



TOWNSHIP OF MELANCTHON

A G E N D A

Thursday, September 3, 2015 - 5:00 p.m.

1. **Call to Order**
2. **Announcements**
3. **Additions/Deletions/Approval of Agenda**
4. **Declaration of Pecuniary Interest and the General Nature Thereof**
5. **Approval of Draft Minutes - August 13, 2015**
6. **Business Arising from Minutes**
7. **Point of Privilege or Personal Privilege**
8. **Public Question Period** (Please visit our website under Agendas and Minutes for information on Public Question Period)
9. **Road Business**
 1. Accounts
10. **County Council Update**
11. **Committee Reports**
12. **Correspondence**

*** Items for Information Purposes**

1. GRCA Current - August 2015 Volume 20 Number 7
2. Email from H Winagent (MOECC) dated August 6, 2015, Re - Proposed Hazardous Waste Fees Increase
3. Draft Report - The Township of Melancthon - Report on the application of specified procedures for the year ended December 31, 2015
4. Letter from R.J. Burnside & Associates dated July 13, 2015, Re - Drainage Superintendent Services
5. Email from Julie Nolan, Case Co-ordinator / Planner, Ontario Municipal Board dated August 13, 2015, Re - Appeal
6. AMO Communications - Policing Update: Minister Announces Consultations on a New Legislative Framework
7. Letter from the Grand River Conservation Authority dated August 5, 2015, Re 2014 Annual Report on Actions
8. Email from Brittney Wielgos, Normal Farm Practices Protection Board dated August 24, 2015, Re - Pre-Hearing Conference Cox vs. Town of Mono
9. AMO Communications - AMO Policy Update - Government Announces New Disaster Recovery Assistance Programs
10. AMCTO - ODRAP Announcement Points to Successful Advocacy

*** Items for Council Action**

1. Email from Michelle Vivar, Municipal Relations Specialist, Rogers dated July 21, 2015, Re - Rogers Request for Concurrence
2. Email from Jerry Jorden, Planning Consultant dated August 25, 2015, Re - Report on Rogers Tower Proposal
3. Email from Sharon Smith, Field Operations, Ontario Electronic Stewardship dated August 24, 2015, Re - E-Waste diversion program for residents
4. Email from Guy Gardhouse, East Garafraxa dated August 10, 2015, Re - CAA Review Request

5. Letter from Harvey Lyons dated August 25, 2015, Re - Clean-out of portion of McNabb Drain

13. General Business

1. Accounts
2. Applications to Permit
3. New/Other Business
 1. Return tender deposit cheque to Flesherton Concrete in regards to the Spring Gravel Tenders for A & M Gravel
4. Unfinished Business
 1. North Dufferin Recreation - Draft Agreement
 2. Corbetton Park - Update
 3. Information Flyer - Update
 4. Southgate Recreation Agreement
 5. Ark II Shelter in Horning's Mills - Update
 6. Manassa Bauman - Application to Permit
 7. Correspondence from Chris Jones, Planner, Re - Universal Tire Proposal

14. Delegations

1. 5:15 p.m. - Chris Jones, Township Planner regarding his Report on Home Occupations and On-Farm Uses
2. 5:30 p.m. - Steve Smith, Frank Cowan and Heather Hill, Noble Insurance regarding the 2015/2016 Insurance Program
3. 6:00 p.m. - Consideration of the Report on the Bauman Drainage Works - Tom Pridham, Drainage Superintendent will be in attendance
4. 6:15 p.m. - Consideration of the Report on the Fluney Drainage Works - Tom Pridham, Drainage Superintendent will be in attendance

15. Closed Session (if required)

16. Notice of Motion

17. Confirmation By-law

18. Adjournment and Date of Next Meeting - Thursday, September 17, 2015 - 5:00 p.m.

19. On Sites

20. Correspondence on File at the Clerk's Office

GRCA Current



August 2015 • Volume 20 Number 7

GRCA General Membership

Chair	Don McMillan
Vice-Chair	Mike Freudenberg
Townships of Amaranth, East Garafrasko, Melancthon and Southgate and Town of Grand Valley	Colin Davidson
Townships of Madoc and Wellington and Town of Guelph	Paul Carter
Township of Cambridge North	John McMillan
Town of Erin, Township of Guelph, Rockwood and Madison	Chris Wilson
City of Guelph	John and Mary Wilson
Region of Waterloo	Les and Mary Wilson, John Wilson, Mike and Janet Carter, Paul Carter, John and Mary Wilson, Warren Smith
Municipality of North Perth and Township of Perth East	George Hickey
Halterton Region	Chris Carter
City of Hamilton	George Hickey
Guelph County	Eric Penbury
County of Brant	John and Mary Wilson, John Wilson
City of Brantford	John and Mary Wilson, John Wilson
Hamilton and Brant Counties	John and Mary Wilson, John Wilson

Canadian rowing team at Guelph Lake

The Canadian National Men's Rowing Team is using Guelph Lake for a training camp this summer as it prepares for an Olympic qualifying event.

That means other boaters will have to take care as they travel around the lake. The team is practising July 24 to Aug. 14 to prepare for the Olympic qualifying regatta in France. They will be holding two or three practice sessions a day in a special course set aside for their use. The practices will usually be held at 7 a.m., 11 a.m. and 3:30 p.m. In addition, the team may also row in other parts of the lake.

As a safety precaution during practice times, other boaters are asked to avoid entering or crossing through the race course to avoid interfering with the rowing shells. The training camp is hosted by the Guelph Rowing Club, which has its home base at Guelph Lake.

New controlled gates at Grand River Parks

Shade's Mills Park will be the first Grand River Park to have access-controlled gates, which will be installed this fall.

Installation of this type of gate was recommended through business plans that were prepared for each of the conservation areas in 2012.

The new gate will allow visitors with a membership to gain entry to the park using their membership card. Others will be able to pay the entrance fee at the gate using automated equipment.

The automated gate may be used for year-round access to Grand River Parks and will reduce staffing and overtime costs. Shade's Mills now has an "honour box" where visitors can deposit their fees, but few people use the fee box. The GRCA's new membership card system was put in place in 2013 to replace the vehicle window sticker.

Over the next five years, controlled access gates will be installed at all 11 Grand River Parks: Brant

Park and Laurel Creek in 2016, Pinehurst Lake and Rockwood in 2017, Belwood Lake and Guelph Lake in 2018, Byng Island and Elora Gorge in 2019 and Conestogo Lake and Luther Marsh in 2020.

Key West Industries of Guelph won the contract to supply the gate, cash station, card reader and other related equipment at Shade's Mills at a cost of about \$40,000. The total cost of the new gates at all the parks is estimated to be \$417,000.

Filming at Rockwood

Rockwood Conservation Area continues to be popular for film producers.

An episode of *Reign*, a television series about Mary, Queen of Scots, was filmed on July 13 at Rockwood and is expected to air this November.

A new children's movie, *Bark Ranger*, has been released on DVD. This movie was filmed almost entirely in the park last summer.

Pollinator garden at Guelph Lake

TDI International of Guelph was awarded a contract to create the Operation Pollinator Garden at Guelph Lake Park.

This will be installed on a 3.7-hectare (nine-acre) parcel of land near the main park entrance as part of the planned Guelph Lake Nature Centre Complex. TDI will excavate two ponds and create viewing mounds that will be surrounded by interpretive and recreational trails. These will provide teaching opportunities associated with nature centre programs. An outdoor classroom and amphitheatre are included in the design, but are not part of the project.

Excavation of the ponds and creation of mounds is the first phase of the project. The tender was issued May 15. There were eight bids on the project, and TDI's was the lowest bid for \$96,000 plus taxes.

A donation of \$100,000 from Syngenta will be used for this project. The donation came through



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Grand River Conservation Authority

Info 1 - September 3, 2015

the Grand River Conservation Foundation. Work got underway in late July.

A combination of aquatic and wetland plants will be planted in the ponds, while native meadow plants and wildflowers will be planted in the pollinator garden. A variety of native trees will also be planted.

Stocco named new communications manager

Lisa Stocco, a communications professional with more than 15 years in the public, private and not-for-profit sectors, becomes the Manager of Communications for the Grand River Conservation Authority on Aug. 4.

She joins the GRCA from the Halton Catholic District School Board where she has worked since 2003. She served in several posts, most recently as manager of strategic communications. Prior to joining the school board, she was the assistant manager of public and media relations at the former Intesa Bank Canada. Stocco holds a degree in mass communication and French studies from York University, and a post-graduate certificate in journalism from Humber College. She is an accredited member (APR) of the Canadian Public Relations Society (CPRS) where she currently serves as co-president of CPRS Hamilton.

Stocco replaced Dave Schultz as communications manager. Schultz joined the GRCA's communication department in 2002 and will be staying at the GRCA to help develop a new GRCA website until his retirement at the end of the year.

New amphitheatre at Shades Mills

Construction of a new amphitheatre and trails in the area above the beach at Shade's Mills Park in Cambridge is underway.

The amphitheatre will accommodate up to 75 people and will be used for the very popular Movies Under the Stars series on Friday nights. It will also be used for nature centre programs and special events.

Visitors will notice construction of this \$30,000 project underway until mid-September. A stage and upgraded projection system are also part of this project. Accessible trails will be winding through the area and will eventually link the beach, parking lot and amphitheatre areas.



Photo by Bill Chan

Luther Marsh, July 29: GRCA staff counted 76 egrets, four active heron nests (all with young still on the nest), five ospreys, a pair of sandhill cranes, a single loon, several hundred swallows and more. Luther is a birding hotspot within the watershed.

Contract for union staff

The GRCA board voted in support of a new three-year collective agreement which covers 111 full-time, part-time and seasonal staff who are members of the Ontario Public Service Employees Union (OPSEU).

The previous collective agreement expired at the end of 2014 and negotiations for a new agreement concluded on July 8. The agreement provides for a wage increase of 1.5 per cent in 2015 and 2 per cent in each of 2016 and 2017.

Dry July follows wet June

Although rainfall was below average in many parts of the watershed, the wet conditions in June left the ground saturated in July.

Rainfall in July was about average only at Conestogo and Woolwich reservoirs. The two locations with the lowest recorded rainfall for the month were Brantford at 51 per cent and Shand Dam at 38 per cent. Intense storm events resulted in high runoff early in the month.

July was also slightly cooler than average for the first three weeks, but then it heated up toward the end of the month with temperatures reaching 35 C in some locations.

Water levels in Lake Erie are well above the long-term average. However, the lake is

expected to drop slightly over the rest of the year.

Reservoirs are at or slightly above the normal operating range for this time of year. River augmentation has been less this year than is typical for July.

This issue of *GRCA Current* was published in August 2015.

It is a summary of the July 2015 business conducted by the Grand River Conservation Authority board and committees as well as other noteworthy happenings and topics of interest.

The Grand River Conservation Authority welcomes distribution, photocopying and forwarding of *GRCA Current*.

Next board meeting:

Aug. 28 at 9:30 a.m.,
GRCA Administration Centre.

Subscribe to GRCA Current:

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View meeting reports:

www.grandriver.ca/MeetingReports

View coming events:

www.grandriver.ca/Calendar

Grand Actions newsletter:

www.grandriver.ca/GrandActions

Wendy Atkinson

From: hwinagent (MOECC) <hwinagent@ontario.ca>
Sent: August-06-15 5:01 PM
To: wendy@melancthontownship.ca
Subject: Proposed Hazardous Waste Fees Increase

The Ontario Ministry of the Environment and Climate Change is proposing a regulation to amend Regulation 347, made under the Environmental Protection Act. The proposed regulation, if made, would raise the tonnage component of the Hazardous Waste Fees from \$10 per tonne to \$20 per tonne for hazardous waste transferred or disposed of between January 1, 2016 and December 31, 2016. The tonnage component of the Hazardous Waste Fees would be further increased to \$30 per tonne as of January 1, 2017.

The province is committed to ensuring that hazardous waste is safely managed. Not managing waste properly now—particularly hazardous waste—can lead to expensive clean-ups of contaminated land and water in the future. Current fees offset about 50 percent of the cost to regulate the management of hazardous and liquid industrial waste in Ontario. The proposed new fee structure is more in line with the actual costs of running the program. A full cost recovery approach will ensure that the program is financially sustainable and continues to achieve its environmental objectives as it evolves in the long term.

The ministry will work with businesses to ensure that the transition is as efficient as possible. We are also exploring options to improve the service delivery to, and reduce the administrative burden on, generators.

Please see [EBR Registry posting 012-3915](#) for additional information and to comment on this proposal. Do not respond to this e-mail as the account it was sent from is not monitored.

Pour obtenir plus d'information sur cet avis en français veuillez [consulter l'affichage 012-3915 sur le Registre environnemental](#). Veuillez ne pas répondre à ce courriel généré automatiquement.

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From: hwinagent@ontario.ca

My Spam Blocking Level: Medium

Medium (75): Pass

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The Township of Melancthon

Report on the application of specified procedures
for the year ended December 31, 2014

DRAFT

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Accountant's report on the application of specified procedures

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To the Association of Municipalities of Ontario

As specifically agreed, we have performed, for the year ended December 31, 2014, the procedures described in Appendix A, with respect to the Municipal Funding Agreement for the Transfer of Federal Gas Tax Funds between the Association of Municipalities of Ontario ("AMO") and The Township of Melancthon as of April 1, 2014.

As a result of applying the procedures described in Appendix A, we found the exceptions listed in Appendix A. However, these procedures do not constitute an audit, and therefore we express no opinion.

This report is prepared to demonstrate AMO's compliance with the Administrative Agreement on the Federal Gas Tax Fund between AMO and Government of Canada as of April 1, 2014 and is intended solely for AMO, Government of Canada and The Township of Melancthon and should not be distributed to or used by parties other than AMO, Government of Canada and The Township of Melancthon.

Markham, Canada
July 24, 2015

Chartered Accountants
Licensed Public Accountants

Appendix A

Specified Procedures

Per Funding Agreement	Specified Audit Procedure Performed	Findings
<p><u>3. RECIPIENT REQUIREMENTS</u></p> <p>Section 3.1 - Communications The Recipient will comply with all requirements outlined in Schedule E, including:</p> <ul style="list-style-type: none"> a) Providing upfront project information on an annual basis for communications purposes; b) Including Canada in local project communications; and c) Installing federal project signs. 	<p>No procedures performed as the Infrastructure Canada letter dated January 29, 2014 does not require the monitoring or implementation of the communications protocol to be subject to the compliance audit.</p>	<p>Not applicable.</p>
<p>Section 3.2 - Incrementality Any Funds that the Recipient may receive from Canada are not intended to replace or displace existing sources of funding for the Recipient's tangible capital assets. The Recipient will ensure that its total annual expenditures on tangible capital assets over the life of the Agreement, on average, will not be less than the Base Amount</p>	<p>Obtain the documentation of the base amount (i.e. the average spending on municipal infrastructure in the years 2000 to 2004) from AMO.</p> <p>Ensure that the current year spending on municipal infrastructure as disclosed in the audited financial statements of the municipality is not less than the Base Amount.</p> <p>Inquire of the staff as to whether the Recipient is aware of the base amount and whether it is monitored annually within the recipient.</p>	<p>No exceptions noted.</p> <p>No exceptions noted.</p> <p>Exception: No process in place for the annual monitoring by the recipient.</p>
<p>SECTION 3.3 – Contracts The Recipient will award and manage all Contracts in accordance with its relevant policies and procedures and, if applicable, in accordance with the Agreement on Internal Trade and applicable international trade agreements, and</p>		

Per Funding Agreement	Specified Audit Procedure Performed	Findings
<p>all other applicable laws.</p> <p>(a) The Recipient will ensure any of its Contracts for the supply of services or materials to implement its responsibilities under this Agreement will be awarded in a way that is transparent, competitive, consistent with value for money principles and pursuant to its adopted procurement policy.</p>	<p>Obtain the Recipient's Procurement Policy/By-law and verify the summary of tender results submitted to Council for the contracts awarded during the year is in accordance with the recipient's Procurement Policy/By-law.</p>	<p>No exceptions noted.</p>
<p><u>4. ELIGIBLE PROJECTS</u></p> <p>4.1 Eligible Project Categories. Eligible Projects include investments in Infrastructure for its construction, renewal or material enhancement in the categories of public transit, local roads and bridges, wastewater, water, solid waste, community energy systems, capacity building, local and regional airports, short-line rail, short-sea shipping, disaster mitigation, broadband connectivity, brownfield redevelopment, cultural, tourism, sport and recreational infrastructure, as more specifically described in Schedule B and Schedule C.</p> <p>4.2 Recipient Fully Responsible. The Recipient is fully responsible for the completion of each Eligible Project in accordance with Schedule B and Schedule C.</p>	<p>No audit work performed as no action is required by the Recipient.</p> <p>Review the project(s) on which expenditures were incurred during the year and ensure the description and nature of the project(s) as indicated by the municipality is consistent with Schedule B and Schedule C of the Municipal Funding Agreement for the Transfer of Federal gas Tax Funds between AMO and the municipality.</p>	<p>Not applicable.</p> <p>No exceptions noted.</p>

Per Funding Agreement	Specified Audit Procedure Performed	Findings
<p><u>5. ELIGIBLE EXPENDITURES</u></p> <p>5.1 Eligible Expenditures. Schedule C sets out specific requirements for Eligible and Ineligible Expenditures.</p>	<p>Review all invoices/progress billing certificates etc. as listed in the costing sheet provided by the Recipient for the projects funded by Federal Gas Tax funds and, for all amounts in excess of 1% of amount received from AMO during the year (i.e. \$846), verify by agreeing the details to invoices, progress billings and certificates of completion, that all significant expenditures are in accordance with Schedule C of the Municipal Funding Agreement for the Transfer of Federal Gas Tax Funds between AMO and the municipality.</p>	<p>No exceptions noted.</p>
<p>5.2 Discretion of Canada. Subject to Section 5.1, the eligibility of any items not listed in Schedule B and/or Schedule C to this Agreement is solely at the discretion of Canada.</p>	<p>No audit work performed as no action is required by the Recipient.</p>	<p>Not applicable.</p>
<p>5.3 Unspent Funds. Any Unspent Funds, and any interest earned thereon, will be subject to the terms and conditions of this Agreement, and will no longer be governed by the terms and conditions of the First Agreement.</p>	<p>No audit work performed as no action is required by the Recipient.</p>	<p>Not applicable.</p>
<p>5.4 Reasonable Access. The Recipient shall allow AMO and Canada reasonable and timely access to all documentation, records and accounts and those of their respective agents or Third Parties related to the receipt, deposit and use of Funds and Unspent Funds, and any interest earned thereon, and all</p>	<p>No audit work performed as no action is required by the Recipient.</p>	<p>Not applicable.</p>

Per Funding Agreement	Specified Audit Procedure Performed	Findings
other relevant information and documentation requested by AMO or Canada or their respective designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Agreement.		
5.5 Retention of Receipts. The Recipient will keep proper and accurate accounts and records of all Eligible Projects including invoices and receipts for Eligible Expenditures in accordance with the Recipient's municipal records retention by-law and, upon reasonable notice, make them available to AMO and Canada.	Scan the general ledger and note whether the Federal Gas Tax funds are tracked separately in a reserve fund account fund Review the Recipient's current record retention By-law and <ul style="list-style-type: none"> i. confirm with the municipality's staff that the documents and records pertaining to the Federal Gas Tax funded projects are being retained in accordance with the Recipient's retention by-law; and ii. observe whether the Federal Gas Tax related records are easily accessible. 	No exceptions noted. No exceptions noted.
<u>6. FUNDS</u> 6.1 Allocation of Funds. AMO will allocate and transfer Funds that Canada may make available for Ontario Municipalities to Recipients on a per capita basis with allocations made on a 50:50 basis to upper-tier and lower-tier Municipalities, where they exist.	No audit work performed as no action is required by the Recipient.	Not applicable.
6.2 Transfer of Funds to a Municipality. Where a Recipient decides to allocate and transfer Funds to another Municipality (the "Transferee Municipality"): <p>(a) The allocation and transfer shall be authorized by By-law (a "Transfer By-law"). The Transfer By-law shall be passed by the Recipient's council and submitted to AMO</p>	Review the Annual Report for any transfers reported.	Not applicable as no transfer of funds to a municipality reported to AMO on Schedule D.

Per Funding Agreement	Specified Audit Procedure Performed	Findings
<p>as soon thereafter as practicable. The Transfer By-law shall identify the Transferee Municipality and the amount of Funds the Transferee Municipality is to receive for the Municipal Fiscal Year specified in the Transfer By-law.</p>	<p>Inquire of the Recipient staff whether any funds had been transferred to other municipalities during the year.</p> <p>If such a transfer took place, verify that the Recipient had passed a By-law which specifically identified the Transferee and the amount of Funds.</p> <p>Verify, by reviewing correspondence with AMO, that the By-law was submitted to AMO.</p>	<p>Not applicable as no transfer of funds to a municipality reported to AMO on Schedule D.</p> <p>Not applicable as no transfer of funds to a municipality reported to AMO on Schedule D.</p> <p>Not applicable as no transfer of funds to a municipality reported to AMO on Schedule D.</p>
<p>6.2 Transfer of Funds to a Municipality. (b) The Recipient is still required to submit an Annual Report in accordance with Sections 7.1 (a), (c) and (f) hereof with respect to the Funds transferred.</p>	<p>Verify, by reviewing the Annual Report, that it has been prepared in accordance with Sections 7.1 (a), (c) and (f) hereof with respect to the Funds transferred and that the Annual Report has been submitted to AMO.</p>	<p>Not applicable as no transfer of funds to a municipality reported to AMO on Schedule D.</p>
<p>6.2 Transfer of Funds to a Municipality. (c) No transfer of Funds pursuant to this Section 6.2 shall be effected unless and until the Transferee Municipality has either (i) entered into an agreement with AMO on substantially the same terms as this Agreement, or (ii) has executed and delivered to AMO a written undertaking to assume all of the Recipient's obligations under this Agreement with respect to the Funds transferred; in a form satisfactory to AMO.</p>	<p>Verify that the transfer date is after the date the Transferee Municipality either (i) entered into an agreement with AMO on substantially the same terms as this Agreement, or (ii) executed and delivered to AMO a written undertaking to assume all of the Recipient's obligations under this Agreement with respect to the Funds transferred.</p>	<p>Not applicable as no transfer of funds to a municipality reported to AMO on Schedule D.</p>

Per Funding Agreement	Specified Audit Procedure Performed	Findings
<p>6.3 Transfer of Funds to a non-municipal entity. Where a Recipient decides to support an Eligible Project undertaken by an Eligible Recipient that is not a Municipality:</p> <p>(a) The provision of such support shall be authorized by a by-law (a "Non-municipal Transfer By-law"). The Non-municipal Transfer By-law shall be passed by the Recipient's council and submitted to AMO as soon as practicable thereafter. The Non-municipal Transfer By-law shall identify the Eligible Recipient, and the amount of Funds the Eligible Recipient is to receive for that Eligible Project.</p> <p>(b) The Recipient shall continue to be bound by all of the provisions of this Agreement notwithstanding any such transfer.</p> <p>(c) No transfer of Funds pursuant to this Section 6.3 shall be effected unless and until the non-municipal entity receiving the Funds has executed and delivered to AMO a written undertaking to assume all of the Recipient's obligations under this Agreement with respect to the Funds transferred, in a form satisfactory to AMO.</p>	<p>Review the adoption of a resolution by the Recipient's council for a Non-municipal Transfer By-law identifying the Eligible Recipient, and the amount of Funds the Eligible Recipient is to receive for that Eligible Project.</p> <p>Verify, by reviewing correspondence with AMO, that a copy of the By-law was submitted to AMO.</p> <p>No audit verification work required as by signing of funding agreement the Recipient acknowledges and agrees to this condition.</p> <p>Verify, by reviewing correspondence with AMO, that the Transferor Municipality received notification from AMO that AMO had received a written undertaking in a form suitable to them from the non-municipal entity indicating that the non-municipal entity had assumed all of the Recipient's obligations under this Agreement with respect to the Funds transferred.</p>	<p>Not applicable as no transfer of funds to a non-municipality entity noted.</p> <p>Not applicable as no transfer of funds to a non-municipality entity noted.</p> <p>Not applicable as no transfer of funds to a non-municipality entity noted.</p> <p>Not applicable as no transfer of funds to a non-municipality entity noted.</p>

Per Funding Agreement	Specified Audit Procedure Performed	Findings
6.4 Use of Funds. The Recipient acknowledges and agrees the Funds are intended for and shall be used only for Eligible Expenditures in respect of Eligible Projects.	No audit verification work required as by signing the funding agreement the Recipient acknowledges and agrees to this condition.	Not applicable.
6.5 Schedule of payout of Funds. The Recipient agrees that all Funds are to be transferred by AMO to the Recipient as set out in Schedule A. Subject to Section 6.14, AMO will transfer Funds twice yearly, on or before the dates agreed upon by Canada and AMO, and, more specifically on the basis set out in Schedule A.	No audit work performed as no action is required by the Recipient.	Not applicable.
6.6 Use of Funds. The Recipient will deposit the Funds in a dedicated reserve fund or other separate distinct interest bearing account or invest the Funds through the One Investment Program or any other eligible investment permitted by the Ontario Municipal Act, 2001 and shall retain the Funds in such reserve fund, account or investment until the Funds are expended or transferred in accordance with this Agreement. The Recipient shall ensure that: <p>(a) any investment of unexpended Funds will be in accordance with Ontario law and the Recipient's investment policy; and,</p> <p>(b) any interest earned on Funds will only be applied to Eligible Expenditures for Eligible Projects, more specifically on the basis set out in Schedule B and Schedule C.</p>	<p>Verify, by reviewing the general ledger, that the Federal Gas Tax funds are tracked separately in a reserve fund account fund.</p> <p>Obtain a copy of the municipality's investment policy and review the policy to verify that it is accordance with the Ontario Municipal Act, 2001</p> <p>Determine the reasonability of the interest earned by re-computing the interest earned on the un-expended amount.</p> <p>If the interest earned has been applied to Eligible</p>	<p>No exceptions noted.</p> <p>Exception : Recipient does not have an investment policy.</p> <p>No exceptions noted.</p> <p>Not applicable.</p>

Per Funding Agreement	Specified Audit Procedure Performed	Findings
	Expenditures for Eligible Projects, more specifically on the basis set out in Schedule B and Schedule C, agree the amount of Eligible Expenditures to the Annual Report.	
6.7 Funds advanced. Funds transferred by AMO to the Recipient shall be expended by the Recipient in respect of Eligible Expenditures within five (5) years after the end of the year in which Funds were received. Unexpended Funds shall not be retained beyond such five (5) year period. AMO reserves the right to declare that Unexpended Funds after five (5) years become a debt to Canada which the Recipient will reimburse forthwith on demand to AMO for transmission to Canada.	<p>Verify, by comparing the unspent balance of funds at the end of the year to the sum of the funds received during the last five years, that payments received from AMO, including interest earned in a particular year, have been expensed within five (5) years following the year of receipt.</p> <p>If the unspent balance of funds at the end of the year is greater than the sum of the funds received during the last five years, review correspondence to verify that AMO been notified.</p>	<p>Not applicable until 2019 as the Agreement was signed in 2014.</p> <p>Not applicable until 2019 as the Agreement was signed in 2014.</p>
6.8 Expenditure of Funds. The Recipient shall expend all Funds by December 31, 2028.	Not applicable as it is applicable for funds received in 2023.	Not applicable.
6.9 GST & HST. The use of Funds is based on the net amount of goods and services tax or harmonized sales tax to be paid by the Recipient net of any applicable tax rebates.	For the items identified in Section 5.1 above, review the invoices pertaining to the projects financed by Federal Gas Tax funds and verify that the expenditures applied against the Federal Gas Tax funds for fiscal year under review were net of GST & HST net of any applicable tax rebates.	No exceptions noted.

Per Funding Agreement	Specified Audit Procedure Performed	Findings
6.10 Limit on Canada's Financial Commitments. The Recipient may use Funds to pay up to one hundred percent (100%) of Eligible Expenditures of an Eligible Project.	No audit verification work required.	Not applicable.
6.11 Federal Funds. The Recipient agrees that any Funds received will be treated as federal funds for the purpose of other federal infrastructure programs.	No audit verification work required.	Not applicable.
6.12 Stacking. If the Recipient is receiving federal funds under other federal infrastructure programs in respect of an Eligible Project to which the Recipient wishes to apply Funds, the maximum federal contribution limitation set out in any other federal infrastructure program agreement made in respect of that Eligible Project shall continue to apply.	For any projects funded by Federal Gas Tax funds which are also funded through any other grant programs, review the funding limitations set out in that funding agreement and verify that the limitations have been followed.	Not applicable as no projects funded by Federal Gas Tax funds were also funded through other federal grant programs.
6.13 Withholding Payment. AMO may withhold payment of Funds where the Recipient is in default of compliance with any provisions of this Agreement.	No audit work performed as no action is required by the Recipient.	Not applicable.
6.14 Insufficient funds provided by Canada. Notwithstanding Section 2.4, if Canada does not provide sufficient funds to continue the Funds for any Municipal Fiscal Year during which this Agreement is in effect, AMO may terminate this Agreement.	No audit work performed as no action is required by the Recipient.	Not applicable.

