



# TOWNSHIP OF MELANCTHON

## A G E N D A

Thursday, December 20, 2018 - 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 - December 6, 2018**
6. **Business Arising from Minutes**
7. **Point of Privilege or Personal Privilege**
8. **Public Question Period** (Please visit our website under Agenda & Minutes for information on Public Question Period)
9. **Public Works**
  1. Report from Denise Holmes regarding Delegation of Authority - Reconstruction of Bridge 10
  2. Report from Roads Sub-Committee - Recommendations from December 12, 2018 meeting
10. **Planning**
  1. Applications to Permit
  2. AMO Policy Update - Changes to other Acts related to the Use and Sale of Cannabis
  3. AMO - Cannabis Implementation Information to Help Prepare Council Reports
  4. AMO Policy Update - Information for Councils - Developing a Municipal Cannabis Policy Statement
  5. Report from Chris Jones regarding Retail Sale of Cannabis
  6. Notice of Intent to Pass By-law - Deeming By-law Lot 17, Plan 54
  7. Consultation - Increasing Housing Supply in Ontario
    1. Email from Sonya Pritchard - Consultation session dates for interested Councillors
    2. Email from Karisa Downey - Housing Consultation Proposed Locations and Times
    3. Dufferin County Press Release - Increasing Housing in Dufferin County
    4. Letter from Steve Clark - Ministry of Municipal Affairs and Housing - Gathering input on how to increase the supply and mix of housing, speed up development timelines and drive down costs
  8. Report from Darrell Keenie, Dufferin County Municipal Comprehensive Review Work Plan Summary
  9. Report from Chris Jones - Comments on the Agricultural System - Township of Melancthon
  10. Bill 66 - Ministry of Municipal Affairs and Housing - Planning Act
  11. AMO Policy Update - Cannabis Shortage Will Limit Number of Stores
  12. Unfinished Business - *Items from December 6, 2018 Council Meeting*
    1. AMO Communication - Cannabis Retail Regulations Released - Info Item 4
    2. Minister Of Finance letter regarding The Ontario Cannabis Legalization Implementation Fund - Info Item 5
    3. AMO Communication - Cannabis Implementation Information to Help Prepare Council Reports - Info Item 6

**11.     Police Services Board**  
Next meeting - February 20, 2019

**12.     County Council Update**

**13.     Correspondence**

**\* Items for Information Purposes**

1.     AMO Policy Update - Ontario Government Releases New Environment Plan for Consultation
2.     OCLIF - Ontario Cannabis Legalization Implementation Fund - First Payment
3.     Email from Steve Clark to Mayor Darren White - Ministry of Municipal Affairs and Housing
4.     Email from Charlotte Caza - Ministry of Municipal Affairs and Housing - 2017 Financial Information Return Data Review
5.     Letter from Steve Clark - Minister, Ministry of Municipal Affairs and Housing regarding Municipal Reporting Burden
6.     Letter from MPAC - About MPAC and Ontario's Assessment System
7.     Dufferin County Press Release - Dufferin County Swears in New Council

**\* Items for Council Action**

1.     Council Resolution from the Town of Kearney re Voters List for Municipal Elections
2.     Letter from Bretton Estates Residents - Residents Concerns
3.     Letter from Peter Santos - Drainage Charges on his property
4.     Email from Tonya Wilson, Ward & Uptigrove - Charity Melancthon Council would like a donation to support
5.     Email Kenneth Kee - Municipal Policing Bureau Specialist, OPP - Melancthon OPP contract renewal
6.     Report from Denise Holmes - Return of Deposit to Alvin and Sarah Bauman

**14.     General Business**

1.     New/Other Business
  1.     Motion to reduce taxes on various properties under Section 357 of the Municipal Act
2.     Unfinished Business
  1.     By-law to appoint a Board of Management for the Horning's Mills Community Hall
  2.     By-law to appoint a Board of Management for the Horning's Mills Cemetery
  3.     By-law to appoint a Board of Management for the Corbetton Community Park
  4.     By-law to appoint a Board of Management for St. Paul's Cemetery

**15.     Delegations**

1.     5:40 p.m. - Harvey Lyon - regarding Roads – The Challenges

**16.     Closed Session (if required)**

**17.     Third Reading of By-laws (if required)**

**18.     Notice of Motion**

**19.     Confirmation By-law**

**20.     Adjournment and Date of Next Meeting - Thursday, January 17, 2019 - 5:00 p.m.**

**21.     On Sites**

**22.     Correspondence on File at the Clerk's Office**



The Corporation of  
**THE TOWNSHIP OF MELANCTHON**  
157101 Hwy. 10, Melancthon, Ontario, L9V 2E6

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Email: [info@melancthontownship.ca](mailto:info@melancthontownship.ca)

Denise B. Holmes, AMCT  
CAO/Clerk

## REPORT TO COUNCIL

**TO: MAYOR WHITE AND MEMBERS OF COUNCIL**

**FROM: DENISE B. HOLMES, AMCT, CAO/CLERK**

**DATE: DECEMBER 12, 2018**

**SUBJECT: DELEGATION OF AUTHORITY - RECONSTRUCTION OF BRIDGE 10**

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### RECOMMENDATION

That the Report of Denise Holmes, CAO/Clerk be received as information.

