 Development Charges By-law Definitions

Councillors enquired about when Regional Council would have an opportunity to refine some of the definitions contained in the current Development Charges By-law. Michelle Sergi, Deputy Chief Administrative Officer, advised that the opportunity to refine the definitions would be during the next review of the by-law which would commence approximately 18 months prior to its expiry. She noted that staff would be

working with the local area municipalities to harmonize definitions as part of the review.

19.3 Niagara Regional Housing Wait List

Councillor Villella enquired about the number of individuals currently on the wait list for Niagara Regional Housing and if individuals on the list are advised of their placement. Henri Koning, Commissioner, Community Services, advised that she would follow up with the Councillor and that staff provide individuals joining the Niagara Regional Housing wait list with an estimate of the amount of time they can expect to wait for housing rather than their position on the list.

**20. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:03 p.m.

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Jim Bradley  
Regional Chair

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Kelly Lotimer  
Deputy Regional Clerk

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Ann-Marie Norio  
Regional Clerk