Per Funding Agreement	Specified Audit Procedure Performed	Findings
<p><u>7. REPORTING REQUIREMENTS</u></p> <p>7.1 Annual Report. The Recipient shall report in the form in Schedule D due by March 31st following each Municipal Fiscal Year on: (a) the amounts received from AMO under this Agreement in respect of the previous Municipal Fiscal Year; (b) the amounts received from another Municipality; (c) the amounts transferred to another Municipality; (d) amounts paid by the Recipient in aggregate for Eligible Projects; (e) amounts held at year end by the Recipient in aggregate, including interest, to pay for Eligible Projects; (f) indicate in a narrative the progress that the Recipient has made in meeting its commitments and contributions; and, (g) a listing of all Eligible Projects that have been funded, indicating the location, investment category, project description, amount of Funds and total project cost.</p>	<p>Verify, by agreeing the amounts to the accounting records, that the Annual Report has been properly completed by in accordance with the reporting requirements prescribed in Schedule D for items (a) through (g).</p>	<p>No exceptions noted.</p>
<p>7.2 Outcomes Report. The Recipient shall account in writing for outcomes achieved as a result of the Funds through an Outcomes Report to be submitted to AMO. Specifically the Outcomes Report shall describe, in a manner to be provided by AMO, the degree to which investments in each Eligible Project are supporting progress towards achieving: (a) beneficial impacts on communities of completed Eligible Projects; and (b) enhanced impact of Funds as a predictable source of funding.</p>	<p>Verify, by reviewing the Outcomes Report, that the it has been prepared in the manner provided by AMO, showing the degree to which investments in each project are supporting progress towards achieving: (a) beneficial impacts on communities of completed Eligible Projects; and (b) enhanced impact of Funds as a predictable source of funding.</p> <p>Verify, by reviewing correspondence with AMO,</p>	<p>No exceptions noted.</p> <p>No exceptions noted.</p>

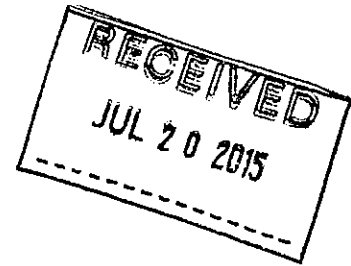
Per Funding Agreement	Specified Audit Procedure Performed	Findings
	that it has been submitted to AMO.	
<u>8. ASSET MANAGEMENT</u> 8.1 Asset Management Plan. The Recipient will develop and implement an Asset Management Plan prior to December 31, 2016.	Not applicable until 2016.	Not applicable.
8.2 Outcomes. On a date and in a manner to be determined by AMO, the Recipient will provide a report to AMO demonstrating that Asset Management Plans are being used to guide infrastructure planning and investment decisions and how Funds are being used to address priority projects.	Not applicable in 2014 as the municipalities have not yet been provided with the reporting template.	Not applicable.
<u>9. RECORDS AND AUDIT</u> 9.1 Accounting Principles. All accounting terms not otherwise defined herein have the meanings assigned to them; all calculations will be made and all financial data to be submitted will be prepared in accordance with generally accepted accounting principles (GAAP) in effect in Ontario. GAAP will include, without limitation, those principles approved or recommended for local governments from time to time by the Public Sector Accounting Board or the Canadian Institute of Chartered Accountants or any successor institute, applied on a consistent basis.	Verify, by reviewing the most recent annual audited financial statements, that they have been prepared in accordance with Public Sector Accounting standards. Also scan the auditors' report for any qualifications for non-compliance with Public Sector Accounting standards.	No exceptions noted.

Per Funding Agreement	Specified Audit Procedure Performed	Findings
<p>9.2 Separate Records. The Recipient shall maintain separate records and documentation for the Funds and keep all records including invoices, statements, receipts and vouchers in respect of Funds expended on Eligible Projects in accordance with the Recipient's municipal records retention by-law. Upon reasonable notice, the Recipient shall submit all records and documentation relating to the Funds to AMO and Canada for inspection or audit.</p>	Obtain a copy of the Recipient's By-law for municipal records retention and verify compliance with the By-law by examining the general ledger and documentation for the Federal Gas Tax funds maintained and retained.	No exceptions noted.
<p>9.3 External Auditor. AMO and/or Canada may request, upon written notification, an audit of Eligible Project or an Annual Report. AMO shall retain an external auditor to carry out an audit of the material referred to in Sections 5.4 and 5.5 of this Agreement. AMO shall ensure that any auditor who conducts an audit pursuant to this Section of this Agreement or otherwise, provides a copy of the audit report to the Recipient and Canada at the same time that the audit report is given to AMO.</p>	No audit work performed as no action is required by the Recipient.	Not applicable.
<p><u>10. INSURANCE AND INDEMNITY</u></p> <p>10.1 Insurance. The Recipient shall put in effect and maintain in full force and effect or cause to be put into effect and maintained for the term of this Agreement all the necessary insurance with respect to each Eligible Project, including any Eligible Projects with respect to which the Recipient has transferred Funds pursuant to Section 6 of this Agreement, that would be considered appropriate for a prudent Municipality undertaking Eligible Projects, including, where appropriate and without limitation,</p>	<p>Verify, by reviewing the Insurance Certificates, that the Insurance Certificates for the fiscal year are:</p> <ol style="list-style-type: none"> insurance covers each Eligible Project, and the certificates listed AMO and Canada as additional insured. 	No exceptions noted.

Per Funding Agreement	Specified Audit Procedure Performed	Findings
property, construction and liability insurance, which insurance coverage shall identify Canada and AMO as additional insureds for the purposes of the Eligible Projects.		
10.2 Certificates of Insurance. Throughout the term of this Agreement, the Recipient shall provide AMO with a valid certificate of insurance that confirms compliance with the requirements of Section 10.1. No Funds shall be expended or transferred pursuant to this Agreement until such certificate has been delivered to AMO.	Verify, by reviewing correspondence with AMO, that the insurance certificate has been submitted to AMO.	No exceptions noted.
10.3 AMO not liable. In no event shall Canada or AMO be liable for: (a) any bodily injury, death or property damages to the Recipient, its employees, agents or consultants or for any claim, demand or action by any Third Party against the Recipient, its employees, agents or consultants, arising out of or in any way related to this Agreement; or (b) any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit to the Recipient, its employees, agents or consultants arising out of any or in any way related to this Agreement.	No audit verification work required as by signing of funding agreement the Recipient acknowledges and agrees to this condition.	Not applicable.
10.4 Recipient to Compensate Canada. The Recipient will ensure that it will not, at any time, hold Canada, its officers, servants, employees or agents responsible for any claims or losses of any kind that the Recipient, Third Parties or any other person or entity may suffer in relation to any matter related to the Funds or an Eligible Project and that the Recipient will, at all times, compensate Canada, its officers, servants, employees and	No audit verification work required as by signing of funding agreement the Recipient acknowledges and agrees to this condition.	Not applicable.

Per Funding Agreement	Specified Audit Procedure Performed	Findings
<p>agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to the Funds or an Eligible Project. The Recipient's obligation to compensate as set out in this section does not apply to the extent to which such claims or losses relate to the negligence of an officer, servant, employee, or agent of Canada in the performance of his or her duties.</p>		
<p>10.5 Recipient to Indemnify AMO. The Recipient hereby agrees to indemnify and hold harmless AMO, its officers, servants, employees or agents (each of which is called an "Indemnatee"), from and against all claims, losses, damages, liabilities and related expenses including the fees, charges and disbursements of any counsel for any Indemnatee incurred by any Indemnatee or asserted against any Indemnatee by whomsoever brought or prosecuted in any manner based upon, or occasioned by, any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly or indirectly from:</p> <ul style="list-style-type: none"> (a) the Funds; (b) the Recipient's Eligible Projects, including the design, construction, operation, maintenance and repair of any part or all of the Eligible Projects; (c) the performance of this Agreement or the breach of any term or condition of this Agreement by the Recipient, its officers, servants, employees and agents, or by a Third Party, its officers, servants, employees, or agents; and (d) any omission or other willful or negligent act of the Recipient or Third Party and their respective officers, servants, employees or agents. 	<p>No audit verification work required as by signing of funding agreement the Recipient acknowledges and agrees to this condition.</p>	<p>Not applicable.</p>

Per Funding Agreement	Specified Audit Procedure Performed	Findings
<p><u>11. TRANSFER AND OPERATION OF MUNICIPAL INFRASTRUCTURE</u></p> <p>11.1 Reinvestment. The Recipient will invest into Eligible Projects, any revenue that is generated from the sale, lease, encumbrance or other disposal of an asset resulting from an Eligible Project where such disposal takes place within five (5) years of the date of completion of the Eligible Project.</p>	<p>Review the Annual Report for the reporting of any asset disposals.</p> <p>For any sale, lease, encumbrance or disposal of an asset of an Eligible Project by the Recipient within five (5) years of the date of completion of the Eligible Project, verify, by reviewing the transactions recorded in the general ledger, that the revenue generated from such disposal was invested into an Eligible Project.</p>	<p>Not applicable as no sale, lease, encumbrance or disposal of an asset of an Eligible Project by the Recipient.</p>
<p>11.2 Notice. The Recipient shall notify AMO in writing 120 days in advance and at any time during the five (5) years following the date of completion of an Eligible Project if it is sold, leased, encumbered or otherwise disposed of.</p>	<p>Verify, by reviewing correspondence with AMO, that AMO was notified in writing 120 days in advance and at any time during the five (5) years following the date of completion of an Eligible Project if it is sold, leased, encumbered or otherwise disposed of.</p>	<p>Not applicable as no sale, lease, encumbrance or disposal of an asset of an Eligible Project by the Recipient.</p>
<p>11.3 Public Use. The Recipient will ensure that Infrastructure resulting from any Eligible Project that is not sold, leased, encumbered or otherwise disposed of, remains primarily for public use or benefit.</p>	<p>Verify, by reviewing the asset inventory or listing of assets which supports the amount recorded in the general ledger, that the Recipient has retained the assets resulting from any Eligible Project that is not sold, leased, encumbered or otherwise disposed of, remains primarily for public use or benefit.</p>	<p>No exceptions noted.</p>



July 13, 2015

Via: Mail

Denise Holmes, A.M.C.T.
CAO/Clerk
Township of Melancthon
157101 Highway 10
Melancthon, ON L9V 2E6

Dear Denise:

Re: Drainage Superintendent Services
File No.: D-ME-SUP
Project No.: MSO019743.2015

As we are into the second half of our business year, we would appreciate updating our account for Professional Services. The enclosed invoice covers the time period from April 1, 2015 through June 30, 2015.

The work undertaken during this period includes the following:

April 2015

- Obtain current ownerships for the Henderson Drain from Township staff. Revise drain plan to reflect new ownerships and new severances. Review draft assessment schedule with revised ownerships for proposed maintenance work.
- General discussion with owners and Tiling Contractor regarding proposed Ballinger Drain cleanout including designed drain gradeline for new tile outlets.
- On-site to McCue Drain for field investigation regarding requested cleanout. General discussion with several affected owners.
- Attend at Public Works regarding nuisance beaver complaints. General discussion regarding procedure and assist with applications for DeMelo and James Foley Drains. Review drain files for previous applications.
- On-site at Bradley-French Drain regarding conditions for leveling cleanout spoil.
- On-site to Ballinger Drain and to Henderson Drain for field investigation regarding requested drain maintenance.
- Review Ferguson Drainage Works, D Drain status.

May 2015

- Review field information regarding existing conditions on the Ballinger Drain and compare data to design gradelines. Discuss minor required field work with survey crew and obtain datum elevations for them.

- General discussion with affected owners on Bradley-French Drain regarding leveling of excavated material. General discussion with Contractor regarding timing to complete the work.
- Request from Rutledge regarding beaver flooding on Henry Drain. Forward nuisance beaver application to County for trapping.
- Review field information regarding existing conditions on the Henderson Drain and on the McCue Drain and compare data to design gradelines.
- Prepare draft plan showing current ownerships for McCue Drain proposed cleanout and forward to Township staff for revision.
- Complete nuisance beaver applications for complaints on the McCue Drain, on the Henry Drain and on the Bradley Drain and forward to County for action.
- On-site with Contractor to Bradley-French Drain to commence leveling of the cleanout material. General discussion with owners regarding concerns and check progress of the work.
- Obtain current ownerships for the Ferguson Drain plan from Township staff and revise drain plan to reflect new ownerships.

June 2015

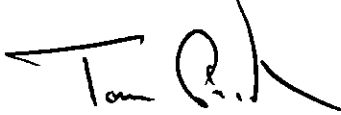
- Received Contractor's invoice for leveling excavated material on Bradley-French Drain. Review and authorize invoice and forward to Clerk for payment.
- Received from Township staff, updated ownership list for McCue Drain plan regarding proposed cleanout. Assist staff with preparation of draft assessment schedule. Revise drain plan with current ownerships.
- Further discussions with affected owners regarding proposed cleanout of McCue Drain including their estimated costs.
- Complete minor field survey on Ballinger Drain to determine existing elevations of entrance culverts and of recently installed field tile outlets. Compare survey findings to designed gradeline. General discussion with owner regarding the proposed cleanout and cost including the lowering of one entrance culvert. Assist staff with preparation of draft assessment schedule.
- On-site discussions with Director of Public Works and Adam Vander Zaag regarding the Ferguson Drain clean-out.
- Preparation and attendance at site meeting with GRCA representatives regarding connection of recently installed underdrainage across the 4th Line SW to the Crowder Drainage Works.
- On-site discussions with Harvey Lyon regarding beaver dams on the McNabb Drain.
- Additional discussions with Public Works regarding coordinating the trapping of the beavers and removal of the beaver dams.
- Prepared and delivered our findings and recommendations for maintenance work on the Levi Allen Drainage Works (Upper Portion), Ballinger Drainage Works, Henderson Drainage Works (Upper Portion), McCue Drainage Works (Middle Portion) and Ferguson Drainage Works, D Drain.

As you are aware, the cost of employing a Drainage Superintendent is eligible for a 50% grant. The Ministry has requested that the grant application be submitted yearly. As such the application will be completed for you at year's end.

Should you or Wendy have any questions or if we can be of any further assistance in the meantime, please call.

Yours truly,

R.J. Burnside & Associates Limited
Drainage Superintendent

A handwritten signature in black ink, appearing to read 'Tom Pridham', with a stylized flourish at the end.

T.M. Pridham, P.Eng.
Drainage Engineer
TMP:tw

Enclosure(s) Invoice No. MSO019743.2015-2

cc: Wendy Atkinson, Treasurer/Deputy Clerk, Township of Melancthon (enc.) (Via: Mail)

019743.2015_DHolmes_Ltr_150713.docx
13/07/2015 1:13 PM



R.J. Burnside & Associates Limited
15 Townline
Orangeville, ON L9W 3R4
Phone: (519) 941-5331 Fax: (519) 941-7721
www.rjburnside.com

Township of Melancthon
157101 Highway 10
Melancthon, ON L9V 2E6

July 15, 2015
Invoice No: MSO019743.2015 - 2

Project MSO019743.2015 RJB File: D-ME-SUP - 2015
Professional Services through June 30, 2015

	Hours	Amount	
Senior Engineer I			
Pridham, Thomas	35.00		
Engineer I			
Nyenhuis, Jeremy	23.00		
Tech IV			
Uderstadt, Gerd	84.00		
Totals	142.00		
Total Labour			17,881.00

Travel - Mileage		272.98	
Misc Reimbursable Expense		270.37	
Total Reimbursables		543.35	543.35

HST #885871228	13.00 % of 18,424.35	2,395.17	
Total Tax		2,395.17	2,395.17
Total Amount Due			\$20,819.52

Billings to Date

	Current	Prior	Total
Labor	17,881.00	6,321.50	24,202.50
Expense	543.35	97.19	640.54
Tax	2,395.17	834.43	3,229.60
Totals	20,819.52	7,253.12	28,072.64

Please reference your client number [61] when making payments via direct deposit or electronic transfer.
Project Manager Thomas Pridham

01-5009-3060

Denise Holmes

From: Nolan, Julie (MAG) <Julie.Nolan@ontario.ca>
Sent: Thursday, August 13, 2015 3:51 PM
To: info@dufferincounty.on.ca; johna@davieshowe.com; r_baird@sympatico.ca; ronaldldavidson@rogers.com; Egeh, Hodan (MAH); dholmes@melancthontownship.ca; amcdonald@nation.on.ca; Shachter, Irvin (MAH); Young, Claire (MAH)
Cc: Von Kursell, Sybelle (MAH)
Subject: PL150353
Attachments: PL150353 Letter.doc

Importance: High

Good afternoon,

Please see the attached correspondence.

Sincerely,

Julie Nolan

Case Coordinator/Planner
Ontario Municipal Board
416 326 6782

.....

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Ontario**

Ontario Municipal Board

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Toronto ON M5G 1E5

Telephone: (416) 212-6349

Toll Free: 1-866-448-2248

Fax: (416) 326-5370

Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500

Toronto ON M5G 1E5

Téléphone: (416) 212-6349

Sans Frais: 1-866-448-2248

Télocopieur: (416) 326-5370

Site Web: www.elto.gov.on.ca



August 13, 2015

XPRESSPOST, E-MAIL

Township of Melancthon
157101 Highway 10
Melancthon, ON L9V 2E6

Subject:	Case Number:	PL150353
	File Number:	PL150353
	Municipality:	Dufferin
	Official Plan Number:	22-OP-143362-DCOP
	Property Location:	Municipal Wide
	Appellants:	1682843 Ontario Limited, Township of Melancthon, Valley Grove Investments Inc. & Harmount Invest.

After further review of the file mentioned above, the Board has determined that it does have the statutory authority to consider the appeal by the Township of Melancthon.

The County of Dufferin made notice of the decision on the above noted matters on March 27, 2015. In accordance with Sections 17(36), the last date to file an appeal with the Minister of Municipal Affairs and Housing was on April 16, 2015.

It has been confirmed that Sybelle Von Kursell at the Ministry of Municipal Affairs and Housing received your appeal by email on April 16, 2015. As such, the Board will continue to process your appeal.

Sincerely,

Yours truly,

Julie Nolan
Case Coordinator, Planner
(416) 326-6782

c.c.

1682843 Ontario Limited
Valley Grove Investments Inc. & Harmount Invest.
The Clerk (Dufferin)
John Alati
Claire Young
Flynn Paquin
Irvin Shachter
Ron Davidson

From: AMO Communications <communicate@amo.on.ca>
Sent: August-13-15 4:11 PM
To: watkinson@melancthontownship.ca
Subject: Policing Update: Minister Announces Consultations on a New Legislative Framework

August 13, 2015

Policing Update: Minister Announces Consultations on a New Legislative Framework

Today the Minister of Community Safety and Correctional Services, the Honourable Yasir Naqvi, announced a plan to consult on updating *the Police Services Act*.

The current legislative framework for policing in Ontario dates back to 1990. It has not been changed significantly in twenty-five years. The Minister announced that the consultation will seek input on how to:

- Enhance accountability and strengthen civilian governance of police services boards as well as how to ensure police oversight bodies are effective and have clear mandates.
- Improve interactions between police and vulnerable Ontarians, including enhancing frontline responses to those in crisis.
- Clarify police duties, modernize training programs and deliver services using a range of public safety personnel.
- Develop a provincial framework for First Nations policing to ensure equitable and culturally responsive policing for the province's First Nations communities.

Further information about consultation dates and how the public (and municipalities) can provide their feedback on the new strategy will be available in the coming weeks.

In April, AMO President Gary McNamara provided the Minister with a copy of AMO's Policing Modernization Report. The Report contains 34 recommendations, with ideas and a vision for the future of how this critical public service can be delivered. Two of the report's three priority recommendations are captured by the Minister's announcement. They include:

- Improve the quality of the existing governance and civilian oversight system.
- Make legislative changes to permit the greater transfer of specific functions to civilians or other security providers where appropriate.

More details regarding the Ministry's consultations are expected within days. The Minister will be addressing municipal delegates at AMO's upcoming AGM and Annual Conference in Niagara Falls on Wednesday, August 19, 2015.

AMO fundamentally believes in the need to advance the agenda of reform. This imperative is driven by the undeniable need to ensure that all Ontario communities can afford policing, along with all the other public programs and services that keep people not only safe, but healthy.

Ontarians currently pay the highest policing costs in the country. Per capita policing costs in Ontario are \$320 per year, well above the national provincial average of \$259. For at least a decade, police spending has been growing at three times the rate of inflation.

AMO supports this discussion and encourages municipal participation. Modernized legislation has the potential to improve the efficiency and effectiveness of policing in Ontario.

Links:

The Minister's announcement: <http://news.ontario.ca/mcscs/en/2015/8/province-developing-a-new-strategy-for-a-safer-ontario.html>

AMO's Policing Modernization Report: <http://www.amo.on.ca/AMO-PDFs/Reports/2015/AMO-Policing-Modernization-Report-Final-2015-04-27.aspx>

AMO President's Speech to the Ontario Association of Police Service Boards: <http://www.amo.on.ca/AMO-Content/Speeches/2015/AMO-President-s-Remarks-at-OAPSB-Conference.aspx>

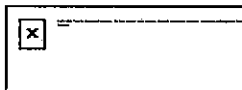
AMO President's Speech on Policing at the OSUM Conference: <http://www.amo.on.ca/AMO-Content/Speeches/2015/AMO-President-s-Remarks-at-2015-OSUM-AGM.aspx>

AMO Contact: Matthew Wilson, Senior Advisor, mwilson@amo.on.ca 416.971.9856 ext. 323.

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400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca



August 5, 2015

Denise Holmes, Cao/Clerk-Treasurer
Township Of Melancthon
157101 Highway 10
Shelburne ON, L9V 2E6

Dear Denise Holmes and members of Council,

I am writing on behalf of the partners of the Grand River Watershed Water Management Plan to present the *2014 Annual Report on Actions* to you and your council.

The goals of the Water Management Plan are to improve water quality, secure water supplies, reduce flood damage potential, address the effects of climate change and reduce the Grand River's impact on Lake Erie.

The Plan is the product of a voluntary partnership of municipalities, provincial and federal agencies and First Nations. The Plan was endorsed in 2014 and this is the first annual progress report on the actions in the Plan.

The Plan was developed in a collaborative process focused on finding the "best value solutions" – the most effective and efficient ways to achieve the goals. The Plan aligns the existing projects and programs of the partners so they can work together to improve the management of water issues.

Most of the Actions are things the Plan partners are already doing, or plan to do. Other Actions are best practices, which partners can implement voluntarily to address water issues.

Enclosed, please find copies of the *2014 Report on Actions*, which provides an overview of the Actions completed in 2014. It can also be downloaded from our website at www.grandriver.ca.

Please feel free to distribute these documents to the members of council and senior staff.

We would be happy to appear before council to provide additional information and to answer questions. To make arrangements please contact Sandra Cooke, Chair Water Managers Working Group, at scooke@grandriver.ca or 519-621-2763, Ext. 2224.

Yours truly,

A handwritten signature in black ink that reads "Joe Farwell".

Joe Farwell, P.Eng.
Chief Administrative Officer
Grand River Conservation Authority



Grand River Watershed Water Management **ACTION** Plan 2014 *Report on Actions*

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- 1 Introduction; Partnerships and coordination
- 2 Summary of Progress, Watershed Conditions
- 3 Reducing Flood Damages
- 4 Ensuring Water Supplies
- 5 Improving Water Quality
- 7 Building resilience
- 8 Looking Ahead, Challenges

Introduction

The Grand River Watershed Water Management Plan calls for annual progress reporting on the implementation of actions, starting in 2015.

The Actions identified in the Plan move us toward achieving the goals – to reduce flood damages, ensure water supplies, improve water quality and build resilience to deal with a changing climate.

This inaugural *Report on Actions* summarizes activities from the previous year and provides insight into the collective work plans of the partners for the coming year.

In addition, watershed conditions are highlighted. A complete report that summarizes watershed conditions and trends will be prepared every five years starting in 2019.

PARTNERS

Brant
Brantford
Cambridge
Centre Wellington
Environment Canada
Grand River Conservation
Authority
Guelph
Haldimand
Kitchener
Ministry of Agriculture, Food
and Rural Affairs
Ministry of Environment and
Climate Change
Ministry of Natural Resources
and Forestry
Oxford
Region of Waterloo
Six Nations of the Grand River
Waterloo

Partnerships and co-ordination

The Plan was endorsed by 27 municipalities, Six Nations of the Grand River, Environment Canada, the provincial ministries of Environment and Climate Change, Natural Resources and Forestry, and Agriculture, Food and Rural Affairs, and the GRCA Board in 2014.

Four meetings of the Water Managers Working Group, the Plan's main implementing body, will take place in 2015.

Stormwater managers continue to meet to discuss best practices for stormwater management. Wastewater managers are meeting to continue to optimize wastewater treatment plants and share lessons learned. The southern Grand River working group continues to advance work in the Dunnville area.

Partners are working together to optimize efforts for monitoring the conditions of the watershed to support good stormwater, wastewater and land use planning. Good information supports good decisions. This work will enable a comprehensive report on the status of the watershed to be completed for 2019.

Summary of progress

2014 marks the first year of Plan implementation.

Partners are advancing 120 of the 163 actions listed in the Plan. Some actions have been completed and are highlighted in this report while other actions are scheduled to start in the next few years.

*Status of the
Implementation of Actions*



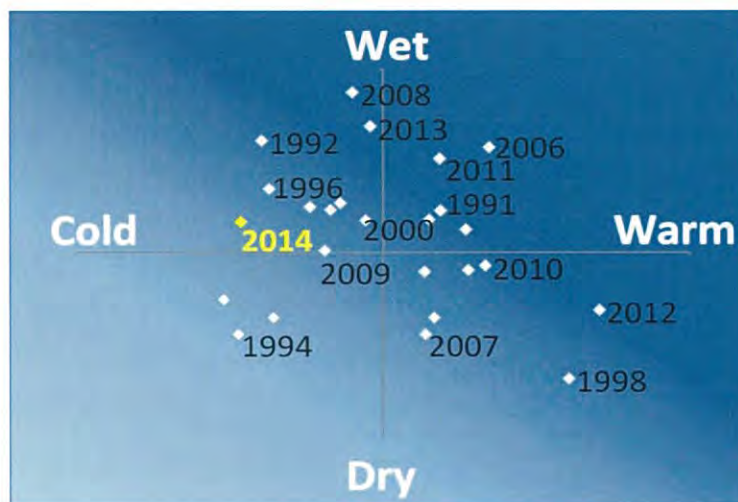
- In Progress
- Completed
- Future

Watershed conditions

In 2014, conditions were generally wetter and cooler than average and reservoir levels were above average due to the wet conditions. Dissolved oxygen levels in the river were generally good due to the high flows.

Water resource engineers operate the reservoirs to maintain river flows to meet **low flow targets** on the Grand River at Doon and Brantford. This is important for the Region of Waterloo, City of Brantford, and Six Nations who take some or all of their drinking water from the river. Flows are also maintained to dilute the treated wastewater discharged from wastewater treatment plants. Consideration is given for the ecological needs of the river system as well. Active reservoir management helps to maintain a healthy river system.

*River flows were
consistently above the
low flow targets in 2014*



Watershed conditions were generally cooler and wetter than average in 2014. This chart shows yearly conditions as described by deviations from average annual precipitation (wet/dry) and temperatures (warm/cold) since 1990. 2014 is highlighted in yellow.

Reducing flood damages

Reservoir operations, flood forecasting and warning

The seven multi-purpose reservoirs managed high flows in both the spring and fall. The reservoirs effectively reduced downstream flooding. For instance, the reservoirs cut river flows by 25% in the spring and up to 55% during a large snowmelt event in November.

Watershed flood coordinators met in February 2014. All municipalities successfully responded to the test flood alert.



The flood program issued many statements in 2014

Dam and dike safety studies

The GRCA owns and operates 29 of the 150 dams in the watershed. There have been safety studies completed for specific components of each GRCA dam. In 2014, a dam embankment study for the Luther Dam and a gate reinforcement analysis for the Shand Dam were completed.

Major repairs and maintenance was completed on six GRCA dams in 2014 including the rebuilding of Drimmie Dam in Elora; stop log replacements at Damascus and New Dundee dams; concrete restoration on a wingwall of the Wellesley Dam; gates and gate seals repaired or replaced at Guelph and Conestogo dams, and new fencing erected at the Caledonia Dam.

Floodplain mapping and emergency preparedness

Accurate floodplain mapping is the foundation of emergency preparedness. In 2014, the GRCA and the Ministry of Natural Resources and Forestry started a project to update floodplain mapping.

Permits and plan review to reduce future flood damages

To reduce future flood damages, the GRCA has the responsibility to regulate activities in natural and hazardous areas. This is done through the application of regulations affecting areas in and near rivers, streams, floodplains, wetlands, slopes and the Lake Erie shoreline.

Seven multipurpose reservoirs and dams are operated to reduce flooding and maintain water in the river during the summer. Ongoing maintenance is needed to maintain these assets.



Dam embankment upgrade completed at the Luther Dam, Amaranth Township, to ensure future stability of the dam.

104 permits were reviewed to protect people from flooding and ensure damage to property was avoided or minimized

236 permits were reviewed near wetlands to ensure water stays in place and does not cause downstream flooding

3 subwatershed studies were endorsed – Waterloo North, Cambridge West and Freeport Creek, to maintain the natural water cycle

Permits and plan review prevent future flood damages



Average per person water use has dropped to about 250 L per person per day in 2014 from 275L. The future target is 165 L per person per day for Guelph and the Region of Waterloo.



Renovation of an old irrigation pond, before (top) and after (bottom), helps reduce takings directly from creeks.

Many agency partners worked together with the farming community to identify alternative water supplies for irrigation.

Ensuring water supplies

Water supply planning and water security

Water budgets help identify where and how much water is available for municipal supplies, irrigation and environmental needs. Water budgets are being considered as a way to help the process of issuing a Permit To Take Water in Ontario.

The Tier III Water Budget for the City of Guelph and Region of Waterloo is now complete. The Whiteman's Creek Tier III Water Budget study has started.

Many municipalities are actively managing water demand through conservation programs. They regularly develop master plans for long-term water supply management.

The Region of Waterloo and City of Guelph completed their Water Supply Master Plans in 2014. The Region has also completed a Water Efficiency Master Plan. Conservation efforts continue to be encouraged and, as a result, water demand is decreasing.

Drought contingency planning

A specific drought contingency plan for Whitemans creek subwatershed was completed.

A drought contingency plan for the Grand River watershed was completed.

The agricultural community was active in the Whitemans Creek watershed in 2014 by implementing irrigation system assessments and identifying alternative sources of irrigation water. Work was done through the Water Adaptation Management and Quality Initiative (funded by Agriculture Canada and the Ministry of Agriculture, Food and Rural Affairs under Growing Forward – 2. Other project partners were the ministries of Environment and Climate Change, Natural Resources and Forestry, Brant and Oxford Federations of Agriculture, Farm and Food Care and GRCA.

Protecting drinking water

Drinking water is an important use of both ground and surface water in the watershed.

The proposed Grand River Source Protection Plan was submitted to the Ministry of the Environment and Climate Change in 2013; reviewed and updated in 2014 for resubmission in 2015.

Six Nations commissioned its new water treatment plant. Brant upgraded the treatment system at the Mount Pleasant municipal well and they are bringing the Bethel Road municipal wells into service.

A groundwater study was completed for the Bethel wells to determine the wellhead protection area.

Improving water quality

Managing point sources

Wastewater treatment plants are significant sources of nutrients to the river system in the summer. Municipalities are improving their plants through upgrades and optimization.

Centre Wellington upgraded the Elora wastewater treatment plant. It now includes nitrification, tertiary filtration and biosolids stabilization.

Haldimand County's application of the Composite Correction Program demonstrated additional capacity that resulted in the re-rating of the Cayuga plant, deferring significant capital costs.

The Region of Waterloo continues to upgrade the Kitchener and Waterloo wastewater treatment plants.

Mapleton, Wellington North and Brant worked with the GRCA to complete Comprehensive Performance Evaluations of their plants to identify opportunities to improve plant performance and/or opportunities to realize additional capacity.

*The **Composite Correction Program** is an approach to address performance and capacity limiting factors at wastewater treatment plants. The first step of the CCP is a **Comprehensive Performance Evaluation**, which evaluates the operation, design, maintenance, and administration of a plant to determine the factors that may be affecting performance or capacity.*

Managing urban non-point sources

Stormwater management in the central watershed helps reduce flooding in urban areas and improve local and downstream river water quality. Partners have committed to developing a community of practice through the Stormwater Management Working Group.

Brantford completed a Master Servicing Plan that included wastewater and stormwater. Kitchener initiated a Stormwater Master Plan update.

Funding for stormwater management is being addressed through a study in Guelph.

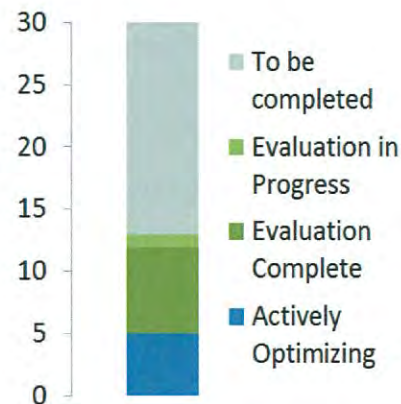
Nearly 1,300 Waterloo and over 5,100 Kitchener residents/businesses have received credit for adopting stormwater best management practices since the stormwater credit programs were started.

The RAIN Program conducted 128 home/business visits and recognized 6 leaders with Community Action Awards in Kitchener and Waterloo. They started reaching out to Cambridge residents.

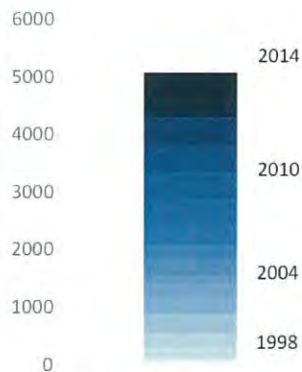
Municipalities across the watershed continue to promote the Smart About Salt program. The Region of Waterloo launched its Curb the Salt campaign.



The new Elora wastewater treatment plant will improve river water quality for the world-class brown trout tailwater fishery



*The Wastewater Optimization Program is gaining support across the watershed; 12 of the 30 plants in the watershed have completed a Comprehensive Performance Evaluation. Optimization efforts continue in **Brantford, Haldimand and Guelph**.*



Total number of completed Rural Water Quality Program projects since 1997 exceed 5000!

Conservation Services staff are using advanced GIS tools and approaches to engage the farming community about erosion and keeping valuable soil on the land



The Southern Grand River estuary near Port Maitland.

Improving Water Quality *continued*

Managing rural non-point sources

Since 1998, the Rural Water Quality Program has provided financial incentives and technical assistance to rural landowners to implement projects to improve and protect water quality. The agricultural community implemented 380 projects in 2014.

In 2014, the program was available in 75% of the watershed with funding from Waterloo Region, Wellington, Guelph, Brant, Brantford, Oxford and Haldimand. Limited funds were available in the remainder of the watershed.

These projects led to an additional 4,100 kilograms of phosphorus remaining on the land, bringing the total to 104,000 kg of phosphorus retained each year.

The Ministry of Agriculture, Food and Rural Affairs supported further development of decision-support tools to promote efforts to reduce soil erosion and nutrient movement off the farm. As a result, the GRCA developed detailed maps to help identify erosion areas or 'hotspots' in six sub-watersheds in the Nith River basin. Work continues in 2015 in the Conestogo River basin.

Improving natural river processes

Streams and rivers in the Grand River watershed carry water and sediment to Lake Erie while also providing valued habitat for fish, amphibians, aquatic insects and plants. Work to facilitate natural river processes in many small streams and the larger rivers will help to support a healthy watershed.

Ministry of Natural Resources and Forestry and Environment Canada supported studies to improve the technical understanding of the southern Grand River through a formalized decision analysis, development of a new digital elevation model and new river bathymetry.

In partnership with the Fisheries Management Plan Implementation Committee, GRCA collected temperature data near a small dam on McKenzie Creek.

Kitchener naturalized 1.3 km of stream in Schneider Creek subwatershed to help improve water quality in Victoria Lake.

Mill Creek Stewardship Rangers rehabilitated over 450 metres of Mill Creek.

Building resilience requires a commitment to data-based decision making

Data collection, evaluation and decision making

Water monitoring programs in the watershed include stream flow, water quality and groundwater. The data collected by these programs help inform water management decisions.

GRCA and Water Survey of Canada collect stream flow data at 55 stream flow gauges. The data provides the information needed to prepare for and forecast flooding. It also informs the management of the reservoirs to ensure that flow targets are met.

Ambient groundwater is monitored at 27 wells throughout the watershed by the GRCA in partnership with the Ministry of the Environment and Climate Change. The GRCA also monitors ambient groundwater conditions at 23 more wells. Wells are equipped with data loggers for continuous measurement of water levels and temperature. In 2014, the ministry supported the instrumentation of 3 groundwater wells with telemetry for real-time monitoring. In addition, many municipalities have their own groundwater monitoring programs.

GRCA collects river water quality 10 times a year at 37 sites in partnership with the Ministry of Environment and Climate Change. In addition, the ministry recently started collecting water quality data at a new site in the Grand River estuary downstream of the Dunnville Dam.

The Region of Waterloo monitors river water quality at 28 sites above and below their wastewater treatment plants to inform current and future wastewater management. In addition, they evaluate the health of the aquatic community every three years.

A 3-year research project sponsored by the **Canadian Water Network** on Aquatic Cumulative Effects Assessment in the Grand River concluded in 2014. Plan partners will use this research to inform their operational monitoring. The Grand River watershed continues to be a focus of many innovative projects sponsored by the **Southern Ontario Water Consortium**.

The Ontario Geological Survey continues to map the overburden sediments in the watershed. They have focused recently on areas in Haldimand, Wellington and Dufferin counties. These projects allow water managers to understand and better manage the aquifers in these areas.

Cities of Kitchener, Waterloo, Guelph, Brantford, Region of Waterloo and non-government organizations like Trout Unlimited collect water data for informing subwatershed planning, characterizing conditions and river restoration.



Collecting river flow data allows engineers to calibrate flood forecast models



Collecting stream water quality samples help to gauge the health of the stream



Long-term groundwater level data enables hydrogeologists to understand how aquifers respond to changing climate conditions

Looking Ahead – short, mid and long-term workplans

2015-16	2017-19	2020+
<ul style="list-style-type: none"> • Water Managers will review and optimize water monitoring efforts • Region of Waterloo to start Wastewater and Biosolids Master Plans • Centre Wellington to start Water Supply Master Plan • Nutrient targets will be set for Lake Erie in 2016 • Master Servicing Plan for Paris is expected to be complete in Brant • Guelph WWTP anticipates the completion of a pilot plant to treat concentrated wastewater • Environmental assessments to consider wastewater servicing and treatment are expected to be completed for Arthur, Mapleton, Drumbo and St. George • New hydrography for the watershed should be complete • Kitchener anticipates completion of the Stormwater Master Plan • Brantford plans to launch a stormwater flow monitoring program and Subwatershed Master Plan studies. 	<ul style="list-style-type: none"> • Major treatment upgrades at the Kitchener WWTP are expected to be completed • GRCA will review the reservoir operating policy and work with the MOECC to review low flows for wastewater planning • A watershed resources conditions report will be completed by Plan Partners by 2019 • Water managers will sponsor cost-benefit analysis for evaluating point vs nonpoint source controls for future water quality improvements • The Implementation Committee will review the Water Management Plan in 2019 & if necessary, initiate a process to update the Plan 	<ul style="list-style-type: none"> • Brant will carry out studies with plans to upgrade the Paris and St. George wastewater treatment plants • Water Managers will investigate producer-municipal partnerships to jointly manage nutrients and organic wastes for energy production

Challenges and barriers to success

Having a water management plan is only the beginning. The success of the plan will lie with the partnerships and the people to tackle the following challenges:

1. **Maintaining engagement** as people retire or move on, the transfer of knowledge to new staff and sharing lessons learned or approaches will be critical.
2. **A commitment to implement** the actions and report on progress – *a plan only succeeds if implemented*
3. **Allowing innovation.** Innovative approaches that may not be consistent with current regulatory practices are needed to achieve the goals of the Water Management Plan.

Denise Holmes

From: Wielgos, Brittney (OMAFRA) <Brittney.Wielgos@ontario.ca>
Sent: Monday, August 24, 2015 5:03 PM
To: 'Justin Stein'; jwilker@thomsonrogers.com; David Germain (dgermain@thomsonrogers.com) (dgermain@thomsonrogers.com); ekehoe@sympatico.ca; Ernest Rovet (rovetlaw@gmail.com); Luellaholmes@aol.com; 'km_lindsay@hotmail.com'; 'dholmes@melancthontownship.ca'; carmela_marshall@yahoo.ca
Cc: Jamieson, Andrew (OMAFRA); Curran, Becky (OMAFRA)
Subject: Pre-Hearing Conference Order No. 4 - NFPPB 2014-05: Cox v. Town of Mono
Attachments: PHC ORDER #4 08-24-2015.pdf

Sent on behalf of Andrew Jamieson:

Please find attached the Order of the Normal Farm Practices Protection Board arising from the pre-hearing conference No.2 held on July 20 2015, in the case of NFPPB 2014-05: Cox v. Town of Mono.

Please verify receipt of this email.

Brittney Wielgos, Secretary (A)
Normal Farm Practices Protection Board
1 Stone Rd. W., 3rd Floor
Guelph, ON N1G 4Y2
Tel: 519-826-3773
Brittney.wielgos@ontario.ca<<mailto:Brittney.wielgos@ontario.ca>>

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From: brittney.wielgos@ontario.ca

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Medium (75): Pass
Low (90): Pass

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**Normal Farm Practices
Protection Board**

**3rd Floor
1 Stone Road West
Guelph, Ontario N1G 4Y2
Tel: (519) 826-3549
Fax: (519) 826-3259**

**Commission de protection
des pratiques agricoles
normales**

**3^e étage
1 Stone Road West
Guelph (Ontario) N1G 4Y2
Tél.: (519) 826-3549
Téléc.: (519) 826-3259**



Normal Farm Practices Protection Board

PRE-HEARING CONFERENCE ORDER No. 4

**IN THE MATTER OF an application to the Board under section 6 of the
*Farming and Food Production Protection Act, 199.***

Board File No.: 2014-05: Cox v. Mono

Between:

Douglas Cox

Applicant

and

Town Of Mono,

Respondent

and

Elaine Kehoe,

Party

and

Mono Mulmur Citizen's Coalition,

Party

Before: Marty Byl, Board Member

Date: Monday, July 20, 2015

Location: Town of Mono Municipal Building, Mono, Ontario

Background

The Normal Farm Practices Protection Board ("the Board") received an application by mail from Douglas Cox January 28, 2015 under s. 6 of the *Farming and Food Production Protection Act, 1998* ("the Act") regarding the Town of Mono's Fill By-law 2014-31. The application was prepared by Mr. Robert Iachetta of Soilcan Inc., acting as agent for Mr. Cox.

Ms. Elaine Kehoe and Ms. Carmella Marshall, contacted the Board on March 5 and 6, 2015, respectively, after the pre-hearing and settlement conferences had been scheduled and notice served. These individuals did not at the time request status as a full party to the application, but both expressed the desire to attend the scheduled conferences and to participate in the main hearing of this matter in order to make their views known to the Board.

In addition, letters of concern were received from several other area residents. Other than Ms. Kehoe and Ms. Marshall, the residents who wrote to the Board did not request standing at the hearing. The Town of Melancthon did request Presenter status in an email of April 1, 2015.

A letter was also received by the Board from Ms. Katharine Lindsay dated April 1, 2015, expressing concerns about the application.

A motion to adjourn the pre-hearing conference was submitted to the Board on March 20, 2015 by the Respondent's solicitors, Jeffrey J. Wilker and David N. Germain.

On Thursday, April 2, 2015 the Motion was heard before member Marty Byl at the Town of Mono Municipal Office, 347209 Mono Centre Road, Mono, Ontario. The motion was denied. A pre-hearing conference was conducted directly afterwards, at the same location, following the motion hearing.

The Applicant, Mr. Douglas Cox was represented by Mr. Justin Stein, rather than by Mr. Robert Iachetta of Soilcan, who had made the application to the Board as Agent for Mr. Cox. Mr. Stein indicated that he and his company, 2294948 Ontario Limited were separate and independent of Soilcan. Mr. Stein indicated employees of Soilcan would be testifying at a full hearing, should one occur, and therefore Soilcan could no longer act as Agent for Mr. Cox. Mr. Iachetta was also present along with Mr. Cox and Mr. Stein.

At the April 2 pre-hearing conference Ms. Kehoe sought and was granted party status.

No settlement conference was held on that date.

A motion decision and pre-hearing order was issued by the Board on May 4, 2015.

A second attempt at conflict resolution was attempted prior to this date but was unsuccessful.

Prior to issuance and since the May 4 Order was issued, other persons and groups contacted the Board seeking either party status or seeking to make presentations under Rule 55 of the Board's rules.

Proceedings

The current parties and their agents were all present including the Applicant Mr. Douglas Cox and his agent Mr. Justin Stein, The Town of Mono and their counsel Mr. Jeffrey Wilker, Ms. Elaine Kehoe, representing herself.

Mr. Don MacFarlane, president of the Mono Mulmur Citizen's Coalition and its counsel, Mr. Earnest Rovet LLB, were also present.

Based upon previous letters and emails, the Board was aware that this group sought standing as a party in this matter.

Mr. MacFarlane assured the pre-hearing Chair that the Mono Mulmur Citizen's Coalition was incorporated.

The Applicant and both other parties presented no objection to the Mono Mulmur Citizen's Coalition being granted party status.

The Mono Mulmur Citizen's Coalition was added as a party.

Other interested parties wishing to make presentation have contacted the Board prior to the June 8, 2015 deadline imposed by Board Order dated May 13, 2015.

The Applicant, Respondent and the two other parties were canvased as to their intended witnesses both expert and non expert.

All parties were reminded that the Normal Farm Practices Board has no jurisdiction to allow a party to contravene other legislation such as the *Environmental Protection Act* and the *Ontario Water Resources Act*.

The Applicant indicated they planned to rely upon five witnesses include three whom the applicant intends to have qualified to give expert testimony:

1. Either Keith or Murray Wilson (non expert) depending upon availability
2. Douglas Cox (non expert)
3. Geoff Ball, environmental engineer
4. Braham Amirnezhad
5. Robert Iachetta of Soilcan

The Respondent indicated they planned to rely on three witnesses all whom the Respondent intends to have qualified to give expert testimony:

1. Mark Early, Town planner
2. Gord Feniak, Engineer
3. Rob Stovel, Planner and agrologist

Mr. Wilker also indicated his witness list may change as a result of the Applicant's submission.

Mr. Rovet indicated he will be relying on cross examination, however may call one expert witness depending on review of the Applicant and Respondent's witnesses' intended testimony.

Mrs. Kehoe initially indicated she planned to have at least four people testify, however she was cognisant of possible duplication with the Town's witnesses and indicated that she would work with the Town after receiving the Applicant's disclosure. She also expressed concern that the experts called by the Respondent may not address her specific concerns. She indicated she would attempt to elicit appropriate testimony from them but may require an expert or two to testify. She considers two of her witnesses to be experts. Her additional witnesses might require notification and summons service. Her provisional witness list includes:

1. Carmella Marshall (non expert)
2. Natalie Kotyck (non expert)
3. Marvin Stevenson regarding animal nutrition
4. Ed Krocher, environmental engineer

However, after the testimony of all other experts, she may also wish to call two other public servants by virtue of a summons. If, after receiving disclosure documents or after hearing the testimony of the applicants' witnesses, Ms. Kehoe requires any summonses to be issued, she is directed to contact the Board without delay to minimize the possibility of any delay in the proceeding.

All parties should be cautioned that the term 'expert' has been used loosely during pre-hearing conferences. The full panel will rule whether proposed witnesses are qualified and proven to be independent and expert. Only a successfully proven expert witness may provide opinion evidence and only in relation to their field of endeavor. Witnesses not accepted as expert cannot give opinion evidence.

The pre-hearing Chair determined based upon their responses, no less than three days would be required for a hearing. Two additional days might be required for a full hearing, should Ms. Kehoe and Mr. Rovet feel further expert testimony be required.

The Board recognizes that the Respondent and other parties may need to alter witness lists and documentary evidence to be relied upon once the Applicant has submitted his disclosure in order to properly answer the application. The Applicant may also alter his witness list and documents to be relied upon in order to properly reply to submissions of the Respondent and additional parties.

Ms. Catherine Lindsay was present and indicated that she would like to give oral presentation at the full hearing. The pre-hearing Chair indicated he would defer his decision on the matter until a written order is issued. Ms. Lindsay has been in contact with the Board throughout this application and well before the May 4 order was issued by the Board.

The pre-hearing Chair noted that while five concurrent days were available, it was not possible to schedule an initial three days, followed by two days some time afterwards.

As the Hearing Panel was available for five concurrent days, the Chair determined it appropriate to schedule all five days. The Hearing Panel will address any adjournment motions.

There was consensus that public notification by newspaper advertisement was effective and appropriate.

There was consensus that a third attempt at conflict resolution would be unfruitful.

The Respondent and other parties indicated they were not prepared to participate in a Settlement Conference at this time.

The Respondent reiterated that at this point, no fill permit application has ever been received by the Town of Mono from Mr. Cox, Soilcan or any other representative. The pre-hearing Chair asked that Mr. Wilker reiterate this status of application at the full Hearing.

Mr. Stein indicated that they would request two site visits, one to the Cox property and another to a completed project. The pre-hearing Chair indicated Mr. Stein, or any other party who desires that the hearing panel visit any sites, should make their request to the Hearing Panel on the first day of the hearing.

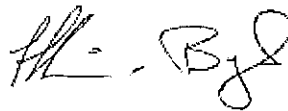
Order

- The Board will hold a full hearing commencing November 23rd at 10:30 am.
- The Board will set aside five days for the hearing, Monday, November 23 to Friday, November 28, 2015 inclusive.
- If available, the hearing will be held at the Town of Mono Municipal Building, Mono, Ontario.
- A Notice of Hearing will be issued to all parties, once the location has been confirmed, fixing the dates, time and location of the hearing.
- The Applicant shall file with the Board and serve on all other parties all relevant documents, including a completed witness list, statements of witnesses, CVs of expert witnesses, reports, photographs, maps and plans and any other documents to be relied upon no later than Friday, October 9, 2015. A copy of any presentation or a factum may be included if desired.
- The Respondent shall file with the Board and serve on all other parties all relevant documents, including a completed witness list, statements of witnesses, CVs of expert witnesses, reports and any other documents to be relied upon no later than Friday, October 30, 2015. A copy of any presentation or a factum may be included if desired.
- Ms. Elaine Kehoe shall file with the Board and serve on all other parties all relevant documents, including a completed witness list, statements of witnesses, CVs of expert witnesses, reports and any other documents to be relied upon no later than Friday, October 30, 2015. A copy of any presentation or a factum may be included if desired.
- The Mono Mulmur Citizen's Coalition shall file with the Board and serve on all other parties all relevant documents, including a completed witness list, statements of witnesses, CVs of expert witnesses, reports and any other documents to be relied upon no later than Friday October 30, 2015. A copy of any presentation or a factum may be included if desired.

- The Applicant shall file with the Board and serve on all other parties a reply, if any, no later than Friday November 13, 2015.
- No party shall tender as evidence any document not listed in their submitted materials and circulated prior to the hearing without leave of the Board.
- No party or interested person may bring a motion without leave of the Board.
- If any party wishes to call an expert witness who will be referring to a written report during his or her evidence, the said report shall be included in the party's document list and copies provided to all other parties as set out above.
- The Board will distribute to all parties copies of correspondence submitted by parties and members of the public.
- The matter of any site visits will be determined by the full hearing panel. Requests for any site visits should be made at the outset of the hearing.
- All other interested persons may make written submissions to the Hearing Panel under Rule 56. These must be filed at or before the commencement of the hearing. Copies shall be provided to all parties.
- Ms. Catherine Lindsay may make an oral presentation under Rule 55 to the Board not to exceed 20 minutes, following the testimony of all witnesses, prior to closing arguments. During the full hearing she is directed to remain communicate with the Board secretary, so that she need only be present on the day she is required.
- No further dispute resolution is ordered.
- As acknowledged by the Respondent, notice to the public will be made by way of two newspaper advertisements similar to those placed by the Board prior to this second pre hearing conference and in the same publications, the Orangeville Banner and the Orangeville Citizen.
- The Hearing Panel of the Board, once convened, may vary this order as appropriate.

So Orders the Board.

DATED August 24, 2015



Marty Byl, Pre-Hearing Chair

From: AMO Communications <communicate@amo.on.ca>
Sent: August-20-15 3:09 PM
To: watkinson@melancthontownship.ca
Subject: AMO POLICY UPDATE - Government Announces New Disaster Recovery Assistance Programs

August 20, 2015

Government Announces New Disaster Recovery Assistance Programs

Earlier this week at the AMO Conference in Niagara Falls, the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, unveiled changes to the way the Province will help assist municipal governments and individuals recover from the impacts associated with natural disasters. The Ontario Disaster Relief Assistance Program (ODRAP) will be retired and replaced by two new programs: a Municipal Disaster Recovery Assistance program and a Disaster Recovery Assistance for Ontarians program. The design and delivery of the new programs will have implications on how municipal governments plan for and recover from disaster events.

The Municipal Disaster Recovery Assistance program will:

- Help municipal governments address eligible emergency response costs and repairs to damaged property and infrastructure such as roads, bridges and public buildings; and
- Provide an extended four month timeframe for a municipality to assess the damage and costs of the natural disaster and request provincial assistance. Under ODRAP, municipal governments had 14 days to assess damage and request assistance from the Province.

The Disaster Recovery Assistance for Ontarians program will:

- Provide assistance to individuals, small businesses, farmers and not-for-profit organizations that have experienced damage to, or loss of, essential property as a result of the disaster;
- Be directly administered by the Province; and
- Municipal governments will no longer be required to appoint volunteer Disaster Relief Committees to fundraise for matching provincial assistance, but they may choose to continue to fundraise on their own.

Municipal governments have been requesting the government to make the private and public components of ODRAP more clear, transparent and streamlined. These new programs will help municipal governments focus efforts on disaster response and recovery in the wake of an event. Further information on the eligibility criteria and requirements for the new programs will be made available by early 2016. AMO looks forward to the release of these details and will provide a further update to the membership once this information is provided.

The eligibility requirements of ODRAP funded repairs to damaged municipal infrastructure to pre-disaster condition only. AMO would like to see funding assistance extended beyond this requirement so that municipal governments can better prepare critical infrastructure for the effects from climate change and natural disasters.

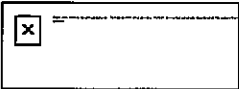
The Ministry of Municipal Affairs and Housing launched their review of ODRAP last fall as part of the direction in the Minister's mandate letter. Municipal governments, through several forums including AMO's ODRAP Review Task Force, participated and provided input during these consultations.

Contact: Nicholas Ruder, Policy Advisor, E-mail: nruder@amo.on.ca, 1.877.426.6527 (toll free) or 416.971.9856 ext. 411 (local).

PLEASE NOTE: AMO Breaking News will be broadcast to the member municipality’s council, administrator, and clerk. Recipients of the AMO broadcasts are free to redistribute the AMO broadcasts to other municipal staff as required. We have decided to not add other staff to these broadcast lists in order to ensure accuracy and efficiency in the management of our various broadcast lists.

DISCLAIMER: Any documents attached are final versions. AMO assumes no responsibility for any discrepancies that may have been transmitted with this electronic version. The printed versions of the documents stand as the official record.

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High (60): Pass

Medium (75): Pass

Low (90): Pass

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From: AMCTO <broadcasts@amcto.com>
Sent: Tuesday, August 25, 2015 9:00 AM
To: dholmes@melanctontownship.ca
Subject: ODRAP Announcement Points to Successful Advocacy

If this email does not display properly, please view our [online version](#).



August 25, 2015

ODRAP Announcement Points to Successful Advocacy

Last week at the annual Association of Municipalities Ontario (AMO) conference in Niagara Falls, Premier Wynne announced that the government will introduce two new disaster assistance programs: one for municipalities and one for citizens and other organizations. The two new initiatives will replace the beleaguered Ontario Disaster Relief Assistance Program (ODRAP), which the government has been reviewing since early 2015.

AMCTO [presented a submission](#) to the Ministry of Municipal Affairs and Housing (MMAH) as part of that review, with five high-level recommendations for making ODRAP a more effective program for municipalities in Ontario. While only limited details about the new programs have been released, it appears that the government has adopted two of AMCTO's recommendations. Specifically the new program will extend the amount of time for municipalities to assess damage costs from 14 days to 4 months and eliminate the private fundraising and donation matching component.

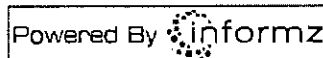
AMCTO will continue to monitor this file and provide more detailed updates when the full program details are released by the Ministry in early 2016. For more information you can read AMCTO's [submission](#), or the [government's news release](#).

AMCTO – The Municipal Experts

2680 Skymark Avenue Suite # 610, Mississauga ON L4W-5L6

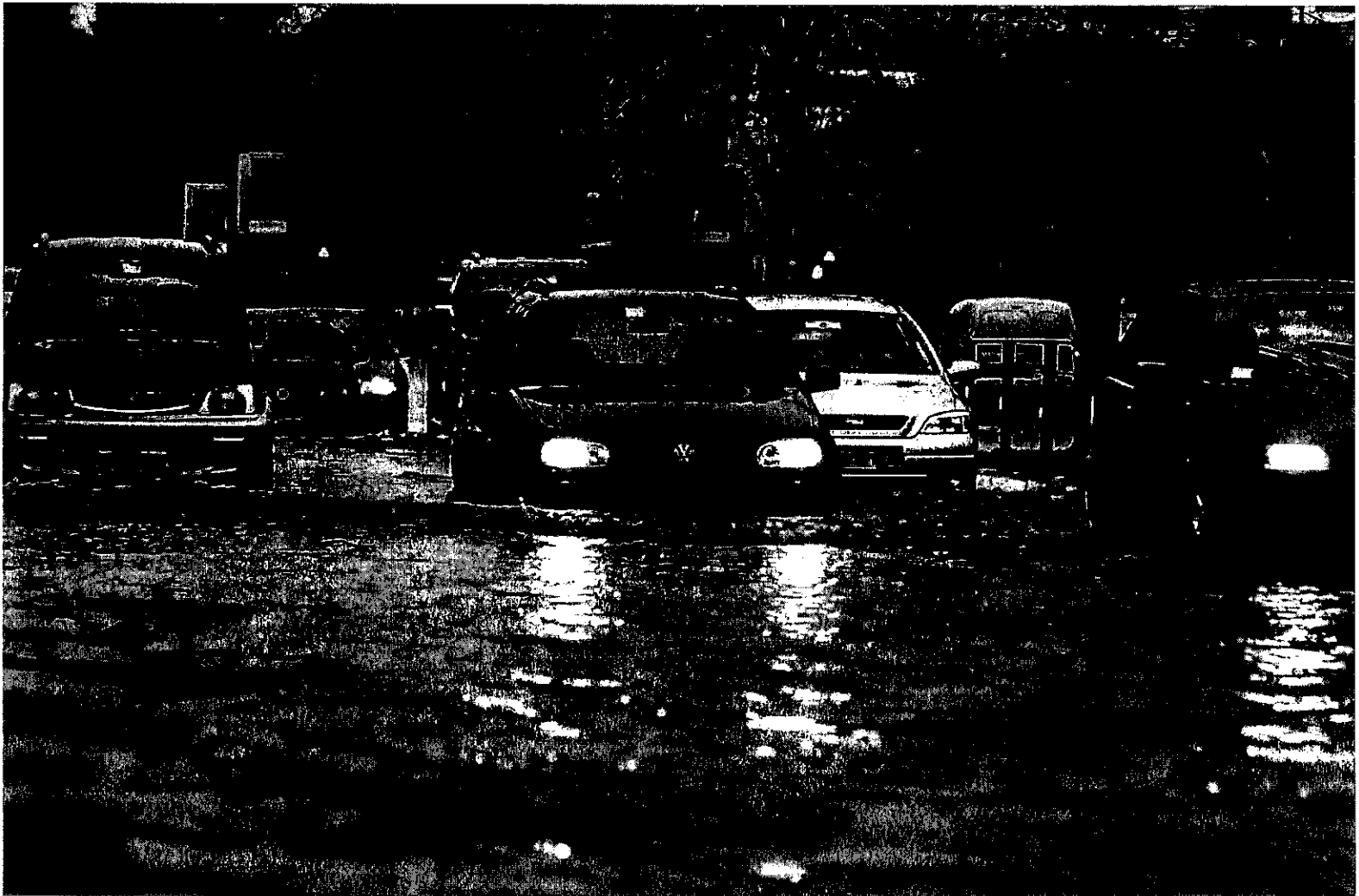
Phone - 905-602-4294 | Fax - 905-602-4295

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ODRAP REFORM

AMCTO Submission to The Ministry of Municipal Affairs and Housing as part of the Ontario Disaster Relief Assistance Program Review



About AMCTO:

AMCTO represents excellence in local government management and leadership. AMCTO has provided education, accreditation, leadership and implementation expertise for Ontario's municipal professionals for over 75 years.

With approximately 2,200 members working in municipalities across Ontario, AMCTO is Canada's largest voluntary association of local government professionals, and the leading professional development organization for municipal administrative staff.

Our mission is to provide management and leadership service to municipal professionals through continuous learning opportunities, member support, and legislative advocacy.

For more information about this submission, contact:

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Director, Member and Sector Relations
rjohal@amcto.com | 905.602.4294 ext. 232

Eric Muller
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emuller@amcto.com | (905) 602-4294 x234

Contact us:

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Web: www.amcto.com | @amcto_policy



March 4, 2015

Ms Elizabeth Harding
Assistant Deputy Minister, Municipal Services Division
Ministry of Municipal Affairs and Housing
Municipal Programs and Education Branch
777 Bay Street, 16th Floor
Toronto, ON M5G 2E5

Dear Ms Elizabeth Harding:

RE: Ontario Disaster Relief Assistance Program Review

I am writing on behalf of AMCTO – the Municipal Experts, and the approximately 2,200 municipal professionals who make up our membership, to present our submission as part of the Ontario Disaster Relief Assistance Program (ODRAP) Review.

During his address to the assembled delegates of the 2015 ROMA/OGRA Combined Conference, the Honourable Minister McMeekin said that he was interested in hearing any ideas that would enable the province to be more effective in the way that it relieves the suffering of those impacted by a disaster. It is in that spirit that AMCTO presents this submission, which is based upon the input of municipal professionals from across the province who have been through the ODRAP process.

We appreciate your consideration of our suggestions and look forward to hearing back in a timely manner. Should you have any questions about this submission, please do not hesitate to contact Rick Johal, Director of Member & Sector Relations at AMCTO. He is best reached at rjohal@amcto.com or 905 602 4294 Ext. 232.

Yours sincerely,

Michelle Smibert
AMCTO President

C. Deputy Minister Laurie LeBlanc
C. Monika Turner, Director of Policy – Association of Municipalities of Ontario (AMO)

INTRODUCTION

The Ontario Disaster Relief Assistance Program (ODRAP) is a key resource for municipalities. While not a replacement for private insurance, the program fills the gaps and provides crucial relief to local communities after a disaster. Though municipalities have come to rely on the program as a key source of post-disaster funding, its composition and structure has on a number of occasions left much to be desired.

Ontario has experienced a number of significant natural disasters over the past two decades. With our climate continuing to change at a rapid pace, and the frequency and intensity of catastrophic rainfall events growing, the province is likely to see a continued upsurge in the need for emergency relief assistance (Sandink, 2007, 24). ODRAP is increasingly important and it is crucial that the Ministry of Municipal Affairs & Housing (MMAH) seize the opportunity of this review to make the changes that the program needs to be more efficient, effective and reliable.

As AMCTO worked with municipal professionals across Ontario in the course of preparing this submission, the overwhelming message conveyed was that the ODRAP process lacks consistency. The experience of one municipality may be vastly different from the experience of another. While some spoke positively of their experience, others were frustrated and disappointed.

This submission is based upon the input and experience of those who have been through the ODRAP process while responding to disasters across the province. While each municipality has had a unique experience with the program, the following recommendations are reflective of common concerns from the municipal sector. We hope these recommendations inform the review process and help to ensure ODRAP is a valuable program for municipalities moving forward. Specifically we recommend that MMAH:

1. Create a team of expert ODRAP advisors;
2. Decentralize and streamline decision making;
3. Develop a set of best-practices;
4. Review the 2:1 donation matching program; and
5. Simplify red tape and reporting.

RECOMMENDATION 1:

CREATE A CONSISTENT TEAM OF EXPERT ODRAP ADVISORS WITHIN MMAH THAT COULD BE DEPLOYED TO DISASTERS ACROSS THE PROVINCE.

The disaster relief process is a steep learning curve for municipal administrators, community members chosen to serve on local disaster relief committees (DRC) and MMAH staff. As a result of the relative infrequency of natural disasters in Ontario, most municipal staff have not worked on a disaster response before. For example, during the 2013-2014 flooding in Minden Hills, only one staff member from the Township had previous experience dealing with flooding, and none of the members of the DRC had training or experience managing the relief or recovery phase of a disaster (Minden Hills, 2014, 5).

Given that many municipal administrators have limited exposure to disaster response, it is crucial that the Ministry of Municipal Affairs and Housing act as an expert-level resource to advise and assist municipalities and their respective disaster relief committees. While some municipalities have spoken highly of their MMAH representatives, others have noted inconsistency in the level of ODRAP knowledge and familiarity that Ministry staff possess.

To mediate this challenge the Ministry should create a standing roster of expert ODRAP advisors, housed within MMAH that could deploy to disasters across the province. These expert advisors would receive the most current, and specialized training and would be empowered with the necessary tools and decision-making authority to provide a high-level of service. Their role would not be to manage the emergency relief or recovery process—a responsibility that is best left to the municipality and local disaster relief committee—but to serve as advisors who are able and empowered to navigate a municipality and its DRC through the process.

RECOMMENDATION 2:

DECENTRALIZE AND STREAMLINE DECISION-MAKING DURING A DISASTER.

Closely linked to the need to provide a higher-level of specialized service, is the need to decentralize decision-making during a disaster response, especially for larger, ongoing emergencies. We heard overwhelmingly that the ability to respond to citizen needs and relieve suffering during a disaster is hampered by slow decision-making. For example, one disaster response official waited 4 weeks to get a minor clarification about the ODRAP program guidelines (Minden Hills, 2014, 16).

One of the reasons that decision making is slow is that few decisions are made at the ground level, by MMAH representatives who are present in the disaster zone. Instead many decisions are relayed back to the Ministry offices in Toronto creating an additional delay. While this may be appropriate for some programming decisions, it is certainly not for the tight-timelines faced by those responding to an emergency situation.

The Ministry should decentralize its decision-making when it comes to ODRAP. One natural way to do this would be to provide MMAH advisors, who are actually on the ground at the scene of a disaster, with greater decision-making authority. This would lead to more relevant, responsive and timely decisions within the context of events on the ground. It would also lead to better coordination and communication between MMAH and municipalities, which is frequently identified as a concern (Fragomeni, 2014).

There would also be value in including clear timelines for decisions from MMAH and the Minister in the ODRAP guidelines. While the program guidelines contain clearly defined time limits for a municipality to make decisions or deliver on key reporting requirements, there are no corresponding timelines for decisions by Ministry staff or the Minister.

RECOMMENDATION 3:

DEVELOP A SET OF BEST-PRACTICES TO IMPROVE CONSISTENCY DURING A DISASTER RESPONSE.

A team of ODRAP experts and timelier decision-making would be well complemented by a set of best-practices on how to get the most from ODRAP. As we prepared this submission, we heard repeatedly that it appears as though MMAH staff start from scratch every time they respond to a request for assistance under ODRAP. It did not seem to those who had worked on multiple disaster responses that the Ministry learned from its previous use of the program, or used past experiences to make improvements.

We have also heard from municipalities that there is no structured process for them to learn from the experiences of other municipalities who have been through the process before. As a result, many DRC members and municipal staff felt that there was a range of options available to them that they were simply unaware of.

There is great value in the experiences and lessons-learned from those who have been through the program during previous disaster responses, and the Ministry should undergo a sustained review process to generate a series of best-practices, and lessons learned with regard to ODRAP. This is a process that should include the results of rigorous monitoring and evaluation of ODRAP in every medium- to large-scale disaster. It should also result in MMAH creating a set of best-practice tools and resources that can be given to municipalities at the outset of a disaster to help them respond in the most efficient, effective, and relevant manner possible.

RECOMMENDATION 4:

REVIEW THE 2:1 PRIVATE DONATION MATCHING COMPONENT.

One of the most prominent aspects of ODRAP is the 2:1 private donation matching program, which stipulates that the province will match funds raised by a DRC "up to a 2 to 1 ratio to settle the claims, up to 90 per cent of the estimated eligible amount" (Ministry of Municipal Affairs and Housing, 2009, 11). While the 2:1 matching program has been lauded by some (Minden Hills, 2014), it has also led to confusion, misperception and frustration.

Many of the issues stem from the fact that the 2:1 donation matching program is not truly a matching program, but more accurately a provincial top-up of the private ODRAP component. Under the current program architecture, while the province will match private donations collected by a DRC, there are two important limits. For one, it only covers up to 90 per cent of eligible claims covered under the private component. The more complicated aspect of the matching component however, is that the province will only match funds as long as the local DRC does not raise more than 1/3 of eligible private claims. Once a local community raises more than 1/3, the province will only provide top-up funding to reach 90 per cent of eligible claims. For instance, following the Goderich tornado, the local DRC raised more than \$4 million in donations. However, instead of being matched by \$8 million of provincial funding, MMAH provided only \$2.16 million, because that was all that was needed to reach 90 per cent of eligible claims (Creces, 2013).

In effect the 2:1 matching program creates a perverse disincentive, which discourages local communities from fundraising too successfully and punishes them when they do. The more money a local community raises on its own, the less support that it gets from the province. However, the potentially more troubling aspect of the 2:1 matching program is the way that it distorts expectations at the local level and places members of the local DRC in a fraught position where they are encouraging donations based upon a matching program that may or may not exist.

The result is two-fold: a level of frustration directed at the DRC, which is often made up of prominent members of the community who volunteer their time to help those affected by the disaster; and, blame for the matching program being unfairly directed at the municipality.

The current 2:1 private donation matching program is in serious need of review. If it is to remain a true donation matching program, then the conditions and limitations should be removed. However, if the Ministry is not willing to do this, it should be restructure and refocus the 2:1 component as a provincial top-up, designed and communicated clearly as a supplement to private fundraising.

RECOMMENDATION 5:

SIMPLIFY RED TAPE AND REPORTING.

There is also room for some of the ODRAP decision-making and reporting processes to be simplified. A study conducted in 2005 by the Institute for Catastrophic Loss Reduction (ICLR) found

that those who filed with claims through private insurance were generally satisfied, while those eligible for ODRAP believed that payments came too slowly, and were generally dissatisfied with the program (Sandink, 2007, 26).

One concern cited frequently by municipalities that have been through the ODRAP process is that program materials were either not available or late arriving (City of Thunder Bay, 2014, 4). It is particularly troubling that a number of municipalities reported that the ODRAP guidelines were being updated, and were not provided until weeks and even months into their disaster response.

In the course of future responses, all program documentation should be provided to a municipality at the outset. It is unreasonable to assume that a municipality will be able to work within the confines of a complicated program like ODRAP, without receiving program documents or guidelines until after it has made important decisions, many of which are likely to impact program eligibility.

The current program documents also lack clarity around what is and is not covered by the program. A number of municipalities reported that they were unsure about what expenses could be reimbursed, how much money a municipality could receive and whether or not a community was even eligible for the program in the first place (Mcgrath, 2014). In at least one iteration of the program pillowcases and beds were eligible for coverage, but pillows and mattresses were not. Meanwhile businesses could be reimbursed for lost inventory, but a farmer couldn't claim crop losses (Creces, 2013). This lack of clarity has led to a number of perplexing situations that if left unresolved will cast doubt on the efficacy and legitimacy of the program in the future.

There is also widespread concern about the ability of a municipality to access advance funds for citizens in immediate distress. For instance, during the Minden Hills flood response, advance funds were not available for more than two months, despite immediate requests from the municipality and the fact that a number of families were out of their homes for 3-4 weeks, and unable to access financial resources (Minden Hills, 2014, 10).

Finally, this review should look closely at the disaster information report, which municipalities are required to submit within 14 days of a declaration of disaster by the Minister. The disaster information report was frequently cited by those that we consulted as a frustrating and ineffective piece of reporting. In the past it has produced inaccurate estimations of damage, and consumed a significant amount of staff time that could be better spent responding to citizen needs. Take again for example, the experience of Minden Hills. Just 14 days after the declaration of disaster, when the disaster information report was due to be submitted, the streets were still flooded and access to the disaster zone was severely restricted (Minden Hills, 2014, 22).

There is a strong case for eliminating the disaster information report requirement. However, if the Ministry feels that it is a useful tool that helps them assist municipalities during the response phase of a disaster, it should be simplified to be less time-consuming and focused on helping the Ministry gain an understanding of the magnitude of the disaster, rather than identifying exact dollar figures.

CONCLUSION

This program review provides the Ministry with an excellent opportunity to learn from those who have been through the ODRAP process. While ODRAP is clearly an important lifeline for municipalities providing relief to their citizens following a disaster, there is clearly some room for improvement. As we have detailed in this submission, the program could be more effective, efficient and relevant. Most importantly the delivery of the program could become more consistent, so that the service a municipality receives is not contingent on its size, location, or the prominence of the disaster it is struggling to recover from.

We would encourage the Ministry to take seriously the recommendations contained in this submission. The importance of this program will only continue to grow.

REFERENCES

City of Thunder Bay (2014) Disaster Relief Committee Final Report.

Creces, Gerard (March 4, 2013) "Disaster relief committee closes its doors for good," Goderich Signal Star.

Fragomeni, Carmela (November 5, 2014) "Flood relief process slow in Burlington," Hamilton Spectator.

McGrath, John Michael (January 9, 2014) "Toronto City Council set to vote on requesting ODRAP funds for ice-storm cleanup," QP Briefing.

Minden Hills (April 14, 2014) Minden Hills Disaster Relief Committee Debriefing Report.

Municipal of Municipal Affairs and Housing (2009) Ontario Disaster Relief Assistance Program (ODRAP) Program Guidelines.

Sandink, Dan (March 2007) "Hazard Perceptions: Public education can help snap flooding," Canadian Underwriter.

Denise Holmes

From: Michelle Vivar <Michelle.Vivar@rci.rogers.com>
Sent: Tuesday, July 21, 2015 3:43 PM
To: Denise Holmes
Subject: Rogers Proposal At Hwy 24 & 15th Sideroad - Request for Concurrence
Attachments: C3023 - Rogers Request for Concurrence - Attachments.pdf; C3023 - Rogers Request for Concurrence Letter.pdf

Good afternoon Denise,

I hope you are having a great day. Please see attached to this email our request for concurrence for the proposed site at Hwy 24 & 15th Sideroad. I have separated the letter from the attachments to make things easier when adding to the agenda. –But I am not sure I am of any help- Please let me know if you or Mr. Jorden have any questions or comments. I'll be happy to amend this document if needed. (removing the list of addresses or whatever you need)

Regards,

Michelle Vivar
Municipal Relations Specialist

Access Network Implementation
8200 Dixie Road
Brampton, ON L6T 0C1

Michelle.Vivar@rci.rogers.com
o 647-747-7261 m 416-419-7899



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To: dholmes@melanctontownship.ca
From: michelle.vivar@rci.rogers.com

Message Score: 50
My Spam Blocking Level: High

High (60): Pass
Medium (75): Pass
Low (90): Pass

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Sent by Electronic Mail to DHolmes@melancthontownship.ca

July 21st, 2015

Denise Holmes, Chief Administrative Officer/Clerk Treasurer

Township of Melancthon

157101 Highway 10

Melancthon, ON

L9V 2E6

Dear Mrs. Holmes,

**Re: Proposed Wireless Communication Installation
15th Sideroad, Horning's Mills, Ontario (FN# 625339)
Rogers Site: C3023 - Hwy 24 & Horning's Mills**

I would like to submit for your review and consideration a summary of the municipal and public consultation undertaken in support of our proposed wireless communication installation at the above mentioned site. In addition this letter serves as our request for a formal statement of concurrence concerning the proposal.

Municipal & Public Consultation Process

Rogers is regulated and licensed by Industry Canada to provide domestic and roaming wireless voice and data services. As a federal undertaking, Rogers is required by Industry Canada to consult with land-use authorities in siting tower locations. The consultation process established under Industry Canada's authority is intended to allow the local land-use authorities the opportunity to address land-use concerns while respecting the federal government's exclusive jurisdiction in the siting and operation of wireless voice and data systems.

The Township of Melancthon has an established protocol outlining the land use consultation process in evaluating wireless communication installations proposals. Municipal consultation consisted of a pre-consultation meeting with staff and an ensuing formal application with the Township for the assessment of our proposed installation. In accordance with the Township's protocol requirements for consulting with the public, Rogers extended an invitation to local residents to provide questions and comments as follows:

- A total of twelve (12) owners of properties within 600m radius of the proposed installation were sent a consultation package. The consultation package described the proposal and invited residents to an Open House information session to take place at the Horning's Mills Community Hall, on July 8th, 2015. Mailing list generated by the township and copy of consultation package are attached;
- On June 11th, 2015 two (2) newspaper ads were published in "The Shelburne Free Press" and "The Orangeville Citizen". Please see attachments;
- A sign describing the proposal and inviting the public to the Open House information meeting was installed at the site. Photograph of installed sign is attached to this document;
- An Open House information session was held on July 8th, 2015 at the Margaret Dunn Public Library from 6 p.m. to 8 p.m. Five (5) local residents attended the meeting. Please see attached Sign-In sheet and Record of Comments;

Conclusion of Public Consultation

As part of the public consultation, which included an information package sent to surrounding residents, and newspaper ads published, residents were invited to provide any questions or comments. There were no changes required to the proposed installation as the result of the comments generated from the municipal and public consultation. While the formal consultation timeline has been formally closed in accordance to the Township's protocol, Rogers will continue to answer any future inquiries from the public or the Township of Melancthon to ensure a fulsome and transparent consultation process.

Rogers feels that the proposed site is well located to provide improved wireless voice and data services in the targeted area for both the Rogers and the Bell Mobility networks. The proposed site is also situated and designed to have minimal impact on surrounding land uses.

Request for Concurrence

Rogers has now fulfilled all public consultation requirements under the Township of Melancthon Protocol for the development of wireless communication structures as they pertain to the Rogers' proposed site in the Horning's Mills area. At this time, to conclude the municipal and public consultation process and meet Industry Canada's requirements, Rogers is respectfully requesting that the Township of Melancthon issue a statement of concurrence.

We look forward to providing enhanced wireless services to residents, businesses, and visitors of area. Should you have any further questions or comments, please feel free to contact me at Michelle.Vivar@rci.roger.com, or via phone at (647)747-7261.

Best regards,

A handwritten signature in blue ink that reads "Michelle G. Vivar". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Michelle Vivar
Municipal Relations Specialist
Access Network Implementation

Encl.

Denise Holmes

From: Jerry Jorden <jjorden@rogers.com>
Sent: Tuesday, August 25, 2015 10:28 AM
To: Denise Holmes
Subject: Report on Rogers Tower Proposal
Attachments: Rogers Tower Proposal, Lot 16, Conc. 2, OS, Report to Council, Sept. 3, 2015.PDF

Denise:

Attached is my report on the tower proposal by Rogers Communications in part of the west half of Lot 16, Concession 2 O.S.

Jerry Jorden
G. W. JORDEN PLANNING CONSULTANTS LIMITED
153 Burnside Drive
London, Ontario N5V 1B4
Phone: 519.601.2077
Email: jjorden@rogers.com

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To: dholmes@melancthontownship.ca [Remove](#) this sender from my allow list
From: jjorden@rogers.com

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TOWNSHIP OF MELANCTHON

REPORT TO COUNCIL

TO: MAYOR WHITE AND MEMBERS OF COUNCIL

FROM: JERRY JORDEN, G. W. JORDEN PLANNING CONSULTANTS LIMITED

DATE: SEPTEMBER 3, 2015

**SUBJECT: ROGERS COMMUNICATIONS INC. TELECOMMUNICATIONS
TOWER PROPOSAL, WEST HALF, LOT 16, CONCESSION 2, O.S.**

1.0 RECOMMENDATIONS

It is recommended that:

- a. the applicant for a telecommunications tower in the west half of Lot 16, Concession 2, O.S., be required to enter into a road use agreement with the Township prior to the issuance of any municipal concurrence concerning the tower application and that the applicant be advised of this requirement; and,
- b. the applicant be instructed to now proceed in accordance with the remaining provisions of the Protocol for Establishing Telecommunication Facilities with a November 23rd deadline for concluding the efforts to resolve objections and concerns in accordance with sections 12 to 18 of part 6 of the Protocol.

2.0 PURPOSE

This report is prepared in compliance with the related provisions of the Township's Protocol for Establishing Telecommunication Facilities. Its primary purpose is to fulfill the report preparation requirements of section 10 of part 6 of the Protocol, Public Consultation and Township Decision Making. In accordance with that section, the report provides comments on the proposal and the applicant's related material. It also identifies and discusses areas of potential municipal concern or interest. As referenced in section 3 herein, this is not the final report on the proposal and Council's decision on this report is not its final decision on the proposal. Under section 20 of part 6 of the Protocol, a second report will be required after the issues resolution process and immediately prior to Council's final decision.

3.0 TOWER PROTOCOL CONTEXT

To this point the applicant has proceeded in general accordance the Protocol. The required documentation has been provided, key agencies have been consulted and much of the public consultation process has been completed including the holding of a public meeting/open house on July 8th. In keeping with the requirements of section 9 of part 6 of the Protocol the applicant has submitted a July 21st letter reporting on the results of that consultation process and providing various related material. That letter and attachments have been provided to Council and are referenced throughout this report.

The following summarizes the remaining major components of the Protocol's process. The applicant's material is provided to Council along with this report. The applicant then has a 60 day period to attempt to resolve any objections or concerns from the public or agencies. If any issues are not resolved during that period, the applicant must provide any remaining objectors and the Township with written notice of a final 20 day response period.

After that period the applicant will take whatever actions are necessary to implement the resolution of any objections. If there remain unresolved issues, the Township will report this to Industry Canada when it makes its final decision concerning its position on the proposal.

A report will be prepared to assist Council in making a decision on its position concerning the proposal. Depending on the circumstances, at this point Council may hold an additional public meeting or attempt to resolve any remaining issues. Council will make its decision and provide its position on the proposal to Industry Canada, along with any recommendations on revisions to the proposal or conditions of approval.

4.0 THE SUBJECT PROPERTY AND AREA

The property, area and some related features are shown or referenced in the material supplied by the applicant on July 21st and previously submitted with the application. The subject 17.6 hectare property is located on the north side of 15 Sideroad between County Road 124 and the 3rd Line, O.S. Approximately the north half of the property is used for a horse farm, including a horse training track, arena and stable. The proposed tower would be located in the eastern part of the area within the horse track.

The southern portion of the lot includes primarily sloped forested lands, a stream and a small wetland generally associated with the stream. The farm related residence is also included in the center of the lot in part of the treed area. A long driveway from the Township road provides vehicular access through these predominantly forested areas to the house, the agricultural facilities and the site of the proposed tower.

Predominantly agricultural lands extend east, west and north from the agricultural area on the northern portion of the property. There are also a few rural residential uses in these areas, although none in the immediate vicinity of the proposed tower site.

The forest and watercourse related features on the southern portion of the property also extend to the east, west and south. Within this area there are several rural residential uses and lots fronting on both sides of 15 Sideroad, including two lots immediately abutting the front part of the subject property and four lots directly across the road. There are no agricultural lands or uses along this section of the road.

5.0 THE DEVELOPMENT PROPOSAL

The proposed communications tower and the related facilities are illustrated and described in the material submitted by the applicant. The tower would be located in the northeastern section of the subject property within the horse training track area. This would be a 90 metre guy-anchored tower accommodating antenna systems for both Rogers Communications Inc and Bell Mobility. A fenced 5.5 metre square area at the base of the tower would also contain an alarmed and electronically monitored small steel walk-in radio equipment cabinet. The 1.8 metre high chain link fence would include a locked gate.

Vehicular access to the site would be provided by the existing access route from 15 Sideroad to the agricultural facilities. Hydro service would be aligned along that route from the Sideroad to a point in the open lands north of the house where it would extend directly across the open level lands to the proposed tower site.

6.0 AREAS OF POTENTIAL MUNICIPAL CONCERN OR INTEREST

6.1 Justifying the Need for the Tower and the Selection of the Proposed Site

Notwithstanding its lack of direct jurisdiction, the Township has an interest in minimizing the number of towers scattered throughout the area. The Township's preference and priority is to maximize the use of existing towers through the co-location of

communications facilities on all such towers thereby reducing the potential for new towers. Within that context the applicant has provided sufficient information to demonstrate the need for the proposed tower at the selected location

Each of these towers serves a relatively small geographic area and there is a gap in the web of towers resulting in poor wireless communications services generally in the Horning's Mills area and extending primarily to the north and east and along a portion of the County Road 124 corridor. The documentation submitted with the subject application identifies that area of deficient service and demonstrates the proposed tower's potential for significant service improvement. The towers and antennae bordering this area cannot be upgraded to provide expanded services that would properly address the deficiencies.

The documentation provided by the applicant appears to be thorough and definitive. If Council has any concerns regarding the applicant's technical support material relating to the proposed tower or antennae, an appropriately qualified expert could be retained to complete a peer review. This is not a recommendation of this report.

The proposed site is relatively central to the service area and, as discussed in section 6.3 below, is well located in terms of the separation from sensitive uses and avoidance of important environmental features. Also, accommodating antenna systems for both Bell Mobility and Rogers is in keeping with the Township's preference for the co-location of such facilities and eliminates the need for a second tower in or near Horning's Mills, something that Bell Mobility had been previously pursuing.

6.2 The Proposed Height of the Tower

While section 5(4) of the Protocol references a maximum tower height of 75 metres, the subject application proposes a 90 metre high tower. In the context of this proposal and the subject site this height would be acceptable in view of the following considerations.

- a. As documented in the material submitted with the application, a 90 metre high tower would serve a larger and more complete coverage area than would one having a height of 75 metres.
- b. Even at a height of 90 metres the tower would be at least partially screened from the closest rural residential uses along 15 Sideroad by areas of mature forest.

- c. Co-location of Bell Mobility facilities on a tower of this height immediately eliminates the need for one additional tower in the area and possibly others in the future.

6.3 Land Use and Environmental Impacts

While the Township has no approval authority for communication towers, it does have statutory authority for land use planning and, therefore, a direct interest in the land use impacts associated with all forms of development. In view of the land uses and landscape characteristics in the area of the proposed tower, it appears that there would be no unacceptable land use impacts associated with this tower proposal.

The following land use and natural environment related considerations are particularly important. It should be noted that the applicant's documentation has also addressed these matters as referenced in the Protocol.

- A. The proposed site is within an Agricultural designation in the Official Plan and is appropriately integrated within an existing agricultural use. There would be no interference with the on-site farm operations or with adjacent agricultural uses.
- B. There would be appropriate separation distances from area rural residential uses. The nearest residential uses are located on the north side of 15 Sideroad, approximately 430 metres from the proposed tower site. The limited residential uses on the south side of that road are approximately 600 metres or further from the site. To put that distance in some perspective, 600 metres is the maximum notification distance required under the Protocol. The few rural residences elsewhere in the general area are located even further from the site.
- C. There are no potentially conflicting uses such as public or private airstrips or wind turbines in the area of the proposed tower site.
- D. The mature forest covering most of the southern half of the subject property and extending east and west along parts of both sides of 15 Sideroad would assist in screening the rural residential uses in this area from all or part of the proposed tower. There are also significant separation distances from these residences.
- E. These treed areas along with the stream and wetland in the southern half of the subject property and extending across adjacent lands are important features of the

natural environment that are recognized with appropriate environmentally related designations and zones in the Township's Official Plan and Zoning By-law. The development will occur well outside these features. Vehicular movements across this area will be via the existing route to the farm facilities. No works will be required on that access route within these features. There are, therefore, no issues with regard to the environmentally related objectives of the Plan.

- F. These lands on the south half of the property are within the regulatory jurisdiction of the Nottawasaga Valley Conservation Authority. Although the tower site is well to the north of these features and the area regulated by the NVCA, in accordance with the Protocol the applicant has consulted with staff at the Authority and has been advised that, in view of the lack of any works being required within the area of their jurisdiction, there are no concerns with the proposal.

In summary, it can be concluded that there would be no unacceptable land use or environmental impacts associated with the proposed tower.

6.4 Road Impacts

Roads and the related infrastructure is another important area of Township jurisdiction and interest. Peak road impact potential occurs during the construction period on these projects. In this case that would involve approximately two weeks and would include some construction related traffic, including trucks. Once the facility is operational, the only traffic generated would be a maintenance related trip by a technician in a regular sized van once every two or three months.

The existing access route would be used for vehicular access to the site from the Township road and construction and maintenance related parking would occur on-site. The on-site access route would be maintained by Rogers through local contractors.

Any adverse impacts on Township roads must be addressed by the applicant. This section of 15 Sideroad between the 3rd Line OS and County Road 124 is a paved two lane road. It is subject to the Township's by-law restricting its use by heavy trucks during part of the year. The applicant should be required to enter into a road use agreement that would ensure that the applicant is responsible for any related road improvements and for minimizing and repairing any project related damage to Township roads and the associated infrastructure.

6.5 Public Safety

The proposed tower site is located over 500 metres from 15 Sideroad, the nearest public road. In light of this distance separation there are no public safety issues concerning the potential for ice or other materials falling from the tower or the unlikely possibility of structural collapse.

As previously noted, there are no airstrips in the immediate vicinity of the site that would be adversely affected by the development of a 90 metre tower on these lands. NAV Canada and Transport Canada will determine if navigation warning lights will be needed on the tower.

Although not related to any area of Township jurisdiction, it is important to note that the applicant is required to comply with the limits of Health Canada's Safety Code 6 in the installation and operation of the proposed antenna system. This is a regulation that places a safe limit on radio frequency emissions from such facilities.

6.6 Compliance with the Tower Protocol

To this point, with the exception of the height of the proposed tower, the applicant has complied with the applicable provisions of the Township's Protocol. As discussed in section 6.2 above, there are valid reasons for, and benefits from the use of a tower that is 15 metres higher than the 75 limit referenced in the Protocol.

Once Council makes a decision on the recommendations in this report, the applicant will be required to complete the remainder of the Protocol's processing as outlined in section 3 above, at which time a final Council decision can be made on the proposal.

7.0 AREAS OF PUBLIC OBJECTION OR CONCERN

In the applicant's consultation process five people including Councillor Webster, attended the public open house session and four others provided written comments. Information on the consultation process and the questions, comments and concerns received from the public is included in the applicant's July 21st material.

There were no concerns raised by any public agency. Of the four written submissions received from the public, two were in support and two expressed concerns or objections. Those in attendance at the public open house asked a number of questions about the

proposal. Aspects of the written concerns or objections and the open house questions related to some of the matters discussed in section 6 of this report.

The written concerns and objections are briefly summarized below and are followed by a list of the questions received from those in attendance at the public open house. The applicant's responses to these submissions and questions are provided in the July 21st material.

7.1 Written Objections and Concerns from the Public

- G. Younger Ahluwalia, 625340 15 Sideroad, expressed concerns about property devaluation, the tower's visual impact and an increase in traffic.
- H. Julie Stewart, 626022 15 Sideroad, discussed concerns about negative impacts on the environmental and habitat features found on and near the southern portion of the subject property.

7.2 Questions from the Public at the Open House Session

- a. How high will the tower be?
- b. Will the tower provide co-location?
- c. How soon would the tower be built?
- d. Is the proposed antenna installation safe?
- e. Is this location already final?
- f. Have First Nations been consulted?
- g. Is the land going to be rezoned to industrial?

8.0 COMPLETING THE PROCESSING OF THE APPLICATION

With the applicant's submission of the July 21st material and Council's decision on this report, the applicant will have reached the issues resolution component of the Protocol. This involves sections 12 to 18 of part 6 of the Protocol and requires the applicant to endeavour to address and resolve the concerns raised in the public consultation process to date. It involves a maximum of 80 days from the date of Council's decision on this report. Council can then proceed to make a decision as to whether or not it will support the application's approval by Industry Canada.

9.0 SUMMARY

A 90 metre high telecommunications tower is proposed in part of the west half of Lot 16, Concession 2, O.S. The applicant has provided satisfactory documentation on most of those aspects of the tower proposal that are of municipal concern or interest including the important issues of need and location.

There would be no unacceptable land use, environmental or public safety impacts. However, road impact is an area of municipal concern or interest that does require further action on the part of the applicant. That aspect is addressed in the recommendations provided herein.

At this point there is no apparent need for either a technical peer review of the applicant's documentation or for the provision of any screening features at the site or elsewhere. Any further action with regard to the written submissions from area residents should await the applicant's completion of the objection resolution related component of the Protocol.

10.0 FINANCIAL

The associated application fees are intended to cover any municipal costs related to the evaluation of a tower proposal such as this. Any other municipal costs should be the responsibility of the applicant under the applicable agreements.

Respectfully submitted,

G. W. JORDEN PLANNING CONSULTANTS LIMITED



Jerry Jorden, RPP

Denise Holmes

From: Sharon Smith <sharon.smith@ontarioes.ca>
Sent: Monday, August 24, 2015 11:32 AM
To: dholmes@melancthontownship.ca
Cc: dwhite@melancthontownship.ca
Subject: FW: E-Waste diversion program for residents
Attachments: Collection Site Operator Agreement Melancthon Township.pdf

Hi Denise,

I was at AMO last week and was speaking with Darren about e-waste recycling at the Township office. I understand that the only reason that Melancthon was not on board in the Fall of 2014 was due to the sorting requirement in the attached contract. I explained to Darren that no sorting would be required from your location. It is a standard agreement that we use for all sites but those that use roll offs or small metal bins are not required to do any sorting.

I have amended the agreement to reflect today's date. I am not sure if it must go back to Council but Darren was in agreement that the Township would like to proceed with this program. If you have any questions, please don't hesitate to contact me.

Thanks Denise.

Sharon

Sharon Smith
Field Operations – Central Region
Tel: 519-217-1471 | Fax: 1-877-825-1955



Ontario Electronic Stewardship
5750 Explorer Drive, Suite 301, Mississauga, ON L4W 0A9
OES Customer Service: 1-888-646-1820 ext 11 | OES Operations: 1-888-646-1820 ext 12
OES Operations Fax: 1-877-825-1955
OntarioElectronicStewardship.ca | RecycleYourElectronics.ca

From: Sharon Smith [mailto:sharon.smith@ontarioes.ca]
Sent: August 13, 2015 2:15 PM
To: 'mike@townofmono.com' <mike@townofmono.com>; 'dholmes@melancthontownship.ca' <dholmes@melancthontownship.ca>; 'jwilson@townofgrandvalley.ca' <jwilson@townofgrandvalley.ca>; 'suestone@amaranth-eastgary.ca' <suestone@amaranth-eastgary.ca>; 'djones@orangeville.ca' <dijones@orangeville.ca>; 'swheeldon@townofshelburne.on.ca' <swheeldon@townofshelburne.on.ca>; 'jtelfer@townofshelburne.on.ca' <jtelfer@townofshelburne.on.ca>; 'hmcginnity@orangeville.ca' <hmcginnity@orangeville.ca>

Cc: 'Melissa Kovacs' <mkovacs@dufferincounty.ca>; 'sburns@dufferincounty.ca' <sburns@dufferincounty.ca>
Subject: E-Waste diversion program for residents

Thanks Melissa...it feels like coming home ☺ !

As many of you are aware, since leaving the County in 2012 I have been working with Ontario Electronic Stewardship. This is the only non-profit, provincial program to oversee the safe recycling of electronics in Ontario. We have been working with the County of Dufferin for over 5 years now and through partnerships like these, we have diverted almost 450,000 tonnes of e-waste from landfill since 2009. Our mandate is simple...we strive to increase accessibility for Ontario residents to safe recycling options and increase overall waste diversion.

The permanent locations at municipal offices/works yards accomplishes both goals. The permanent collection will enhance the service already offered by the County at their rotating events from May-October. I have included a picture of the bin which I would recommend for your offices. They are clean, well labelled, enclosed on top and lockable. We accept all electronic devices with a plug and will pay the municipality \$150.00 per tonne for the material. When the bin is ready to be collected, a quick email is all that is required. Diversion numbers and payment details are available online through our Material Tracking System.

If you have any questions or would like to get together to discuss this program, please let me know. Back to school is (sadly) just around the corner but a great time to introduce this new program.

Thanks kindly, enjoy this beautiful weather!

Sharon

Sharon Smith

Field Operations – Central Region

Tel: 519-217-1471 | Fax: 1-877-825-1955



Ontario Electronic Stewardship

5750 Explorer Drive, Suite 301, Mississauga, ON L4W 0A9

OES Customer Service: 1-888-646-1820 ext 11 | OES Operations: 1-888-646-1820 ext 12

OES Operations Fax: 1-877-825-1955

OntarioElectronicStewardship.ca | RecycleYourElectronics.ca

From: Melissa Kovacs [<mailto:mkovacs@dufferincounty.ca>]

Sent: August 13, 2015 1:35 PM

To: Mike Dunmore <mike@townofmono.com>; Denise Holmes (External) <dholmes@melancthontownship.ca>; Jane Wilson <jwilson@townofgrandvalley.ca>; Sue Stone (External) <suestone@amaranth-eastgary.ca>; djones@orangeville.ca; 'Scott Wheeldon (External)' <swheeldon@townofshelburne.on.ca>; John Telfer (External) <jtelfer@townofshelburne.on.ca>

Cc: Sharon Smith <sharon.smith@ontarioes.ca>; Scott Burns <sburns@dufferincounty.ca>

Subject: E-Waste diversion program for residents

Good afternoon everyone,

Ontario Electronic Stewardship (OES) is the County's e-waste contractor for HHW & E-Waste Events. They can also provide small collection containers at various locations (i.e. municipal buildings, schools etc.) for public drop-off.

The Township of Mulmur has recently placed a collection container at their municipal office/yard, and has had three collections totaling 1400 kgs (1.4 metric tonnes) since January 2015. They are paid per tonne of material collected.

I've cc'd Sharon Smith from OES into this email. Some of you will remember her from her time at the County. She can give you additional details about this convenient diversion program for residents.

I hope you're all having a wonderful summer!

Best regards,
Melissa

Melissa Kovacs Reid | Manager of Waste Services | Public Works Department | County of Dufferin
519.941.2816 ext. 2622 | mkovacs@dufferincounty.ca | 55 Zina Street, Orangeville, ON L9W 1E5 |
www.dufferincounty.ca/waste

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From: sharon.smith@eprassociation.ca

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COLLECTION SITE OPERATOR AGREEMENT

THIS AGREEMENT is made the 24th day of August, 2015 between:

ONTARIO ELECTRONIC STEWARDSHIP, a corporation without share capital continued under the *Waste Diversion Act, 2002*, with a principal office address of 5750 Explorer Drive, Suite 301, Mississauga, ON L4W 0A9 ("OES")

- and -

Melancthon Township, with a Head Office address of 15701 Highway 10 Melancthon, Ontario L9V 2E6 (the "Collector").

RECITALS

- A. OES has been designated as the industry funding organization under the Act for WEEE;
- B. The Collector wishes to operate an Approved Collection Site for Acceptable WEEE in accordance with the Rules; and
- C. The purpose of this Agreement is to set out the terms and conditions under which the Collector will operate an Approved Collection Site at the address listed in Schedule "E";

NOW THEREFORE the parties agree as follows, as of the date set out above:

1. Definitions

In this Agreement:

- (a) "Acceptable WEEE" means WEEE designated in Schedule A, as it may be amended by OES from time to time;
- (b) "Act" means the *Waste Diversion Act, 2002* (Ontario), as amended;
- (c) "Agreement" means this Collection Site Operator Agreement and includes the application to become a Collector, and all schedules and amendments thereto;
- (d) "Applicant" means a person, corporation or other organization that submits an application to become a Collector;
- (e) "Approved Collection Site" means a facility/location approved by OES for receiving Acceptable WEEE from the public and/or an IC&I Business as defined under the WEEE Program Plan promulgated from time to time by the Minister of the Environment in accordance with section 26 of the Act;

- (f) **“Bill of Lading”** means the document provided to Collectors by OES, used to track the transportation of Acceptable WEEE between two locations;
- (g) **“Collection Site Assessment”** means a review of the Approved Collection Site’s ability to collect WEEE and compliance with the requirements set out in Schedule C;
- (h) **“Collector”** has the meaning given to that term in the listing of parties to this Agreement;
- (i) **“Non-Acceptable WEEE”** means all WEEE that is not Acceptable WEEE;
- (j) **“OES”** has the meaning given to that term in the listing of parties to this Agreement;
- (k) **“Registration System”** means the OES Collection Site Operator, Transporter and Processor Registration System (<https://mtsreg.oesdatasystem.ca/login.aspx>);
- (l) **“Transporter”** means any person or firm duly registered with and approved by OES as authorized to transport Acceptable WEEE;
- (m) **“WEEE”** means “waste electrical and electronic equipment” as defined under Ontario Regulation 393/04;
- (n) **“WEEE Guidelines”** means the guidelines, policies and procedures established from time to time by OES and which can be found at www.ontarioelectronicsstewardship.ca.

2. **Responsibilities of Collector**

The Collector shall:

- (a) abide by the requirements set out in this Agreement and its schedules;
- (b) update collection site or event information provided to OES in the Registration System as soon as possible after the information is changed;
- (c) ensure that all Acceptable WEEE material collected at an Approved Collection Site operated by Collector is provided to an OES Transporter;
- (d) not modify, disassemble, deconstruct or strip for parts any Acceptable WEEE collected by it, provided that power cords may be removed and included separately in the shipment of Acceptable WEEE;
- (e) ensure that all Acceptable WEEE material sent to an OES transporter is as it was when collected;
- (f) complete and sign all required Bills of Lading in preparation for transportation, in the manner directed by OES from time to time;
- (g) submit to Collection Site Assessments by OES or OES’s designated representative, at intervals which are reasonable in the sole judgment of OES;

- (h) use equipment and supplies provided by OES only for their intended purposes and in an efficient manner;
- (i) confirm and submit authorization of monthly report from OES, within 30 days following transmission by OES which may be extended at OES's discretion, and final concurrence with OES of Site's activities and volumes in the form prescribed by OES from time to time, summarizing the previous month's activity;
- (j) upon receiving a purchase order number from OES, submit an invoice to OES which shall include the purchase order number, in order to receive payment;
- (k) respond in a timely manner to all requests by OES for information relating to Acceptable WEEE;
- (l) must accept Acceptable WEEE at no charge, provided that municipalities may: i) charge a 'gate fee' to residents for entering a municipal waste management site that is not related to the materials being delivered; and/or ii) charge on a weight basis for mixed loads of materials;
- (m) Not accept a lot of Acceptable WEEE which consists of more than 50 individual items of Acceptable WEEE unless it is accompanied by a fully completed and signed WEEE Source Information Form, in the form made available by OES to collectors and members of the public from time to time; and
- (n) Comply with OES's Logo Use Protocol, as amended from time to time by OES.

3. **Collector Insurance; Indemnity**

- (a) Collector shall maintain comprehensive "occurrence" general liability insurance, including personal injury liability, property damage, contractual liability insurance and employer's liability coverage, with minimum limits of liability of \$2,000,000 per occurrence, containing a severability of interests and cross-liability clause, and deliver to OES on request a certificate thereof with OES named as an additional insured thereon.
- (b) Collector shall indemnify and hold harmless OES, its directors, officers, employees and agents from and against all costs, expenses, claims, demands, actions, causes of action or any other loss suffered or incurred by OES arising out the performance or non-performance by Collector of its obligations hereunder.

4. **Limitation of Liability**

Collector acknowledges and agrees that all WEEE consigned to Collector shall be the property and responsibility of the Collector from the time at which an item of WEEE is consigned to Collector by the previous owner or user, until the item of WEEE is consigned by

Collector to an OES Transporter. Collector acknowledges and agrees that at no time shall OES take possession of any WEEE and that OES shall not, in any event, be liable under any theory of liability to Collector, the previous owner(s) or user(s) of any WEEE or any other party or parties for any damages, losses, expenses, liabilities and/or other amounts of any nature or kind whatsoever, including without limitation, any direct, indirect, incidental, special, consequential, exemplary and/or punitive damages, arising out of or related to any breach by Collector of its obligations under this Agreement, or any access to, use, misuse or loss of any item of WEEE or any User Data therein contained.

5. **Representations and Warranties of Collector**

The Collector represents and warrants that:

- (a) all information provided by it to OES pursuant to this Agreement, including in all documents required by virtue of the Collector's registration with OES or by virtue of the requirements of law, are true and accurate;
- (b) the registration of the Collector with OES as an Approved Collection Site, the provision of all required information to OES, and the entering into of this Agreement by Collector and the performance of its obligation hereunder have been duly authorized by all necessary corporate action; and
- (c) in performing its obligations hereunder and in operating an Approved Collection Site, Collector will comply with all applicable laws.

6. **Additional duties of Collector**

The Collector agrees to:

- (a) provide notice to OES of: (i) any criminal convictions against it in the past five years, and (ii) any fines or regulatory orders made against it in the previous five (5) years which relate to the substance of this Agreement or any aspect of the WEEE Program Plan;
- (b) provide notice to OES within sixty (60) days after any fine or regulatory order relating to the substance of this Agreement made against it after the date hereof; and
- (c) provide OES with all information reasonably required by OES from time to time relating to the operation of the Collectors Approved Collection Site or required by this Agreement, the WEEE Program, or OES's procedures in relation thereto. Collector acknowledges that OES has a right of access to such information during normal business hours and on twenty-four (24) hours notice to the Collector.

7. **Protection of Data Privacy**

Collector acknowledges that there may be instances where private or personal user data, information or digital content ("User Data") may be left on or within unwanted and discarded WEEE that is collected by, or dropped off to, Collector at an Approved Collection Site or is otherwise received by Collector. Collector agrees to use commercially reasonable efforts in order to protect the privacy and security of any User Data that may be left on or within any such WEEE. In particular, and

without limiting the foregoing, Collector agrees to act in accordance with the provisions of Schedule "D" to this Agreement.

8. Rights of OES

- (a) Any approval granted by OES based on a false document or information submitted by the Collector, or false or misleading information provided by the Collector, shall be considered to have been granted in mistake. Any such registration is void.
- (b) OES maintains the right, at its sole discretion, to withhold approval of any application until sufficient verification of information has been provided by the applicant in relation to any matter reasonably requested to be verified by OES.
- (c) OES reserves all rights and remedies available to it at law or in equity that may be in addition to any rights or remedies contained herein.

9. Obligations of OES

OES shall:

- (a) review reports and Bills of Lading submitted by the Collector for approval, and, if approved, shall issue the Collector a purchase order number to be included in the next invoice submitted by the Collector;
- (b) provide coordination of transportation, including packaging supplies, for Acceptable WEEE from the Approved Collection Site and/or collection event(s) to OES-approved consolidation site(s) and/or OES-approved processor(s) of Acceptable WEEE, within two business days of request;
- (c) provide supplies required for the operation of an Approved Collection Site, within two business days of request by Collector, which supplies may include the following, in OES's sole determination:
 - (i) pallets and shrink wrap;
 - (ii) gaylord boxes and or bulk bags;
 - (iii) promotional information kit; and
 - (iv) Bills of Lading and labels;
- (d) provide data on tonnages/quantities of WEEE shipped from Approved Collection Sites(s) and/or collection events;
- (e) provide promotional and informational material and customer service support, as OES deems reasonably necessary, to Approved Collection Sites;
- (f) post information regarding publically accessible Approved Collection Sites and/or collection events. In the case of Approved Collection Sites which are intended to be

restricted to certain users, the Collector may limit access to the information to such users.;

- (g) use measures to protect the security of confidential information supplied by the Collector which are at least as strong as those used by OES to protect its own confidential information;
- (h) notwithstanding Section 15(e) hereof, provide 30 days' notice to Collector of changes to any of the following:
 - (i) decrease in handling incentive paid to collectors for Acceptable WEEE;
 - (ii) payment terms for collected Acceptable WEEE; and
 - (iii) contamination specifications for collected Acceptable WEEE; and
- (i) notwithstanding Section 15(e) hereof, provide 7 days notice to Collector of increases in handling incentive paid to collectors for Acceptable WEEE.

10. **Payment**

OES shall make monthly payments to the Collector in accordance with Schedule B, as amended, within receipt of an invoice bearing a purchase order number from the Collector, on a per-tonne basis for Acceptable WEEE received at OES-approved consolidation and/or OES-approved processing sites that is sorted and packaged according to OES-approved standards, all at the rate determined by OES from time to time; notwithstanding any other provision of this Agreement, only one payment will be made to the Collector with respect to any single item of Acceptable WEEE;

11. **Default**

- (a) The Collector is in default under the Agreement (each of the following a "Default") if it:
 - (i) fails a Collection Site Assessment or fails to remedy the findings of a Collection Site Assessment within the period specified by OES;
 - (ii) fails to comply with any applicable law affecting the operation of the Approved Collection Site;
 - (iii) ceases to participate as an Approved Collection Site in accordance with the requirements of this Agreement;
 - (iv) fails to provide accurate and fully-completed Bills of Lading;
 - (v) contravenes any of the WEEE Collection Site requirements set out in Schedule C;
 - (vi) is convicted of an offense under the *Environmental Protection Act* (Ontario); or
 - (vii) fails to comply with any provision of this Agreement.

- (b) If the Collector commits a Default under the Agreement, OES may send a written notice of default ("Notice of Default") to the Collector, and the Collector must rectify the Default within 15 days of the Notice of Default.
- (c) If the Collector does not rectify a Default within 15 days of being sent a Notice of Default, OES may, at its sole and absolute discretion, by written notice suspend Approved Collection Site status and/or payments to the Collector.
- (d) In addition to all other rights and remedies of OES under this Agreement, including the ability to suspend the Collector's Approved Collection Site status, OES may in its sole and absolute discretion withhold payment to the Collector under the following circumstances:
 - (i) If complete units, parts or components have, in OES's sole and absolute judgment, been systematically removed from Acceptable WEEE by the collector, OES may, in its sole and absolute discretion:
 - (A) Make zero payment with respect to the pallet on which the affected Acceptable WEEE was shipped; and/or
 - (B) Reduce the payment payable with respect to a subsequent shipment by an amount equal to 25% of the payment which would otherwise have been paid with respect to the affected Acceptable WEEE;
 - (ii) If WEEE which is not Acceptable WEEE at the time of shipment is shipped by the Collector, OES may in its sole and absolute discretion make zero payment with respect to the pallet on which the non-Acceptable WEEE was shipped.

12. **Termination**

Either party may terminate this Agreement:

- (a) Without cause, by giving the other Party 90 days' written notice of termination, in which case the effective date of termination shall be the last day of the of the 90 day notice period; or
- (b) With cause, by giving the other Party one day's written notice of termination, in which case the effective date of termination shall be the date upon which notice is given. For greater clarity, "cause" for the purpose of this section includes any material breach by a Party of its obligations under this Agreement. Before notice of termination for cause is given, the injured Party shall provide the breaching Party with notice of its breach of the Agreement; if such breach is not cured within fifteen days, the injured Party may terminate the Agreement for cause.

Following termination, the Collector shall be entitled to payment in accordance with the terms of this Agreement for Acceptable WEEE transported prior to the date of termination.

13. **Dispute Resolution**

If any dispute arises between the Collector and OES:

- (a) the parties shall attempt to resolve the dispute through designated representatives from each of OES and the Collector within 30 days after written notice of the dispute was first given, or as otherwise agreed upon;
- (b) if the parties are unable to resolve the dispute within the 30 day period noted above, the Collector and OES shall, within 30 days thereafter, jointly select an arbitrator to arbitrate the dispute from the panel identified in clause (c) of this section. If the Collector refuses to jointly nominate an arbitrator within the 30 day period, OES shall nominate the arbitrator. The arbitration shall be conducted in accordance with the *Arbitration Act, 1991* (Ontario), as amended from time to time;
- (c) OES may from time to time establish a panel of approved arbitrators for the purposes of hereof, whose names will be published on the OES website. The arbitrator shall be chosen from this panel, unless OES and the Collector mutually agree otherwise; and
- (d) the arbitrator shall render a written decision on the dispute within 14 days after the arbitration hearing or submission. The decision of the arbitrator shall be final and binding on the parties and shall not be subject to appeal on any grounds whatsoever, and shall be enforceable against OES and the Collector, as the case may be, immediately on the issue of such decision to the parties to the dispute.

14. **Confidentiality.**

The Collector understands that its name, main contact information, the Acceptable WEEE for which it has been approved to collect, and the registration number assigned to it by OES, as well as information regarding the Approved Collection Site, may be published by OES on OES's website or other publically-accessible websites. OES will take commercially reasonable and appropriate precautions to maintain the confidentiality of information in its database, but will not be liable to the Collector, or anyone claiming by, through or under either of them, for any losses, claims and damages arising out of negligent disclosure of any confidential information.

15. **General**

- (a) Schedules. Schedules "A", "B", "C", "D" and "E", are parts of this Agreement and bind the parties to the same extent as if they were included in the main body of the Agreement.
- (b) Assignment. The rights and obligations of each party under this Agreement are personal and may not be assigned in whole or in part without the consent of the other party, which may be unreasonably withheld.
- (c) Agreement Binding. This Agreement shall ensure to the benefit of and be binding on the parties, their heirs, legal personal representatives, successors and permitted assigns.
- (d) Notices. Any notice, determination, consent, request or other communication from one party to the other or others or other documents required or which may be given under this Agreement may be delivered or transmitted by means of electronic

communication with confirmation of transmission, personal service, facsimile with confirmation of transmission or by prepaid first class postage to the party at the addresses, in the case of the Collector at the address on the registration form completed by the Collector and in the case of OES at the address noted at the top of page 1 of these Terms and Conditions, to the attention of the "Executive Director". Such notifications shall be deemed to have been received on the third day after posting and on the date of electronic or facsimile transmission, in each case which is not a Saturday, Sunday or public holiday in Ontario. In the event of a postal disruption, notices must be given by personal delivery, e-mail or by a signed back facsimile and all notices delivered by post within one week prior to the postal disruption must be confirmed by a signed back facsimile to be effective.

- (e) Amendment. OES retains the right to revise or amend this Agreement. OES will give notice to the Collector of such change (the "Change Notice"). Unless the Collector gives notice to OES (the "Rejection Notice") within 45 days of receipt of the Change Notice that the Collector does not accept the revisions or amendments in the Change Notice, this Agreement, as amended, remains in effect and is binding. If the Collector gives a Rejection Notice to OES, this Agreement shall be terminated 30 days after the delivery by the Collector of the Rejection Notice and the Approved Collection Site will forgo its approval status and will be compensated under the OES program only for Acceptable WEEE already duly collected and shipped prior to the date of termination.
- (f) Waiver. No failure by any of the parties to insist on strict performance of any covenant, agreement, term or condition (the "provision") of this Agreement, or to exercise any right or remedy consequent on the breach of any provision, and no acceptance of partial payment during the continuance of any such breach, shall constitute a waiver of any such breach or provision. No waiver of any breach shall affect or alter this Agreement, but each and every provision of this Agreement shall continue in full force and effect with respect to any other then existing or subsequent breach of such provision.
- (g) Severability. If any provision of this Agreement or the application of the provision to any circumstances shall be held to be invalid or unenforceable, then the remaining provisions of this Agreement or the application of them to other circumstances shall not be affected by the invalidity or unenforceability and shall be valid and enforceable to the fullest extent permitted by law.
- (h) Entire Agreement. This Agreement constitutes the entire agreement among the parties with respect to its subject matter and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, whether oral or written, of the parties. There are no warranties, representations or other agreements among the parties in connection with the subject matter of this Agreement, except as specifically set forth in it. Except as specifically provided in section 15(e), no supplement, modification, waiver or termination of this Agreement shall be binding unless executed in writing by the parties to be bound by it.
- (i) Governing Law. This Agreement shall be construed and enforced in accordance with, and the rights of the parties shall be governed by, the laws in force in the Province of Ontario.

- (j) Headings. The headings used throughout this Agreement are solely for convenience of the parties and are not to be used as an aid in the interpretation of this Agreement.
- (k) Time of Essence. Time shall be of the essence of this Agreement and every part of it.
- (l) Survival. All provisions of this Agreement which are expressed or which by their nature are intended to survive termination of this Agreement shall survive termination, and continue to bind the parties.
- (m) Electronic Commerce. Any execution or amendment of this agreement which is conducted electronically by any of the parties is made in accordance with and governed by the *Electronic Commerce Act, 2000*, (Ontario). If this Agreement is executed on behalf of any party electronically, the natural person who selects the "Agree" button at the bottom of the "Agreement Ratification" page on Ontario Electronic Stewardship's web site on behalf of the executing party certifies that by selecting the "Agree" button, the natural person represents and warrants that he or she is at least eighteen years of age, and has been duly appointed with the authority to bind the executing party.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

**ONTARIO ELECTRONIC
STEWARDSHIP**

By: _____
Melanie Wilde
Executive Director
I have authority to bind the Corporation

MELANCTHON TOWNSHIP

By: _____
Name
Title
I have authority to bind the Collector

SCHEDULE "A"

Program Plan, Appendix A

Table 4: EEE Material Definitions August 1, 2011 – until further notice

The definitions in this table are general descriptions, and should be used together with the complete list of Inclusions and Exclusions for each Sub-Category Type on the OES website. The list of Inclusions and Exclusions is continually updated by OES. Please see <http://www.ontarioelectronicstewardship.ca/program/electronics-gallery> for the current list.

Appendix A – Table 4: EEE Material Definitions August 1, 2011 – until further notice		
EEE Material Category for Reporting Purposes		
Category	Sub-Category	Phase 1 and 2 Materials Definition
Display Devices	less than or equal to 29" Screen	A device that displays an image, using a variety of technologies including CRT, LCD, plasma and rear-projection.
	Greater than 29" Screen	
Desktop Computers		Desktop models refer to those computers that are designed to be utilized on a work surface and require standard alternating current (AC) power plug for a primary source of power.
Portable Computers		Portable models refer to a portable computer that contains a Central Processing Unit (CPU) and that can operate using a self-contained battery or using an external AC/DC adaptor.
Computer Peripherals		Computer peripherals refers to external, as well as integrated modems, disk drives, optical drives, computer mouse and keyboards that are added, or attached, to a computer in order to expand its functionality. A modem refers to a devices that encodes digital computer signals into analog/analogue telephone signals and vice versa and allows computers to communicate over a phone line or cable connection.
Printing, Copying and Multi-Function Devices	Desktop Printing, Copying and Multi-Function Devices	Printing, copying and multi-function devices, utilizing all printing technologies, designed to be handheld or to reside on a work surface and that can print on media with dimensions up to 48" wide. Copiers and/or multi-function devices classified as Segment 1 or Segment 2. Copier and/or multi-function devices that are designed to reside on a work surface that are not classified as Segment 1 or Segment 2. Includes models that are able to utilize an optional floor-stand.
	Floor-Standing Printing Devices	Printing devices, utilizing all printing technologies that are floor-standing models and that can print on media with dimensions up to 48" wide.
	Floor-Standing Copying Devices	Copier and/or multi-function devices classified as Segment 3, Segment 4 or Segment 5. Copier and/or multi-function devices that are floor-standing models that are not classified as Segment 3, Segment 4 or Segment 5.

Appendix A – Table 4: EEE Material Definitions August 1, 2011 – until further notice		
EEE Material Category for Reporting Purposes		Phase 1 and 2 Materials Definition
Category	Sub-Category	
Telephones and Telephone Answering Machines		<p>A telecommunication device with a handset or headset that is used for the transmission of sound (most commonly speech) between two or more locations using a variety of technologies including wire-line telephones and Voice over Internet Protocol (VoIP).</p> <p>Also includes telephone answering machines that are installed alongside, or incorporated within a wire-line telephone.</p>
Cellular Devices and Pagers		<p>A handheld communication device that utilizes cellular networks to transmit voice or data signals. Includes cell-enabled Personal Digital Assistants (PDAs).</p>
Image, Audio and Video Devices	Personal/ Portable	<p>Personal and/or portable devices that can transmit, record and/or playback an image, audio or video using a variety of technologies including mechanical, optical and digital technologies.</p> <p>Personal and/or portable peripheral audio devices that enable audio playback.</p>
	Home/Non-Portable	<p>Home and/or non-portable devices that can transmit, record and/or playback an image, audio or video using a variety of technologies including mechanical, optical and digital technologies.</p> <p>Home and/or non-portable peripheral audio devices that enable audio playback.</p>
	Home Theatre in a Box (HTB)	<p>Bundled combinations or devices that can transmit, record and/or playback an image, audio or video using a variety of technologies.</p>
	Aftermarket Vehicle	<p>Audio and video devices for installation in motor vehicles aftermarket.</p>

SCHEDULE "B"

OES Collection Site Designations and Payment Schedule – As of April 1, 2010

There are four Designations of Approved Collection Sites. The following table describes each of the designations, the minimum requirements and if that Approved Collector is eligible for the Collection Incentive:

Collection Site Designations

Collection Type	Description	Requirements	Eligible to Receive Collection Incentive	Check What Applies
A) Drop-off location or event	- receives Acceptable WEEE at fixed locations or at event based collection	- will have agreed to level of public accessibility - will be listed on RYE	- Yes	X
B) Provides collection service	- offers a collection service that goes out to service customers and generators of Acceptable WEEE	- will be listed on RYE - can still offer public accessibility	- Yes	
C) Closed drop-off	- receives Acceptable WEEE at fixed locations or at event based collection from internal staff, students, tenants	- not open to the general public - not listed on RYE	- Yes	
D) Self-generated IC&I	- WEEE is supplied from business operations and does not include material from public	- not open to the general public - not listed on RYE	- No	

Payment Schedule

Type of Collection Activity	\$/Tonne	Description	Check What Applies
Permanent Collection Sites			
SMALL BIN ONLY (Basic)	\$150	<ul style="list-style-type: none"> - Site must apply and be approved by OES prior to establishment of new service - OES provides roll-off bin and transportation service - Collector must hand pack the roll-off (no dumping) with mixed Phase 1 and 2 WEEE - Rate reflects a reduced level of effort on the part of the collector (no sorting or palletization required by collector) 	X
Sorted/Palletized (Standard)	\$200	<ul style="list-style-type: none"> - Sort into three categories: <ul style="list-style-type: none"> ▪ A) Display devices – televisions, monitors ▪ B) Desktop and portable computers ▪ C) Desktop printers, fax, multifunction devices, computer peripherals, and all new Phase 2 WEEE - Some collection sites may have a fourth category for floor standing printing and copier devices 	



Type of Collection Activity	\$/Tonne	Description	Check What Applies
Permanent Collection Sites			
Transportation/Sorted/Palletized (Enhanced)	\$230	<ul style="list-style-type: none"> - Difference from "standard" reflects added value to OES for collectors who: - 1) Have multiple sites and are consolidating material at one location for a large volume pickup by OES, and/or - 2) Have collection capabilities to service IC&I sector. The additional \$30/tonne will help off-set collection costs. Collector will need to agree and confirm through a waybill system that all material collected will flow into OES program. Collector cannot charge transportation fee. - Collection site will be required to provide evidence of material being collected including: site address, signature, description of loads 	Available upon request and OES approval
Events			
Roll-off Bins	\$185	<ul style="list-style-type: none"> - Rate reflects reduced level of effort on the part of the collector to handle the material (no sorting or palletization required) - Additional \$35/tonne to compensate for site set-up and clean-up time 	Available upon request and OES approval
Sorted/Palletized	\$235	<ul style="list-style-type: none"> - Rate has been increased to reflect more accurate assessment of costs associated with level of service - Additional \$35/tonne to compensate for site set-up and clean-up time 	

Payment will, in accordance with section 10, be made by OES to Collector on a monthly basis and will be accompanied by the following information collected upon transportation, consolidation and processing;

- date of removal;
- number of pallets and/or other containers by material type;
- weight as recorded upon receipt at consolidation site;
- any information regarding contamination by non-acceptable materials or improperly packaged materials. The non-acceptable specification is set at not greater than 5% by weight of each load, however the cost for management of the following non-acceptable items, including but not limited to: Municipal hazardous or special waste (MHSW) as defined in the Consolidated Municipal Hazardous or Special Waste Program Plan, July 30, 2009, refrigerant containing appliances, and smoke detectors will be deducted from the payment to the Collector;
- Bills of Lading signed by Collection Site; and
- Completed report provided by the applicable service provider, filed using the OES reporting website



SCHEDULE "C"

Requirements for Sites Collecting Acceptable WEEE Materials

All sites that intend to collect or receive Acceptable WEEE materials in preparation for pickup by Transporters are asked to review the checklist below to ensure that all program requirements are in place prior to the start of operation.

OES requires that Collectors register each site using the online registration system for the Acceptable WEEE collection program. The checklist below highlights requirements included in the recycling standards menu item of the online application form.

Upon successful completion of this form, applicants will gain access to the remainder of the online registration for this program. Organizations that intend to apply to register collection sites for Acceptable WEEE materials are encouraged to review the information below to prepare for this process.

The Collection Site pre-registration will be accessible at through the OES online registration system. When the pre-registration portion of the online registration is available, OES will post a link to the directly to this system. Collection Site Checklist

Material Sorting & Preparation for Pick-up

Collected materials will be/sorted into four groups and prepared for packaging:

- Group "A" – display devices contained on shrink-wrapped pallets, in gaylord boxes, or in approved shipping containers.
- Group "B" – desktop and portable computers contained on shrink-wrapped pallets, in gaylord boxes, or in approved shipping containers.
- Group "C" – computer peripherals, desktop or portable printing, copying or multi-function devices, telephones and telephone answering machines, cellular devices and pagers, and all portable, non-portable and automotive image, audio and video devices contained in bulk bags, in gaylord boxes, or in approved shipping containers.
- Group "F" – floor standing printers, copiers and multifunction printing devices, that are handled individually on wheels or placed on a pallet and secured with shrink-wrap

Site Configuration

- Site has adequate infrastructure to shelter material in inclement weather.
- Site has sufficient space to receive, sort, store and prepare pallets and/or gaylord boxes and/or bulk bags for shipment. The minimum shipping quantity for an OES Collector is 6 pallets (or equivalent), unless otherwise agreed to by OES.
- Site has a work area to prepare the containers or pallets in accordance with OES collection standards.



Accessibility

- Site has an area that is accessible for lifting WEEE material directly onto Transporter's trucks
- Site has adequate vehicle room for a tractor trailer or straight truck.

Safety, Security and Operating Procedures

- Site is safe for all users
- Material drop off area is located so that users are not endangered by site equipment or other traffic.
- Site has adequate security measures in place to protect material from being tampered with by anyone at the site or using the collection facility as agreed to during the site assessment.
- Site is equipped with signage provided by OES to advise users to wipe/remove confidential information from their computers before drop-off (signage to include visible disclaimer).

Training

- Approved Collection Site personnel have or will have completed training provided by OES.

Documentation*

- General Liability Coverage (insurance) is in place for site operations and the provisions are inclusive of Acceptable WEEE materials
- Site operator has written permission from the site owner (if different from the operator) to collect WEEE at the site.

**All documentation must be received by OES within 30 days of receiving approval to operate as an OES Collection Site*

Declaration

Site operators will be required to confirm that each location which they would like to register as an OES collection site meets all the above requirements

Following this, applicants will gain access to the remainder of the OES registration system.

Operators that are unable to meet the requirements are encouraged to complete the site pre-registration when all requirements are in place.

Transportation between Collection Sites

Collector may transfer collected Acceptable WEEE between two locations controlled solely by it, provided both locations must comply with all provisions of Section 2 of this Agreement and have the prior acceptance by OES.

For more information contact: services@ontarioelectronicstewardship.ca



SCHEDULE "D"

Protection of Private and Personal Information

Collector agrees as follows:

- (a) Collector shall display in prominent location(s) at its Approved Collection Site(s) such notices or signage as OES may from time to time require and/or provide or make available to persons or entities disposing of unwanted WEEE ("Owners") such educational or other information or materials as OES may from time to time provide to Collector, including in regard to (but not limited to): (a) the importance of destroying any User Data contained on or within unwanted WEEE and the risks or perils of neglecting secure data destruction; (b) references to sources of information on methods of secure data destruction; and (c) the responsibility of Owners to ensure that any User Data is removed or destroyed from their WEEE prior to collection by, or drop off to, Collector.
- (b) Collector, prior to accepting WEEE from Owners, may ask Owners if they have safely and permanently destroyed any User Data on or within the WEEE. Collector may request that an Owner sign an acknowledgement to such effect. Collector may refuse to accept any WEEE that an Owner indicates has not been properly scrubbed of all User Data.
- (c) Collector shall comply with all policies, rules and/or security standards issued by OES from time to time in order to protect User Data on collected WEEE from unintended or unauthorized use or disclosure. Without limiting the foregoing, any collected WEEE which may contain User Data must be stored by Collector at an Approved Collection Site, in a secure location, indoors or suitably sheltered from the elements, that is not accessible to the general public.
- (d) Collector agrees that it shall not use, operate or remove any parts or items from, or otherwise disassemble, collected WEEE.
- (e) Notwithstanding the foregoing, in the event that Collector does come into possession of any User Data, Collector agrees that it: (i) shall treat as confidential any and all User Data it may acquire; and (ii) shall not use, disclose or otherwise permit access to any such User Data for any purpose whatsoever, except as required by law. The foregoing shall not prevent or prohibit Collector from packaging and shipping collected WEEE as contemplated by this Agreement.
- (f) Collector shall at all times comply with all applicable laws and regulations, including, without limitation, applicable laws regarding individual privacy and protection of personal information.
- (g) Collector shall be responsible for ensuring that its employees, contractors, agents and/or volunteers are made aware of, properly trained in, and agree to abide by the procedures and obligations set forth in this Section.
- (h) Collector agrees to permit OES and its designated representatives and agents to monitor its compliance with these provisions, including without limitation, to inspect Approved Collection Sites at any time and from time to time.
- (i) If at any time Collector becomes aware of any breach or unauthorized access to, or unauthorized use, disclosure or loss of, any User Data, Collector will promptly notify OES and cooperate in all reasonable respects with OES to minimize the impact of the unauthorized access,



use, disclosure or loss and any damage resulting therefrom and to assist in providing notification to the proper parties as OES deems necessary or reasonably requests.

(j) Collector's obligations under this Section will survive the termination or expiry of this Agreement, for whatever reason.



SCHEDULE "E"

List of Collection Sites Covered Under this Agreement – As of August 24, 2015

- **15701 Highway 10 Melancthon Ontario L9V 2E6**

Denise Holmes

From: Guy Gardhouse <ggardhouse@eastgarafraxa.ca>
Sent: Monday, August 10, 2015 3:00 PM
To: Denise Holmes; Susan Stone; Karen Canivet; jwilson@townofgrandvalley.ca, dmilliner@southgate.ca; dmilliner@southgate.ca
Subject: Fwd: CAA Review Request
Attachments: CAA Review Request.pdf; ATT00001.htm

Hello Everyone,

I have been asked to circulate this request for your review of the Conservation Authorities Act Discussion Paper. The link to the discussion paper is below.

Please circulate to your councils and appropriate parties for their responses as well.

Subject: CAA Review Request

Here is a link to the Discussion Paper:

http://apps.mnr.gov.on.ca/public/files/er/Discussion_Paper_2015.pdf

Here is the original request from Joe Farwell, CAO of the GRCA. If you have any questions please contact Joe or myself.

Total Control Panel

[Login](#)

To: dholmes@melanctontownship.ca

Message Score: 2

High (60): Pass

From: ggardhouse@eastgarafraxa.ca

My Spam Blocking Level: High

Medium (75): Pass

Low (90): Pass

[Block this sender](#)

[Block eastgarafraxa.ca](#)

This message was delivered because the content filter score did not exceed your filter level.



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

July 27, 2015

Guy Gardhouse
191028 13th Line
East Garafraxa, ON L9W 7B4

Dear Mr. Gardhouse: *Guy*

This letter follows our discussion at the July 24, 2015 General Membership Meeting. I have attached a copy of the Discussion Paper with respect to the *Conservation Authorities Act* review. The review is being conducted by the Province and will focus on the following three areas:

- Roles and Responsibilities
- Funding
- Governance

I am working with a Conservation Ontario committee to respond to the questions posed in the Discussion Paper and I recommend that Grand River Conservation Authority respond as an individual conservation authority as well. To that end, I will present a report at the August General Membership Meeting along with a draft response. Any additional material from the members can be included in the response.

In the interim, I would ask that you share the attached material with your municipalities and encourage the appropriate parties to consider responding to the review. Please contact me if you require further detail.

Yours truly

A handwritten signature in dark ink, appearing to read "Joe Farwell".

Joe Farwell, P.Eng.
Chief Administrative Officer
Grand River Conservation Authority

Discussion Paper

Conservation Authorities Act

A review of the roles, responsibilities, funding and governance of conservation authorities under the Conservation Authorities Act.

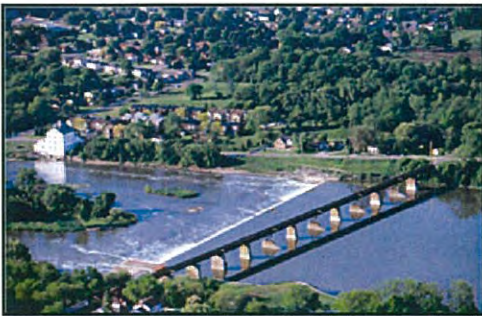


Photo credits:

Cover photos (left to right): Grand River Conservation Authority (Caledonia Dam); Otonabee Region Conservation Authority; Otonabee Region Conservation Authority

Page 6: Conservation Halton

Page 21: Niagara Peninsula Conservation Authority

Page 27: E. Hartlen; Long Point Region Conservation Authority

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2. Conservation Authorities Act - Overview
3. Governance
4. Funding Mechanisms
5. Roles and Responsibilities
6. Summary and Questions for Discussion
7. How to Provide Input

References

Appendices

1. Introduction

The *Conservation Authorities Act*, administered by the Ministry of Natural Resources and Forestry (MNRF), enables two or more municipalities in a common watershed to establish a conservation authority in conjunction with the province. The purpose of a conservation authority is to deliver a local resource management program at the watershed scale for both provincial and municipal interests.

Conservation authorities have played a significant role in Ontario's natural resource management landscape for nearly 70 years, establishing a successful legacy of resource stewardship and an impressive record of protecting people, property, and communities from water-related natural hazards (e.g. flooding, drought, erosion etc.). With the increasing pressures of Climate Change on the environment, it is imperative that conservation authorities have the proper tools to successfully build upon this legacy.

Conservation authorities are unique organizations, established on watershed rather than political boundaries in order to better serve local needs and allow for resource management from a science-based perspective. Using the tools provided within the *Conservation Authorities Act*, and with support from participating municipalities and the province, conservation authorities protect people from water-related natural hazards, provide recreational and educational opportunities, support science and research, and conserve and protect the natural environment. Collectively, conservation authorities are the second-largest landowner in the province after the Crown.

The framework and conditions for natural resource management in Ontario have changed significantly since the Act's creation, and the way conservation authorities operate within that framework has changed along with it. Resource management has become increasingly complex due to increases in population numbers and density, the expansion of agencies from all levels of government involved in resource management and environmental activities and new challenges such as addressing climate change further complicating resource management decisions. In addition, conservation authorities have been evolving as organizations, growing their funding sources and influence and accepting and being assigned additional roles that extend their responsibilities into additional areas of natural resource management and environmental protection. At the same time, the disparity among conservation authorities in resourcing and capacity has and continues to increase.

Ontario's Conservation Authorities

Ontario has 36 conservation authorities – the vast majority of which are located in southern Ontario.

Over 12 million people, or 90% of the province's population, live within a conservation authority's jurisdiction.

As a result of these and for other reasons the MNRF is seeking to engage ministries, municipalities, Aboriginal communities, conservation authorities, stakeholders and the public in a review of the *Conservation Authorities Act* to ensure that the Act is meeting the needs of Ontarians in a modern context.

Interest in a review of the *Conservation Authorities Act* has been building over the last several years. The Commission on the Reform of Ontario's Public Service recommended that the MNRF undertake a review of the programs and services delivered by the MNRF and conservation authorities to clarify responsibilities and eliminate any overlap in roles and responsibilities for resource management and environmental protection that are currently shared across levels of government. In addition, municipalities, developers, and conservation authorities have all identified their interest in and support for a formal government review.

The objective of this review is to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities that may be required in the face of a constantly changing environment. The purpose of this discussion paper is to seek feedback on the following three areas:

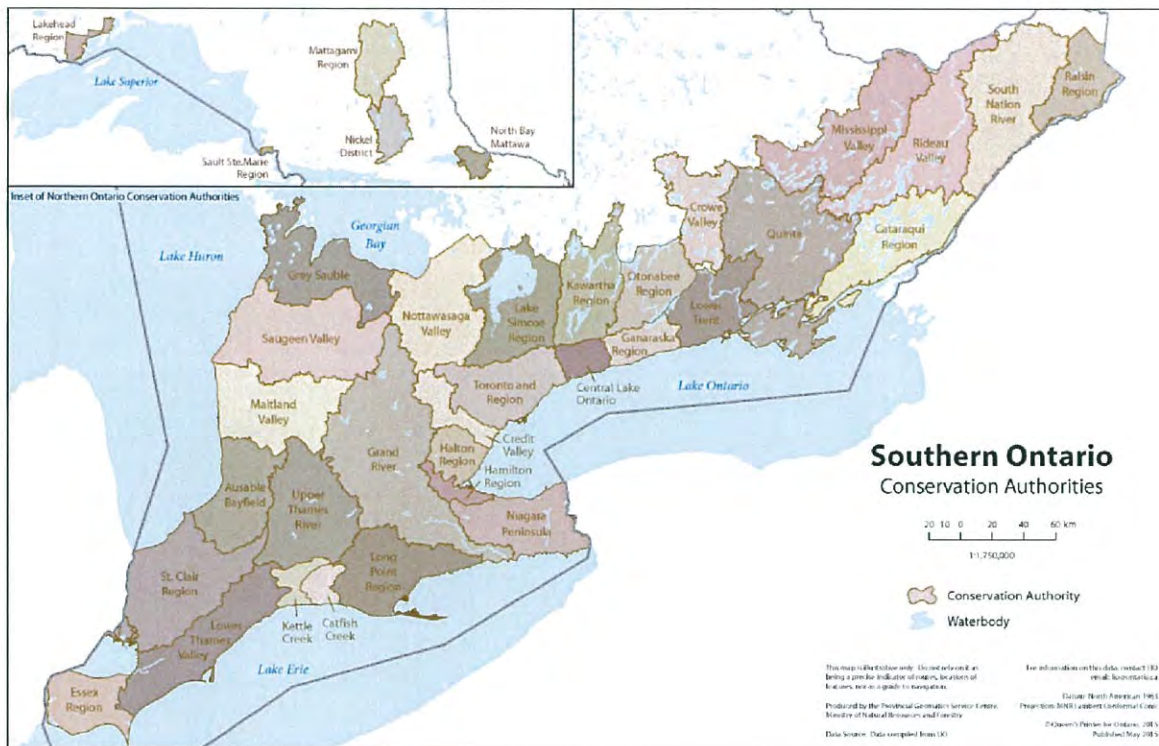
1. *Governance* – the processes, structures, and accountability frameworks within the Act which direct conservation authority decision-making and operations;
2. *Funding Mechanisms* – the mechanisms put in place by the Act to fund conservation authorities; and
3. *Roles and Responsibilities* – the roles and associated responsibilities that the Act enables conservation authorities to undertake.

These areas are all closely linked and need to be considered in an integrated fashion. We ask that you read this discussion paper and focus on the questions that are provided.

This discussion paper represents the first step in the Ministry's review. The feedback received in response to the questions outlined below will help the Ministry identify priority areas for review. If specific changes to the existing legislative, regulatory or policy framework are considered in the future, further public consultation will occur as appropriate, for example through subsequent Environmental Bill of Rights Registry postings.

Your opinions and insights are important to us. This discussion paper outlines a number of ways to engage in the review and we encourage everyone to participate. The review of site-specific permit applications and permitting decisions or other local decisions made by conservation authorities are not within the scope of the Ministry's review.

Figure 1 – Map of conservation authority jurisdictions¹



¹ This map has been produced by the MNRF for illustrative purposes only and should not be relied upon as a precise indicator of conservation authority boundaries

2. Conservation Authorities Act - Overview

The *Conservation Authorities Act* was passed in 1946 in response to extensive flooding, erosion, deforestation and soil loss resulting from poor land, water and forestry management practices in prior decades. The Act outlines the process to establish, fund, dissolve, amalgamate and operate a conservation authority.

The creation of the Act and associated conservation authority model was guided by the following principles:

1. Local initiative – The process to form a conservation authority must be initiated and supported by municipalities within a common watershed, and that programs be locally driven and supported.
2. Cost sharing – The costs of the projects should be shared by the municipalities in the authority and the provincial government.
3. Watershed jurisdiction – Conservation authority jurisdictions would, where possible, follow watershed boundaries.

Conservation authority jurisdictions can be loosely characterized in various ways: rural or urban; south-eastern, south-central, or south-western; north or south; or according to revenue or geographic scale. Some conservation authority jurisdictions are less than a full watershed while other conservation authority jurisdictions include multiple watersheds. It is difficult to generalize or to speak about a generic conservation authority as the Act enables a great diversity of organizations in scale and operations, with significant variance in resourcing strategies, board structures, relationships, and local programs and activities.

Incorporation under the Act establishes conservation authorities as a distinct legal entity with a degree of autonomy from the individual municipalities and the province that establish it. Conservation authorities are local public sector organizations similar to hospitals, libraries or school boards – they are not agencies, boards, or commissions of the province.

Section 20 of the *Conservation Authorities Act* sets out the purpose (i.e. objects) of a conservation authority:

The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.

The objects of an authority define the potential scope of programs and services which may be delivered by a conservation authority within its area of jurisdiction. The scope of potential programs is intentionally broad, providing each individual conservation authority with flexibility to develop local resource management programs which are tailored to suit local geography, needs and priorities.

The powers granted to a conservation authority to accomplish its objects are outlined within Section 21 of the Act and include, among other things, the power to study the watershed, acquire lands, enter into agreements, erect works and other structures, and charge fees for services.

Amendments to the Act in 1996 and 1998 scoped MNRF approval of conservation authority projects to those completed with MNRF funding and removed provincial appointees from authority boards. These changes gave conservation authorities and participating municipalities greater flexibility to decide local fiscal and program priorities, develop partnerships, and to charge fees for approved services on a cost recovery basis. The province also introduced provisions for conservation authority amalgamation and dissolution and standardized the authority of conservation authorities to regulate development and other activities.

The Act is supported by regulations that direct conservation authorities in the application of levies, the management of conservation areas, and in regulating development and other activities for purposes of public safety and natural hazard management. The province may also make regulations defining any undefined term appearing in the Act. An overview of regulations established under the *Conservation Authorities Act* has been provided in the Appendix.



3. Governance

Conservation authorities are local public sector organizations similar to public health units, hospitals, libraries or school boards – they are not agencies, boards, or commissions of the province as there are no provincial appointees on the authority boards. Under the Act, every authority is established as a corporation governed by a municipally-appointed board of directors. Incorporation under the Act establishes conservation authorities as a distinct legal entity with a degree of autonomy from the individual municipalities and the province that establish it. Under the Act, the board of directors is the conservation authority.

Governance² of conservation authorities has always been shared between the province and participating municipalities. The province has the primary responsibility for establishing a conservation authority (at the request of two or more municipalities), defining the powers of a conservation authority and directing and monitoring provincially approved programs. Municipalities, through municipally appointed boards of directors, have the primary responsibility for directing and overseeing conservation authority operations. The board is responsible for setting strategic and operational policies, and directing and providing oversight of the Authority's senior management. Oversight of day-to-day operations is typically delegated to a general manager or chief administrative officer who is responsible for directing authority staff.

3.1. Conservation Authority Boards

Each conservation authority is governed by a board of directors whose members are appointed by participating municipalities. Board members decide on the programs and policies of the authority, including strategic direction, operational decisions, procurement, staffing and budgets.

The Act lays out the composition of the conservation authority board and some general operational rules, and requires that each conservation authority have administrative policies in place to guide board operations. The Act does not establish a minimum or maximum number of board members however a meeting of the board must have at least three members in order to achieve quorum.

² Governance of public sector organizations involves a set of relationships among an organization's stakeholders, interest groups, citizens, boards, management and the government. These relationships are framed by laws, rules, and requirements, and provide the structure through which the objectives of the organization are defined, operating plans are prepared, performance is monitored, and information is communicated among parties (Institute of Internal Auditors, 2014).

As shown in Figure 2, the number of representatives that each municipality can appoint is based on the population of that municipality within the conservation authority's jurisdiction.³ Alternatively, the total number of board members of the authority and the number of members that each participating authority may appoint may be determined by an agreement that is confirmed by resolutions passed by the councils of all of the participating municipalities.⁴

There is significant variability in the size of conservation authority boards with some authority boards having as few as five board members while others have as many as 28.⁵ Board members must reside in a participating municipality and may be appointed for no more than three years at a time.⁶

3.2. Relationship with Municipalities

The creation of a conservation authority must be initiated by two or more municipalities located within a common watershed.⁷ Municipalities who want to establish a conservation authority must petition the province to establish the authority in accordance with the requirements of the *Conservation Authorities Act*. Once an authority is created, it can amalgamate with other authorities and more municipalities can join without the involvement of the province.⁸

Participating municipalities determine who to appoint to the board as their representative(s).⁹ Board members are usually elected municipal councillors; however, any individual may be appointed to the conservation authority board.¹⁰ Municipally-appointed representatives have the authority to vote and generally act on behalf of their municipalities.¹¹

Because decisions are made collectively by all the participating municipalities in an authority through the conservation authority board, the amount of control each municipality has over conservation authority decisions varies. For most matters, each representative on the board gets one vote, so that municipalities with a larger number of board representatives (as a result of having larger populations)

Figure 2: Municipal Representation on Conservation Authority Boards

The number of representatives that each municipality can appoint is based on the population of that municipality within the watershed:

Population	Number of representatives
10,000 or less	1
10,000-50,000	2
50,000-100,000	3
100,000-250,000	4
250,000-500,000	5
500,000-1,000,000	6
More than 1,000,000	7

³ *Conservation Authorities Act* Section 2.(2).

⁴ *Conservation Authorities Act* Section 14.(2.1)

⁵ As reported by conservation authorities in 2012

⁶ *Conservation Authorities Act* Section 14.(3) and Section 14.(4)

⁷ *Conservation Authorities Act* Section 3.(1)

⁸ *Conservation Authorities Act* Section 10 and Section 11

⁹ *Conservation Authorities Act* Section 14

¹⁰ In 2012, over 80% of board members were municipally-elected officials

¹¹ *Conservation Authorities Act* Section 2.(3)

have a larger share in decision-making. For votes on the budget, votes are weighted so that each municipality has the same proportion of the vote as the proportion of the budget it pays.

The number of participating municipalities within each conservation authority is very diverse – some conservation authorities have more than twenty participating municipalities, while others have only two. In some conservation authorities, one or two municipalities may have the majority of the votes on the board.

3.3. Relationship with the Ministry of Natural Resources and Forestry

The process to create, operate and fund a conservation authority is established under the *Conservation Authorities Act* and administered by the MNRF. The province approves the creation and dissolution of a conservation authority, the dissolution requiring input from the Minister of Natural Resources and Forestry and the Minister of the Environment and Climate Change. The province designates the participating municipalities in the authority, and the authority's area of jurisdiction. The Act establishes the powers of the board and requires the authority to establish operational and administrative procedures. The MNRF provides a minimum standard for operational and administrative procedures which each board can further update or build on.¹²

While the Minister of Natural Resources and Forestry is responsible for overseeing the administration of the Act, he or she has limited authority under the Act to intervene in most regular day-to-day conservation authority activities and decisions. Minister's approval is required for projects partially or fully funded by MNRF through provincial grants, for the sale or lease of lands purchased with provincial funding and for the expropriation of land. The Minister cannot intervene in most local resource management or operational decisions.

Prior to Act amendments in the 1990's, the province played a more direct role in overseeing conservation authorities. The province directed conservation authorities by approving their budgets and all projects, appointing provincial representatives to authority boards, selecting the chair of the board, appointing provincial staff to authority advisory committees, and, when requested by the authority, appointing provincial field officers to direct and coordinate the authority's work. While oversight of conservation authorities is still shared between the province and the municipalities that form the authority, over time, the province has given conservation authorities greater autonomy to direct their own operations providing municipal representatives with a greater role in overseeing conservation authority activities.

3.4. Relationship with Other Provincial Ministries

With an investment of nearly 70 years of public funding in infrastructure, capacity, staffing, skills, resources, local knowledge, and land, in addition to local understandings and connections, conservation authorities have become attractive vehicles for delivery of other provincial initiatives at a local level.

¹² Section 30 of the Act requires each conservation authority to develop regulations on board administration. These regulations are approved by the Minister of Natural Resources and Forestry.

Recent years have seen an increased role for conservation authorities, individually and collectively, in the delivery of other provincial priorities on behalf of, or in partnership with, other provincial ministries – including, but not limited to – the Ministries of Environment and Climate Change, Agriculture, Food, and Rural Affairs, Municipal Affairs and Housing, Northern Development and Mines, Infrastructure, Education, and Tourism, Culture and Sport.

Conservation authority program relationships with other provincial ministries have grown over time and may be administered directly by individual ministries through various means (e.g. legislation, contracts, memorandums of understanding, etc.). A conservation authority's relationship with other provincial ministries is largely dependent on common interests and capacity, and on the scope of programs and services delivered by each individual conservation authority.

3.5. Relationships with Tribunals

Certain conservation authority decisions may be appealed to the Ontario Mining and Lands Commissioner (OMLC) or the Ontario Municipal Board (OMB). The OMLC and OMB are independent adjudicative tribunals that conduct hearings and make decisions on matters appealed under specific pieces of provincial legislation. In general, these tribunals are designed to resolve disputes in an informal, less costly and more timely manner than in the courts. In many instances, these tribunals seek to mediate issues first and practice alternative dispute resolution measures to expedite the resolution of matters thereby avoiding the need for a full hearing.

Decisions that have a provincial interest associated with them are referred to the OMLC. Decisions related more closely to municipal interests are referred to the OMB.

Ontario Mining and Lands Commissioner (OMLC)

Municipalities may appeal general levy apportionments to the OMLC. To date there have been only a few instances of municipalities appealing their municipal levies or levy apportionments to the OMLC. Many of these appeals are resolved without proceeding to a hearing.

A person who has been refused a permit or who objects to conditions imposed on a permit by a conservation authority may appeal permit decisions and conditions to the Minister of Natural Resources and Forestry. The Minister has assigned the responsibility for hearing these appeals to the Ontario Mining & Lands Commissioner under the authority of the Ministry of Natural Resources Act.¹³

In 2013 the OMLC received seven applications under the *Conservation Authorities Act* with only one matter heard.¹⁴ The majority of cases (including permit appeals) received during 2013 were resolved in less than three months. There is no cost to filing an appeal.

¹³ *Ministry of Natural Resources Act Section 6.(4)*

¹⁴ Office of the Mining and Lands Commissioner, 2013

Ontario Municipal Board (OMB)

The OMB hears appeals by municipalities of municipal levies for special projects. Under the Act, the OMB also approves salary, expenses or allowances made to the members of the authority board of directors.

3.6. Relationship with Conservation Ontario

Conservation Ontario, formally the Association of Conservation Authorities of Ontario, is a non-profit, non-governmental organization that represents Ontario's 36 conservation authorities. On behalf of its members, Conservation Ontario builds strategic partnerships, develops programs and champions collective issues/concerns. Conservation Ontario is overseen by a General Manager and directed by a Council made up of two appointed representatives from each conservation authority that elects a six member Board of Directors from among the council members to oversee the association.

Conservation Ontario seeks to influence policy that affects conservation authorities and to provide collective services to the authorities including corporate communications, policy and program development, government relations, partnership development, research and information, evaluation and reporting, education and training, and the provision of insurance and benefits for conservation authority employees.

Conservation Ontario is funded by dues from each conservation authority supplemented by project funding and contract work.

Conservation Ontario is not established through the Conservation Authorities Act, nor is it governed by the Act. The structure, roles and responsibilities and funding of Conservation Ontario are not part of this review.

3.7. Other Accountabilities

Conservation authorities are also governed by other legislative requirements that apply to municipalities, such as the *Municipal Conflict of Interest Act* and parts of the *Municipal Act*, and laws that apply to corporations and employers. Conservation authorities follow accounting standards for the public sector established by the Public Sector Accounting Board (PSAB). When reviewing permit appeals, the board of an authority reassembles as a Hearing Board under the *Statutory Powers Procedure Act*. Most conservation authorities are also registered charities under federal law and must follow rules for charitable organizations.

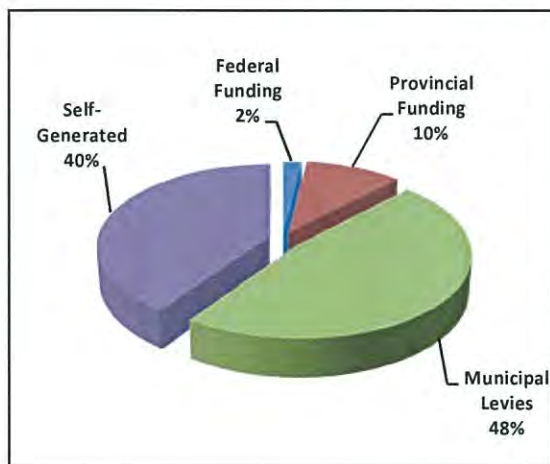
When undertaking infrastructure projects, conservation authorities are also subject to *Environmental Assessment Act* requirements. Conservation Ontario has developed a Class Environmental Assessment for Remedial Flood and Erosion Control Projects which has been approved by MOECC for conservation authorities to follow when planning remedial flood and erosion control projects.

4. Funding Mechanisms

Conservation authority revenue comes from various sources including provincial funding, municipal levies, and self-generated revenue. The total approximate annual revenue of all 36 conservation authorities in 2013 was \$305 million.¹⁵

As shown in Figure 3, in 2013, municipal levies accounted for roughly 48% of all conservation authority revenue, while self-generated revenue represented 40%, provincial funding represented 10% and federal funding represented 2%.¹⁶ Of the provincial funding provided, roughly 3% was provided by MNRF for natural hazards management, while 4% was provided for Ministry of the Environment and Climate Change's source water protection program and 3% was provided for various other special projects.¹⁷

Figure 3: Total Conservation Authority Revenue Sources (2013)



The revenue sources for individual conservation authorities are highly diverse and of variable combinations. For example, in 2013 provincial funding accounted for as much as 58% of one conservation authority's annual revenue and as little as 4% for another. In the same year, self-generated revenue accounted for as much as 71% of one authority's revenue and as little as 10% for another.

Table 1 below shows the variability in conservation authority revenue, area and population. This variability means that each conservation authority has a different capacity and ability to offer a different range of programs and services.

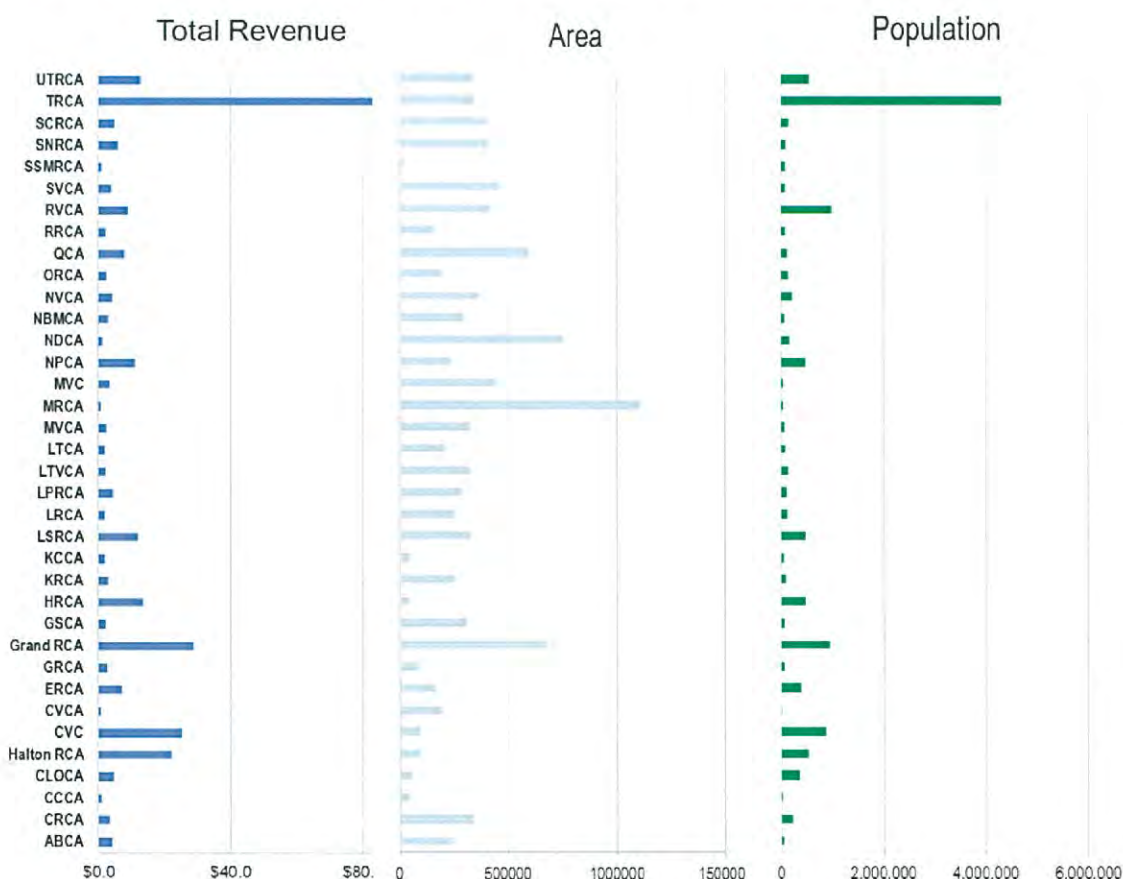
In addition to area and population, conservation authority funding needs vary depending on watershed characteristics such as the amount of hazard land and the potential for flooding, drought, etc. and the number and purpose of water and erosion control structures owned and or operated by the authority.

¹⁵ As reported by conservation authorities through annual statistics collected by Conservation Ontario

¹⁶ As reported by conservation authorities through annual statistics collected by Conservation Ontario

¹⁷ source protection funding will be shifting to a steady state

Table 1: Diversity of Conservation Authorities' Revenue, Area and Population¹⁸



Under the Act, conservation authorities are required to have an annual financial audit with the auditor's report provided to participating municipalities and the MNR. In terms of expenditures, conservation authorities report spending, in total, roughly 43% on water management, 42% of revenue on land management, 12% on administration and 3% on communications.¹⁹ However, expenditures from one conservation authority to another may vary significantly.

4.1. Municipal Levies

The Conservation Authorities Act enables conservation authorities to levy the cost of board-approved programs and services against their participating municipalities. In 2013, participating municipalities provided over \$140 million to conservation authorities through municipal levies.

The levy process is complex. First, a conservation authority budget is established and approved by the board. A portion of the budget is paid for with provincial, federal or self-generated revenue, and the rest

¹⁸ Revenues shown in Millions of Dollars, Area shown in Hectares, Population shown in Millions

¹⁹ As reported by conservation authorities through annual statistics collected by Conservation Ontario

is paid by participating municipalities through municipal levies. The total municipal levy amount is divided up among the participating municipalities according to the benefit each one receives from the authority's services, which is determined in different ways for different types of levies. Levies can be categorized as being for maintenance and administration costs, or for capital and project costs.

For most conservation authorities, the majority of the municipal levy amount is for maintenance and administration costs. These costs represent the administrative and operational funding provided to conservation authorities and is divided among all the municipalities according to a formula set out in regulation.²⁰ This formula is based on the total value of property within each municipality within an authority's jurisdiction so that municipalities with high land values pay more than those with low land values. The total land value is also modified according to the type of property, so that urban property types such as commercial, industrial and multi-residential are worth more than rural property types like residential, forest or farmland. Conservation authorities and municipalities can also agree on a different method of dividing these costs as an alternative to using the land value formula.²¹ How costs are divided (the 'apportionment') can be appealed by a participating municipality to the Ontario Mining and Lands Commissioner.

Capital and project costs may be levied only against certain municipalities who will benefit from the project. The conservation authority determines how these costs are divided. This apportionment can be appealed by municipalities to the Ontario Municipal Board.

Additional rules under Ontario Regulation 139/96 (Municipal Levies) also apply to any levies for costs that are not shared with the Province. These additional rules include weighted voting: each municipality gets the same percentage of the vote on the levy as the percentage of the total municipal levy that it pays.

4.2. Self-Generated Revenue

Conservation authorities can also generate their own revenue through various means including:

- earned revenues on a 'cost recovery' basis (contracts, fees for service, permits (campsites, entrance fees) related to conservation areas);
- earned income on a 'for profit' basis (rentals, sales, sales of land, resource development such as logging, hydroelectric production);
- commercial/industrial sector partnerships including businesses (gift shops) and joint contracts for resource development (generating hydro-electric power etc.); and
- private sector funding from individuals, corporations and foundations (fundraising, gifts, donations, sponsorships etc.).

In most cases, self-generated revenue may be used at the discretion of the authority board for any board-approved conservation authority program.²² Additional rules apply to the use of revenue generated through the disposition of conservation authority property.²³ In 2013, self-generated revenue accounted for over \$120 million in conservation authority revenue.

²⁰ As set out in Ontario Regulation 670/00 (Conservation Authority Levies)

²¹ *Ontario Regulation 670/00 Section 2.1(a)*

²² *Policies and Procedures for the Treatment of Conservation Authority Generated Revenue*

²³ *Policies and Procedures for the Disposition of Conservation Authority Property*

Fees for Service

Subsection 21(m.1) of the Act gives conservation authorities the power to charge fees for services. The Minister of Natural Resources and Forestry determines which services conservation authorities may charge fees for. The Minister has given conservation authorities approval to charge fees for permitting services, plan reviews, extension services (e.g. technical advice/ implementation of erosion control measures, technical studies etc.), education services (e.g., tours, presentations, workshops etc.), and any service under other legislation authorized under agreement with the lead ministry.²⁴

The MNRF's policies and procedures require each conservation authority to have a fees policy in place which includes a fee schedule, a process for public notification about the establishment of or any proposed changes to fee schedules, a clearly defined review and revision process, and a process for appeals for fees that are proposed or in place.²⁵

For planning, and compliance-oriented activities such as regulatory or permitting services, the fee structures should be designed to recover but not exceed the costs associated with administering and delivering the services on a program basis.²⁶

While the Minister of Natural Resources and Forestry approves the services which conservation authorities may charge fees for, fee amounts are set by individual conservation authorities. Costs vary from authority to authority for the provision of certain services so therefore the fee structures of conservation authorities may vary from one conservation authority to another. Through MNRF policy, conservation authorities are encouraged to review neighbouring conservation authorities' fee structures when developing or updating their own structure.²⁷

Fundraising

Most conservation authorities also receive funding from individuals, corporations and foundations through fundraising, gifts, donations and sponsorship. Additionally, conservation authorities provide many opportunities for in-kind donations to the organization such as volunteer services.

4.3. Provincial Funding

Conservation authorities receive and may apply for funding from the province to support provincially-mandated activities and local projects.

The province provides conservation authorities with funding for provincially mandated programs – including the hazards management program funded by MNRF and the source water protection program funded by MOECC.

The MNRF's hazard management program is funded through two separate transfer payments.

²⁴ *Policies and Procedures for the Charging of Conservation Authority Fees (1997) – Section 5.1*

²⁵ *Policies and Procedures for the Charging of Conservation Authority Fees (1997) Section 5.2*

²⁶ *Policies and Procedures for the Charging of Conservation Authority Fees (1997) Section 5.3*

²⁷ *Policies and Procedures for the Charging of Conservation Authority Fees (1997) Section 5.5*

Since 2000, MNRF has provided over \$7 million in Section 39 transfer payments annually to conservation authorities to support the approved programs in natural hazard management and public safety. The provincial funds support flood and erosion control operations and maintenance, flood forecasting and warning, ice management, and the authorities' review of Official Plans and Plan Amendments for consistency with natural hazard policies of the Provincial Policy Statement (2014), natural hazards technical studies and administration.

The amount each conservation authority receives from MNRF is a fixed amount based on an average of 1990's operational costs and must be matched by municipal contributions through municipal levies. The MNRF amount provided to each conservation authority was reduced from \$7.6 million annually to \$7.4 million annually in 2011.

Additional funding for natural hazard management is also provided to conservation authorities through MNRF's Water and Erosion Control Infrastructure (WECI) transfer payment program. Since 2003, MNRF has provided conservation authorities with \$5 million annually in capital funding (with a temporary two year reduction to \$2.5M from 2012-14) to invest in major repairs and studies of existing conservation authority-owned or operated water and erosion control infrastructure. This project funding supports conservation authorities in ensuring the safe operation and maintenance of their dams and water control infrastructure. These funds are matched by participating municipalities involved, for an annual investment in water and erosion control infrastructure of \$10 million. The WECI funding program is an application-based program that funds the highest priority projects each year.

Conservations authorities may also receive funding from other federal departments and provincial agencies through transfer payments to implement programs or projects related to other government priorities established under other pieces of legislation.

For example, the Province (through MNRF and MOECC) has provided over \$220 million since 2004 in funding to conservation authorities to fulfill their duties as Source Protection Authorities under the *Clean Water Act*. Funding was used for capacity building, technical studies, and water budgets, and supported source protection committees and authorities in developing the province's first science-based source protection plans for local watersheds. Future levels of funding are expected to move to a steady state once current source protection plans are approved.

Additional funding may be provided to conservations authorities in support of special projects on a project by project or application basis. For example, conservation authorities may receive funding for projects from both the provincial and federal government under the Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health funding program.

5. Roles and Responsibilities

The objects of a conservation authority, under the *Conservation Authorities Act*, are to establish and undertake a program to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. The Act defines the potential scope of programs and services which may be delivered by a conservation authority within its area of jurisdiction. The scope of potential programs is intentionally broad, providing each individual conservation authority with flexibility to develop local resource management programs which are tailored to meet local geography, needs and priorities.

Current roles and responsibilities for conservation authorities fall under the five broad headings outlined below.

5.1. Local Resource Management Agency

The *Conservation Authorities Act* provides conservation authorities with the authority to develop local resource management programs or projects that suit local needs and geography. The scope afforded to projects in the Act under S. 20 is broad – anything to “further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.” The scale of the authority projects and programs is determined at the local level, decided on by the board.

Conservation Area Statistics

73,645 hectares of conservation areas

including

2,491 kilometers of trails

and

8,442 campsites

accessed by

6,898,229 annual visitors

including

430,764 students

**As reported by conservation authorities*

Collectively through their local programs, conservation authorities play an important role in resource management and environmental protection through stewardship, conservation land acquisition and management, recreation, education, and science and research. These programs may include tree planting, habitat rehabilitation and restoration, water quality improvement and water supply management, ground water monitoring, education and outreach, heritage conservation, management of conservation areas, information management, data collection and mapping, monitoring and the development of technical studies, watershed plans and the development of natural heritage strategies. Every conservation authority board-approved local resource management program is unique, offering a different suite of programs designed to reflect local needs and priorities. Conservation authority local programs are often supported by community volunteers. In 2012 over 37,000 people volunteered to support more than

700 local conservation authority projects.²⁸

Conservation authorities also have a role in local resource management as land owners. Conservation authorities have accumulated large land holdings within their jurisdictions through property acquisition, eco-gifting and land conveyances. Conservation authority owned land is considered private land under the *Planning Act*. Some of these lands are operated by the authorities for educational and recreational purposes, for conservation or protection reasons and also for income generation. Conservation authorities may develop their lands to support local programs, or may maintain lands in a natural state in order to protect them and provide ecological and natural hazard management benefits to the public. Conservation authorities may also act as interested parties on development applications near their landholdings. In addition, because of their proximity to watercourses, conservation authorities own or control lands that have a high concentration of cultural heritage resources.

Board-approved local resource management programs may be funded by municipal levies, self-generated revenue, or through a contract with another organization. In areas of the province where conservation authorities have not been established, local resource management programs may be developed and administered directly by municipalities.

5.2. MNRF Approved Projects under the Act

Section 24 of the Act requires conservation authorities to obtain MNRF approval for projects that are funded by MNRF through the Act. The project that the Minister currently approves under the Act for all conservation authorities is related to public safety and natural hazard management. The increased frequency and severity of extreme weather events associated with climate change has further underscored the importance of this role in protecting persons and property from water-related natural hazards including flooding and drought.

All conservation authorities implement a shared provincial/ municipal program in public safety and natural hazard management. As part of their role in implementing the shared provincial/ municipal program in public safety and natural hazard management, conservation authorities own and or operate over 900 flood control structures including 256 dams, and numerous engineered channels, dykes and erosion control works. Under this shared provincial/ municipal program, conservation authorities also undertake flood forecasting and warning and ice management. To support these and other programs (e.g. hazard input into municipal planning), conservation authorities may also collect and prepare technical data related to natural hazards in their jurisdiction.

As part of the MNRF natural hazard program, the MNRF has delegated to conservation authorities the responsibility for representing the "Provincial Interest" for natural hazard policies (s.3.1) of the Provincial Policy Statement (PPS) (2014) under the *Planning Act* through a Memorandum of Understanding between the MNRF, the Ministry of Municipal Affairs and Housing (MMAH) and Conservation Ontario. This delegation does not occur under the *Conservation Authorities Act*. Conservation authorities are to comment on municipal planning policy and site plan applications submitted as part of the [Provincial One-Window Plan Review Service](#) to ensure consistency with the natural hazard policies of the PPS (2014). Where MMAH is not the approval authority conservation authorities still perform this role under the Municipal Plan Review. Conservation authority comments

²⁸ As reported by conservation authorities through annual statistics collected by Conservation Ontario

are to be made based on MNRF's *Natural Hazard Technical Guides* (2002) which were developed to support the PPS policies. When undertaking this role conservation authorities are guided by *Planning Act* definitions (e.g. for development, hazardous sites, etc.) and not by definitions under the *Conservation Authorities Act*.

The natural hazard program is funded by the MNRF through provincial grants and transfer payments, and cost shared with municipalities. In areas of the province without conservation authorities natural hazards are managed by municipalities under the natural hazard policies of the PPS and flood forecasting and warning responsibilities are undertaken by MNRF.

5.3. Regulatory Authority

Each conservation authority has a provincially-approved 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' regulation developed under section 28 of the *Conservation Authorities Act*. Conservation authorities are responsible for regulating development within the regulatory limits described within their respective regulations. In areas of the province without conservation authorities development in hazardous areas is managed by municipalities under the natural hazard policies of the PPS. Conservation authorities' regulatory role is primarily funded through the use of permitting fees and municipal levies.

Under these regulations, conservation authorities are responsible for regulating development and other activities through a permitting process for purposes of natural hazard management. Regulated activities are:

- Development in areas related to water-related natural hazards such as floodplains, shorelines, wetlands and hazardous lands.²⁹ Under the Act, conservation authorities must consider development applications based on potential impacts to the control of water-related natural hazards which includes flooding, erosion, dynamic beaches, pollution or the conservation of land; and,
- Interference with or alterations to a watercourse or wetland.

In order to implement the approved regulation, the authority board sets regulatory policies and practices.

The *Conservation Authorities Act* regulation authority was expanded through Act amendments in 1998, and enacted through the 'generic' regulation approved by the province in 2004 and updated individual regulations approved by the Minister in 2006. The updated regulations require conservation authorities to regulate additional water related hazards such as unstable soils and bedrock, erosion and dynamic beaches. MNRF technical support for the regulations is provided through the *Guidelines for Developing Schedules of Regulated Areas* (2005) and the MNRF *Natural Hazards Technical Guides* (2002) developed for the PPS natural hazard policies.

Under the Act, a person who has been refused a permit or who objects to conditions imposed on a permit by a conservation authority may appeal permit decisions and conditions to the Minister of

²⁹ Hazardous lands is defined in the *Conservation Authorities Act* under S.28 (25) as land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock

Natural Resources and Forestry. The Minister has assigned the responsibility for hearing these appeals to the Ontario Mining & Lands Commissioner.

In 2010, MNRF released the [*Policies & Procedures for Conservation Authority Plan Review & Permitting Activities*](#) - a new policy for conservation authorities to clarify and provide best practices for their roles under the *Planning Act* and in the municipal planning process and in their regulatory authority under the *Conservation Authorities Act*. This policy was developed with the assistance of a multi-ministry, multi-stakeholder committee (the Conservation Authorities Liaison Committee) co-chaired by the MNRF and the Ministry of Municipal Affairs and Housing and was made up of representatives from the building industry, municipalities, conservation authorities and environmental organizations.

5.4. Roles under Other Provincial Legislation

Conservation authorities may be assigned responsibilities under other pieces of provincial legislation. For example, under the *Clean Water Act*, conservation authorities were assigned the duties and responsibilities of source protection authorities. In addition, the *Lake Simcoe Protection Act* assigns the local conservation authority – the Lake Simcoe Region Conservation Authority – a key role in implementing the policies in the Lake Simcoe Protection Plan in collaboration with the province, municipalities and others.

In many of these other legislative roles, conservation authorities are a commenting agency and are required to receive notice of proposals made under other pieces of legislation including the *Planning Act*, the *Niagara Escarpment Planning and Development Act*, the *Environmental Assessment Act* and the *Aggregates Resources Act*. In these roles, conservation authorities base any comments on board-approved policies that the authority has developed as a local resource management agency. Under the *Planning Act* as a public body and local board, conservation authorities can comment on and appeal municipal planning documents on a range of other PPS policies as directed by conservation authority board-approved policy. This more general PPS policy commenting role is distinct from the MNRF delegated commenting role related specifically to the PPS natural hazards policies.

5.5. Service Providers

Under the Act, every authority is a corporation, and as such has the inherent capacity to undertake responsibilities requiring an incorporated organization to accomplish. With an investment of nearly 70 years of public funding in infrastructure, capacity, staffing, skills, resources, local knowledge, connections in resource manage, and common interests, these organizations are attractive vehicles for delivery of initiatives of others whether by agreement or through a contract.

Conservation authorities may enter into agreements with others as may be necessary to carry out a project. As a result conservation authorities may have service agreements or contracts with federal and provincial government agencies and partnering municipalities or others (e.g. school boards, public health units, etc.) to perform a variety of services or tasks.

Some conservation authorities may have roles and responsibilities related to joint federal/ provincial interests such as supporting Environment Canada in implementing the Canada-United States Great

Lakes Water Quality Agreement and working with federal and provincial agencies as well as local groups to restore community waterfronts and Great Lakes “Areas of Concern.” Some conservation authorities may be undertaking projects funded under the Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health.

Some conservation authorities provide additional technical services to municipalities through service agreements. Types of services could include data collection and scientific expertise related to natural resource management, stormwater management, identifying natural heritage features and systems on behalf of their municipalities, and or reviewing natural heritage evaluations in support of municipal assessment of *Planning Act* applications or environmental assessments. Under an agreement with a municipality, an authority may assume a regulatory responsibility such as administering municipal tree cutting bylaws or septic system approvals or undertake technical reviews pursuant to the *Planning Act* [One Window Plan Review Service](#) on parts of planning policy or site plan applications.



6. Summary and Questions for Discussion

The following questions are intended to help focus the discussion. They are organized around the areas of review outlined in Section 1:

1. *Governance* – the processes, structures, and accountability frameworks within the Act which direct conservation authority decision-making and operations;
2. *Funding* – the mechanisms put in place by the Act to fund conservation authorities; and
3. *Roles and Responsibilities* – the roles and associated responsibilities that the Act enables conservation authorities to undertake.

The questions are general in nature and intended to prompt discussion on a number of focused areas and are not intended to discourage readers from raising questions or providing comments in other areas. Where possible, please provide specific examples and/ or links to supporting information.

6.1. Governance

Conservation authorities are governed by the *Conservation Authorities Act* and by a board of directors appointed by the municipalities that form the authority. The province, through the Act, defines the objectives to be pursued by the authority and the power granted to the authority to achieve these objectives. The activities undertaken by conservation authorities in the pursuit of their objectives are directed by a municipally appointed board of directors. Municipal representatives to conservation authority boards are directly accountable to the municipalities that appoint them and conservation authorities must abide by provincial legislative, regulatory and policy requirements.

In the past, the province played a more direct role in overseeing conservation authorities. The province directed conservation authorities by approving their budgets and programs, appointing provincial representatives to authority boards, selecting the chair of the board and, when requested by the authority, by appointing provincial field officers to direct and coordinate the authority's work. The provincial government was involved in approving projects and activities, and monitoring and reviewing conservation authority programs. While oversight of conservation authorities is still shared between the province and the municipalities that form the authorities, changes to the Act, policy and general practice over time have resulted in less direct provincial oversight. These changes have provided conservation authorities with greater autonomy to direct their own operations and have given municipal representatives who comprise the authority board a greater role in deciding and overseeing authority activities. It has also afforded conservation authority staff greater freedom to make proposals for programming and research for the board's collective review. Because decisions are made collectively by all the participating municipalities in an authority through the board, the amount of control each municipality has over conservation authority decisions varies.

At the same time, conservation authorities are developing new, and enhancing existing, relationships with other provincial ministries and other partners. In some cases, these relationships are managed

through other legislative frameworks, such as through the *Clean Water Act* and the *Lake Simcoe Protection Act*. In other cases these relationships are managed on a project-by-project or authority-by-authority basis by a contract or MOU. There are no processes, standards or tools within the *Conservation Authorities Act* or supporting framework governing these relationships.

It is difficult to generalize or to speak about a generic conservation authority as the result of the Act has been to enable a great diversity of organizations in scale and operations and capacity, with variance in resourcing or funding and funding strategies, board structures and the level of direct accountability to and interest of municipalities varies.

QUESTION #1: *In your view, how well is the current governance model as provided in the Conservation Authorities Act working?*

- a. What aspects of the current governance model are working well?
- b. What aspects of the current governance model are in need of improvement?
- c. In terms of governance, what should be expected of:
 - a. The board and its members?
 - b. The general manager or chief administrative officer?
 - c. Municipalities?
 - d. The Ministry of Natural Resources and Forestry?
 - e. Other provincial ministries?
 - f. Others?
- d. How should the responsibility for oversight of conservation authorities be shared between the province and municipalities?
- e. Are there other governance practices or tools that could be used to enhance the existing governance model?

6.2. Funding Mechanisms

The *Conservation Authorities Act* establishes a number of mechanisms which conservation authorities can use to fund their activities. The Act allows the MNRF to provide conservation authorities with funding to support Ministry approved programs. As a corporate body, conservation authorities may also receive or apply for funding from the province to deliver programs on its behalf. Local resource management programs and services can be funded through municipal levies and conservation authorities can self-generate revenue through service and user fees, resource development and fundraising.

Conservation authority revenue across Ontario's 36 conservation authorities is as varied as the programs and services offered by each authority. While the province provides all conservation authorities with funding towards approved natural hazards activities, the ability of each conservation authority to deliver other programs and services largely depends on the ability of each authority to

locally fund programs and services. Conservation authorities with large populations within their jurisdictions generally have a greater tax base to draw from, as well as more opportunities for self-generated revenue, so they can offer more programs and services at a lower per capita cost.

In addition, conservation authority funding needs vary depending on the size of their respective jurisdictions, population levels, watershed characteristics (such as the amount of hazard land and the potential for flood, drought, etc.) and the number and purpose of water and erosion control structures owned and/ or operated by the conservation authority.

QUESTION #2: *In your view, how are the programs and services delivered by conservation authorities best financed?*

- a. How well are the existing funding mechanisms outlined within the Act working?
- b. What changes to existing funding mechanisms would you like to see if any?
- c. Which funding mechanisms, or combination of funding mechanisms, are best able to support the long term sustainability of conservation authorities?
- d. Are there other revenue generation tools that should be considered?

6.3. Roles and Responsibilities

The *Conservation Authorities Act* enables conservation authorities to undertake a wide range of activities on behalf of provincial, municipal and other interests through several roles. These roles have been enabled through the Act, and the responsibilities have followed. Conservation authorities are the only resource management agencies in Ontario that are organized on a watershed basis.

The Act provides conservation authorities with the power to develop their own suite of programs and services tailored to the capacity and expertise of each individual authority and the local needs and interests they serve. This flexibility allows conservation authorities, and the municipalities that fund them, to focus their resources on areas of greatest need to the local population. It also results in variability in the scale and range of programs and services delivered by any individual conservation authority. Some conservation authorities offer a basic program primarily focused on stewardship, conservation land acquisition and management, recreation, education, and science and research. Other conservation authorities may offer the same programming at a much broader scale and complexity in addition to a wider range of programs that can include, for example, promotion of green infrastructure, development of strategies such as natural heritage strategies, land acquisitions strategies, and extensive watershed and water management planning. Some conservation authorities invest in resource development initiatives such as hydroelectric generation, large scale waterfront developments in lake fills, and income generation projects such as marina operation, cottage rentals and ski hills.

Recent years have seen an increased interest in reviewing conservation authority roles in resource management in Ontario. The Commission on the Reform of Ontario's Public Service in particular called on the province to undertake a review of the programs and services delivered by both the MNRF and conservation authorities to clarify responsibilities and eliminate any duplication. Other concerns have been raised regarding the lack of clarity in the scope of conservation authority roles and responsibilities especially in relation to municipalities and the province. Specifically questions have been raised

regarding conservation authorities' regulatory role and the intention of the regulations, with some key regulatory terms undefined in legislation (e.g. conservation of land and interference with a wetland).

QUESTION #3: *In your view, what should be the role of conservation authorities in Ontario?*

- a. What resource management programs and activities may be best delivered at the watershed scale?
- b. Are current roles and responsibilities authorized by the *Conservation Authorities Act* appropriate? Why or why not? What changes, if any, would you like to see?
- c. How may the impacts of climate change affect the programs and activities delivered by conservation authorities? Are conservation authorities equipped to deal with these effects?
- d. Is the variability in conservation authorities' capacity and resourcing to offer a range of programs and services a concern? Should there be a standard program for all authorities to deliver? Why or why not?
- e. What are some of the challenges facing conservation authorities in balancing their various roles and responsibilities? Are there tools or other changes that would help with this?
- f. Are there opportunities to improve consistency in service standards, timelines and fee structures? What are the means by which consistency can be improved? What are some of the challenges in achieving greater consistency in these areas?

6.4. Other Areas of Interest

Broad input is critically important to ensure that a range of perspectives, opinions and ideas are collected. While we encourage respondents to focus on the discussion questions provided above we welcome feedback on additional areas.

QUESTION #4: *Are there any other areas, questions or concerns regarding the Conservation Authorities Act or conservation authorities in general that you feel should be considered as part of the review?*

7. How to Provide Input

We want to hear from you. If you have comments or suggestions that should be considered in the review of the *Conservation Authorities Act*, please take advantage of this opportunity to provide us with your feedback. All comments received in response to this discussion paper will be read and considered in moving forward.

Send us your comments

We strongly encourage your participation in the discussion. Written comments can be provided by:

Responding to the Environmental Bill of Rights Registry posting by searching the EBR Registry number 012-4509 on the following website: www.ontario.ca/EBR

Or

Emailing us at:
mnrwaterpolicy@ontario.ca

Or

Submitting answers to the questions outlined in this paper through:
<https://www.surveymonkey.com/s/caactdiscussionpaper>

The deadline for providing comments is October 19th, 2015

Comments collected in response to this discussion paper will be used to inform decisions regarding whether or not to pursue changes to Ontario's existing legislative, regulatory and policy framework for conservation authorities. The review of individual conservation authorities, the specific programs and services they deliver, and site-specific permit applications and permitting decisions are not within scope of the Ministry's review.

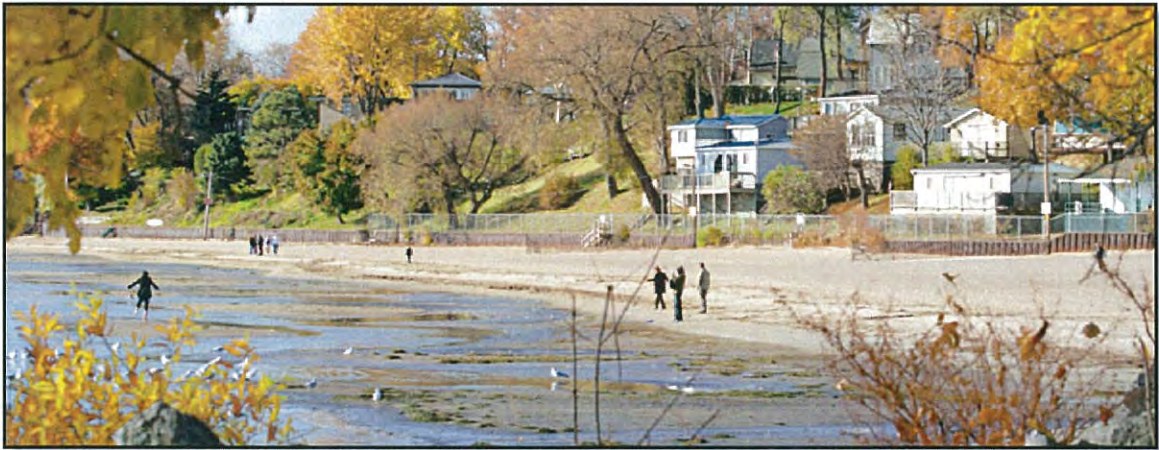
All Ontarians are encouraged to learn more about Ontario's conservation authorities and the important role that they play in resource management and environmental protection.

To find out more about conservation authorities and the programs and services they provide please visit:

<https://www.ontario.ca/environment-and-energy/conservation-authorities>

To locate your local conservation authority please visit:

<http://www.conservation-ontario.on.ca/about-us/conservation-authorities/ca-contact-list>



References

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Appendices

List of Conservation Authorities

Conservation Authority	Acronym*
Ausable Bayfield Conservation Authority	ABCA
Cataraqui Region Conservation Authority	CRCA
Catfish Creek Conservation Authority	CCCA
Central Lake Ontario Conservation Authority	CLOCA
Credit Valley Conservation Authority	CVC
Crowe Valley Conservation Authority	CVCA
Essex Region Conservation Authority	ERCA
Ganaraska Region Conservation Authority	GRCA
Grand River Conservation Authority	Grand RCA
Grey Sauble Conservation Authority	GSCA
Halton Region Conservation Authority	Halton RCA
Hamilton Region Conservation Authority	HRCA
Kawartha Region Conservation Authority	KRCA
Kettle Creek Conservation Authority	KCCA
Lake Simcoe Region Conservation Authority	LSRCA
Lakehead Region Conservation Authority	LRCA
Long Point Region Conservation Authority	LPRCA
Lower Thames Valley Conservation Authority	LTVCA
Lower Trent Region Conservation Authority	LTCA
Maitland Valley Conservation Authority	MVCA
Mattagami Region Conservation Authority	MRCA
Mississippi Valley Conservation Authority	MVC
Niagara Peninsula Conservation Authority	NPCA
Nickel District Conservation Authority	NDCA
North Bay-Mattawa Conservation Authority	NBMCA
Nottawasaga Valley Conservation Authority	NVCA
Otonabee Region Conservation Authority	ORCA
Quinte Conservation Authority	QCA
Raisin Region Conservation Authority	RRCA
Rideau Valley Conservation Authority	RVCA
Saugeen Valley Conservation Authority	SVCA
Sault Ste. Marie Region Conservation Authority	SSMRCA
South Nation River Conservation Authority	SNRCA
St. Clair Region Conservation Authority	SCRCA
Toronto and Region Conservation Authority	TRCA
Upper Thames River Conservation Authority	UTRCA

*As used within this Discussion Paper

List of Conservation Authority Regulations

Conservation authority activities are guided by a series of regulations established under the Act.

Section 27 (2) O. Reg. 670/00 Conservation Authority Levies Regulation. Outlines means for determining apportionment by the conservation authority of the levy payable by a participating municipality for maintenance costs on the basis of the benefit derived each municipality, either by agreement or using 'modified current value assessment' under the Assessment Act.

Section 27 (3) O. Reg. 139/96 Municipal Levies Regulation. LGIC regulation that outlines how 'non-matching' municipal levies are decided with a 'weighted' vote at a conservation authority board Meeting convened to do so.

Section 28 (6) O. Reg. 97/04 - Content of Conservation Authority Regulations under subsection 28 (1) of the Act Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Lieutenant Governor in Council regulation governing the content of regulations made by authorities including flood event standards and other standards that may be used, and setting out what must be included or excluded from regulations made by the authorities and approved by the Minister.

Section 28 O. Regs. 42/06, 146/06-182/06, 319/09, – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Regulation enables conservation authorities to regulate development in areas prone to water-based natural hazards (i.e. shorelines, floodplains, wetlands) for impacts to the control of the water-based hazards (i.e. flooding and erosion) or for changing or 'interfering' with a watercourse or wetland for purposes of public safety and natural hazard prevention and management.

Section 29 O. Regs. 98/90 -136/90 – Conservation Areas Regulation. Discretionary regulation applies to conservation areas owned & operated by the conservation authority, outlines prohibited activities or activities requiring a permit and rules of use (i.e. control of animals, vehicles, with provisions for enforcement).

Section 30 "Mandatory Regulations" - All conservation authorities were required to make regulations outlining administration functions of the board. Originally Minister approved, these regulations are now 'by-laws' which can be amended without Minister approval if amendments conform to the approved generic template provided to conservation authorities in 1985.

Section 40 Regulations. The province may make regulations defining any term that is used in the *Conservation Authorities Act* and that is not defined in the Act. This regulation making authority has not yet been used.

Township of Melancthon
157101 Highway 10
Melancthon ON
LGV 2E6

H. J. Lyon
Melancthon, ON

Aug 25 / 2015

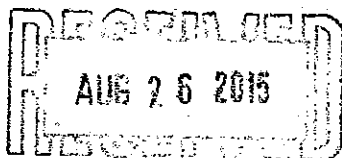
Dear Council

re: Clean-out of portion of McNabb Drain

I request that the McNabb drain be cleaned out from the box culvert on County road #21 to the corner of lot 18 con 5 NE.

I will accept the full cost of this clean-out. As this portion of the McNabb drain is entirely on the road allowance you may wish to remove the spill. If convenient I'm certainly prepared to provide a place to dump the resulting spill.

Sincerely



ACT 5 - SEP - 3 2015

Denise Holmes

Manassa Bauman- Application to Permit

From: Chris Jones <chris_mplanningservices@rogers.com>
Sent: Monday, August 24, 2015 11:51 AM
To: Lynn Van Alstine
Cc: Denise Holmes
Subject: Re: Planning Comments Required

Hi Lynn - I understand Mr. Martin wishes to place two new structures on the subject lands, which are located in Lots 245/246, Concession 3, S.W.

The subject lands are primarily located in the General Agricultural (A1) Zone and I note there is also a small area zoned Open Space Conservation (OS2), which I believe reflects the location of a stream or natural heritage feature on the property. Buildings and structures are not permitted in the OS2 Zone.

The first proposed structure has a floor area of 133 ft² and the intention is to use this for "shelter".

The second proposed structure has a floor area of 100 ft² and the intention is to use this for a "storage shed".

With respect to the structure intended to be used for "shelter", we note that Section 3.4 (c) does not permit an accessory structure to be used for human habitation.

With respect to the structure intended to be used for a "storage shed", we note that Section 3.4 (a) permits any accessory building provided it is used in conjunction with a use permitted by the zone on which the lands are located. In this case if the structure is to be used for agricultural purposes this would be permitted.

We note that proposed structure would need to be compliant with setback and lot coverage requirements for the A1 Zone. Based on the sketch provided, I do not see any compliance issues although I did not calculate existing lot coverage, which is limited to 10% as per Section 3.4 (b).

If you have any questions please let me know.

CJ

•Municipal Planning Services Ltd. •

Office: 705-725-8133
Cell: 705-796-8771

Denise Holmes

From: Chris Jones <chris_mplanningservices@rogers.com>
Sent: Tuesday, August 25, 2015 2:19 PM
To: Denise Holmes
Subject: Universal Tire Proposal

Hi Denise - I have had an opportunity to review the proposal by "Universal Tire" to establish a tire repair and installation business for lands located at 643063, 270 Side Road, located in Lot 12, Concession 3 NE.

The subject lands are zoned General Agriculture (A1) and have a lot area of about 100 acres.

Based on my review of the aerial photo the site appears to be occupied by a dwelling, a detached workshop and an aging barn. The nature and/or extent of agricultural use on the subject land is unknown.

The definition of a home occupation as per Zoning By-law 12-1979 is:

"a use which is incidental or secondary to the residential use of a dwelling and is conducted entirely within such a dwelling by an inhabitant thereof, such as a professional office, hairdresser, dressmaker, dentist, doctor, chiropractor, physiotherapist or osteopath. Notwithstanding the above, a home occupation may occur in a separate building in an agricultural zone, but all other aspects of this definition shall apply."

It is also noted that Section 3.13 of the Zoning By-law provides a number of regulations for home occupations.

In short, a home occupation may be permitted in the A1 Zone in a separate building, external to a dwelling unit, subject to more specific regulations under Section 3.13.

Based on our review of the range of uses identified in the definition of "Home Occupation", we do not consider "tire repair and installation" to be in line with these uses, nor a natural extension of these uses.

We note that in 2013, the Township passed an On Farm Uses By-law (an amendment to ZB 12-79) and Section 4.6 b) i) permits "dry manufacturing, trades and repair services other than an automobile repair shop or public garage". (bolding added)

Notwithstanding other regulatory provisions of the OFU By-law, it appears the nature of the proposed use is not permitted by this By-law, given that the OFU By-law excludes "vehicle repair" as a permissible use.

Based on my review of the By-law provisions, it is my opinion that the proposed use would require a zoning by-law amendment in order to be permitted on the subject lands. Should the owner be inclined to apply for a ZBA to permit the use, it is my suggestion that a pre-consultation meeting be arranged as a first step.

If you have any questions, let me know.

Regards,

CJ

•Municipal Planning Services Ltd. •

Office: 705-725-8133
Cell: 705-796-8771

Chris D. Jones BES, MCIP, RPP
51 Churchill Drive, Unit 1
Barrie, Ontario
L4N 8Z5

Total Control Panel

[Login](#)

To: dholmes@melanctontownship.ca [Remove](#) this sender from my allow list

From:
chris_mplanningservices@rogers.com

You received this message because the sender is on your allow list.

**Letter of Request for Approval of Business Operation at 643063 270 Sideroad, Melancthon
Ontario
"Universal Tire"**

Property Owners: Nilton Silveira and Sandy Martins

Date: April 28, 2015

Property Address: 643063 270 Side road
Con 3 NE LOT 12
Melancthon Ontario,
L9V-2M6
Phone: (519) 925-3284

**Attention: : Mayor: Darren White, Deputy Mayor: Janice Elliott,
Councillors : Dave Besley, Wayne Hannon, & James C. Webster**

Address: Township of Melancthon
157101 Highway 10
Melancthon Ontario
L9V-2E6

Dear Councillor's ,

We as owners at the indicated address above would like to request and have your approval to **operate a tire service shop** in our community and be of benefit to our local residents and farmers, with the **existing storage building/shop we have on our property.**

Our business/and offered service description would be: **Universal Tire Shop** (Tires & Diagnostics Services.

Description of services to provide: tires, installation of tires, repair, patch, for farming machinery, cars, trucks and all other vehicles, as well as us being licenced (which we are) to repair any automotive electronic issues (Diagnostics) with respect to those vehicles.

We currently run a mobile service in Owen Sound, Orangeville, Melancthon and Dundalk, and we would like to **station, in Melancthon, (home based business) using the storage building/shop on the property we own** as indicated above, that has been our storage/shop for our own equipment in which we use for our own personal machines and vehicles. We would like to extend our services and expertise to the community and to be able to allow them to **come to our home shop, at our property, for these products & services as mentioned above.**

The benefits of the request mentioned above would serve to reach out and assist with affordable market pricing in products and services in relation to the above description, that would help to serve our agricultural community as well as our local residences and the Township, and with respect to our growing and neighbouring communities as well. This request would also help target and assist with our communities needs and wants with in regards to affordable services & products with out having to drive such distances to obtain. In addition and if approved, we are requesting to exhibit a sign on the

JUN 18 2015

DET 1


property with the name of the business **"UNIVERSAL TIRE"** for the visible eye. We would respect and adhere to all by-laws, and ethical and moral business practices and regulations and comply with the Ministry of the Environment and Township, as well as the Noise Emission Standards and regulations of the Township of Melancthon, also with the permitted times of use according to the Township's authorization. We would also keep the land clean of any debris, and not allow a "junk yard -type of business" to incur. We value and respect our property and land and have always maintained a clean and respectful appearance and continue to do so when we are in operation.

We request that you please consider the benefits of having such services and products available with in the community as well as our neighbouring, in that it would be beneficial for all.

We hope that in reaching a decision that you can understand and also see what growth and benefit this would be to our Township, as well as our local residents and our farming / agricultural communities.

We Thank you for taking the time to read this request and your consideration in a decision being made.

Sincerely,



Nilton Silveira

and



Sandy Martins

Dated this day of 28th of April 2015.

• Municipal Planning Services Ltd. •

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris D. Jones MCIP, RPP
Date: August 25, 2015
Re: Home Occupations and On-Farm Uses

PURPOSE OF MEMO

Provincial policy currently allows municipalities to establish a range of secondary or accessory uses to farm operation.

The purpose of this memo is to review current policies and regulations that apply to home based business and formalize a Township position with respect to the interpretation of existing policies and regulations.

CURRENT POLICIES AND PROVISIONS ADDRESSING HOME BASED BUSINESS

Provincial Policy Statement (2014)

Section 1.1.5.2 of the Provincial Policy Statement permits "home occupations and home industries" in rural areas of municipalities. It is noted the PPS does not define a home occupation or a home industry.

Section 2.3.3 of the PPS permits "agricultural related uses" and "on-farm diversified uses" in "prime agricultural areas". The PPS provides the following definitions for these uses:

Agricultural-related uses

Means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

On-farm diversified uses

Means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. (emphasis added).

• Municipal Planning Services Ltd. •

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(705) 725-8133

DEL -

SEP - 3 2015

New Official Plan

Section 3.9 of the new Official Plan for the Township of Melancthon establishes a number of guiding policies for home occupations. These policies are summarized below:

- Home occupations permitted in both rural and community areas;
- Shall consist of small business operated from a residential or agricultural property;
- Owned and operated by residents of the dwelling and limited number of employees;
- Sufficient on-site parking;
- Shall not cause significant adverse impacts on adjacent land uses;
- Limited signage and character or residential or agricultural use should be evident;
- Home occupation is only permitted within a dwelling in a Community designation;
- Permitted in either a dwelling or accessory building in Rural and Agricultural areas; and,
- Access to Provincial highways will be subject to Provincial requirements and approval.

Section 5.2.1 (a) of the Official Plan, permits "agricultural-related uses" and "on-farm diversified uses" on lands located in the Agricultural designation.

Section 5.2.2 (j) is a development policy for the Agricultural designation that permits home occupations in the agricultural area in accordance with the policies of Section 3.9.

Section 5.2.2 (k) is a development policy that permits "agricultural-related uses" in the Agricultural designation.

Section 5.2.2 (m) is a development policy that permits "on-farm diversified uses" in the Agricultural designation.

The Township's Official Plan also provides a series of more specific development policies for "On-Farm Business Uses" in Section 5.2.3. These policies are summarized below:

- That such uses shall be dry industrial or commercial uses which are secondary to the primary agricultural use and shall be compatible with surrounding uses;
- That such uses generally require more floor area than home occupation;
- The implementing zoning by-law will regulate such uses in the manner described by the policy;
- That such uses may be subject to site plan control and regulated hours of operation; and,
- Lot creation for such uses shall not be permitted.

Comprehensive Zoning By-law 12-79

There are two provisions in the Township's Zoning By-law that address accessory, home based businesses in agricultural areas. Firstly, Section 3.13 permits and regulates home occupations. A home occupation is defined in the By-law in the following manner:

"a use which is incidental or secondary to the residential use of a dwelling and is conducted entirely within such a dwelling by an inhabitant thereof, such as a professional office, hairdresser, dressmaker, dentist, doctor, chiropractor, physiotherapist or osteopath. Notwithstanding the above, a home occupation may occur in a separate building in an agricultural zone, but all other aspects of this definition shall apply."

Secondly, Section 4.6 of the Zoning By-law permits "on-farm business uses". The term "on-farm business use" is not defined, but Section 4.6 (b) establishes that such uses shall be "secondary uses to agriculture". It is noted that the phrase "secondary uses to agriculture" is defined in Section 4.6 (a) as:

"Uses accessory to agriculture that support, promote or sustain agricultural operations and production".

PLANNING OPINION ON THE INTENT OF EXISTING POLICY AND REGULATIONS

The policies of the current Official Plan establish three permissible types of secondary uses to farming, they are:

1. Agricultural-related uses;
2. On-farm diversified uses; and,
3. Home occupation.

In my opinion the simplest way to describe the distinction between these uses is that an agricultural-related use needs to bear a direct relationship to agriculture, whereas an on-farm diversified does not.

A home occupation, as defined in the PPS is a type of on-farm diversified use, but I believe the primary purpose of a home occupation is to establish a more subordinate type of use that is small in scale and limited in intensity, when compared with agricultural-related uses or on farm diversified uses.

The existing definition for a home occupation in the Township's Zoning By-law, in my opinion, establishes a general permission for professional offices and personal/medical

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services in conjunction with a residential use. In my opinion, there is nothing in this definition that describes or permits home occupations to be industrial in nature.

In my opinion, the current on-farm business uses by-law, provides for a broader range of industrial and commercial permissions in conjunction with a farm operation. In doing so, the on-farm business uses by-law addresses an apparent limitation in the current definition of a home occupation. However, it is noted that the on-farm business uses by-law was approved in 2012, prior to the current PPS and Official Plan, and therefore the range of uses permitted by this By-law appear to capture both "agricultural-related uses" and "on-farm diversified uses" as defined by the PPS.

THE ISSUE

This summer the Township has been requested to provide comments on two proposals for home occupations. In one case the proposal involved the manufacture of farm machinery, while the other proposal involved tire repair and installation. In both cases, the proponents reasonably felt that their proposal complied with the regulations for a home occupation. However in my opinion, given that both proposals were industrial in nature, they were more readily aligned with the Township's zoning regulations for on-farm business uses than they were with the definition of a home occupation.

Definitions form part of by-laws in an effort to contribute to the understanding of the intent and meaning of the by-law. I do not believe definitions should be applied in a manner that would avoid other obligations, responsibilities or restrictions imposed by the by-law.

In my opinion the Township's Zoning By-law has been structured to permit uses that involve manufacturing and processing in agricultural areas, subject to compliance with the provisions regulating on-farm business uses. If a manufacturing use were to be permitted on a farm under the auspices of a home occupation, I believe it would undermine the intent and purpose of the by-law intended to regulate on-farm business uses.

I believe this issue could be addressed or clarified at the time of a zoning by-law update by creating a new definition for "home occupation" that permits industrial uses that may or may not be related to agri-business, and also establishes limitations on the size and scale of such uses when they are located in a detached accessory building.

RECOMMENDED RESOLUTION

If Council is in agreement with the opinions articulated in this report the following resolution is recommended for clarity going forward with the interpretation of the Township's Zoning By-law:

• Municipal Planning Services •

Chris D. Jones BES, MCIP, RPP
51 Churchill Drive
Barrie, Ontario
(705) 725-8133

1. That Council is of the view that uses of an industrial nature are not permissible under the current zoning definition of home industry;
2. That proposals in the Agricultural (A1) Zone which involve uses that are aligned with or are the same as uses listed in Section 4.6 (b) of the Zoning By-law, shall be subject to the regulations of Section 4.6 c) to u) of the Zoning By-law; and,
3. That the future update to the Zoning By-law shall re-visit the current definition of home industry to consider the establishment of use permissions and regulations for commercial and industrial businesses in accessory buildings.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a trailing line.

Chris Jones MCIP, RPP

• Municipal Planning Services •

Chris D. Jones BES, MCIP, RPP
51 Churchill Drive
Barrie, Ontario
(705) 725-8133