### STRATEGIC PLAN ALIGNMENT

Strategic Objective – Quality of Life – 1.1 Maintain and improve local infrastructure

### PURPOSE

The purpose of this Report is to comply with Section 2 of the Delegation of Authority By-law No. 26-2018, passed in open Council on June 7, 2018 which states: *"That the Chief Administrative Officer/Clerk will report to Council on any actions taken under the restrictions listed in Section 275 (3) of the Municipal Act, 2001 between Nomination Day and the commencement of the Council Term."*

### BACKGROUND AND DISCUSSION

On June 7, 2018, Council passed By-law No. 26-2018 which is a By-law to authorize the Delegation of Authority to the Chief Administrative Officer/Clerk for certain acts during a "Lame Duck" period after July 27, 2018 Nomination Day to the Swearing in of the newly appointed Council. On July 27, 2018, Council was in a lame duck situation as it did not have three quarters of its Council members returning. In order for Council not to be in a lame duck situation, it would have had to have four out of five members running in the 2018 election.

Section 275(3) of the Municipal Act, 2001, c. 25 restricts Council from taking action on the following during the lame duck period:

- a. The appointment or removal from office of any officer of the municipality

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DEC 20 2018

- b. The hiring or dismissal of any employee of the municipality
- c. The disposition of any real or personal property of the municipality which has a value exceeding \$50,000.00 at the time of the disposal; and
- d. Making any expenditure or incurring any other liability which exceeds \$50,000.00

In the 2018 Capital Budget, Council approved the reconstruction of Bridge No. 10 (located on 10<sup>th</sup> Line SW) and placed \$185,000.00 in the capital budget. When the tenders came in, which were while Council was in the lame duck period, all tenders came in over budget. Subsection 275(4) of the Municipal Act provides that restrictions in clauses c. and d. do not apply if the disposition or liability was approved by Council in the annual budget. The one condition is that Council must have approved the budget before nomination day (which it had). A report from Chris Knechtel, RJ Burnside and Associates was presented to Council at its meeting held on September 6<sup>th</sup> with a recommendation to award the tender to McPherson-Andrews Contracting Limited in the amount of \$229,926.40 + \$29,890.41 (HST) for a total tender price of \$259,816.61. Even though Council had approved the reconstruction of the project in its budget, the approval was delegated to the CAO/Clerk because a lame duck Council can not award the contract if the amount of the tenders exceeded the amount included in the budget. The Report was then received as information by Council. I then advised Council that I would be approving the recommendation of Mr. Knechtel and the Township would be proceeding with the reconstruction of Bridge 10, as this structure was identified in the Township's Asset Management Plan (dated May 25, 2017) to be done this year and the Township is required to spend a certain amount of money annually on infrastructure projects to continue to receive its government grants. I also advised Council that a Report would be brought back to Council in December.

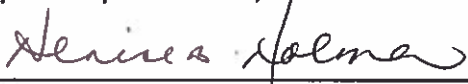
I notified Mr. Knechtel of my decision to proceed with the reconstruction of the bridge on September 10, 2018 and he in turn notified the contractor. The bid documents were signed on September 28, 2018. On November 27, 2018, Mr. Knechtel provided an update that the Contractor continued to move along well, especially given the early onset of winter that we have encountered this year. The new girders were placed and the new expansion joints and remainder of the concrete work was poured during the last week of November. The timber decking is to be installed and barrier system followed by restoration with an anticipated completion date of November 30<sup>th</sup>.

On December 11, 2018, I received the Payment Certificate No. 2 package for work up to December 3, 2018 which was the date of substantial performance for the bridge. It was advised that a site walk through will be scheduled next summer to address any deficiencies. The Township will be holding back 10% of the tender price.

### **FINANCIAL**

The reconstruction of bridge 10 came in at its tendered price of \$259,816.61. Payments to date have been in the amount of \$82,341.41 and the amount approved by RJ Burnside and Associates in Payment Certificate No. 2 is \$151,493.54. The hold back which will be paid out in 2019 is \$25,981.66.

Respectfully submitted,



Denise B. Holmes, CAO/Clerk



The Corporation of

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Denise B. Holmes, AMCT  
CAO/Clerk

## REPORT TO COUNCIL

**TO: MAYOR WHITE AND MEMBERS OF COUNCIL**

**FROM: DENISE B. HOLMES, SECRETARY, ROADS SUB-COMMITTEE**

**DATE: DECEMBER 14, 2018**

**SUBJECT: RECOMMENDATIONS FROM ROADS SUB-COMMITTEE MEETING HELD ON DECEMBER 12, 2018**

### PURPOSE

The purpose of this Report is to make recommendations to Council from the Roads Sub-Committee meeting held on December 12, 2018.

### BACKGROUND AND DISCUSSION RECOMMENDATION # 1

#### Preliminary Design Report and Engineering Costing for Structure 2003 (Location: 3<sup>rd</sup> Line)

An email was received from Chris Knechtel, RJ Burnside and Associates regarding Culvert 2003 and discussed at the meeting. They are recommending that this structure be repaired or replaced as soon as possible, as the Township's top priority – preferably in the 2019 construction season. Burnside's have anticipated their engineering fees to be as follows (upset limit). It should be noted that there may be opportunities to reduce the fees depending on which repair/replacement option is selected by the Township, however this will represent the upset limit.

#### Design

1. Project Management/Meetings -	\$1,600.00	
2. Topographic Survey -	\$2,000.00	
3. Hydrology & Hydraulic Analysis -	\$4,500.00	
4. Preliminary Design Report (PDR) -	\$3,700.00	<b>Design Total: \$18,400.00</b>
5. Permits, Approvals, etc. -	\$1,400.00	
6. Detailed Design & Drawings -	\$4,600.00	
7. Disbursements (printing, mileage, etc.) -	\$ 600.00	

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#### Tender and Contract Administration

8. Tender Preparation and Process -	\$3,500.00	
9. Contract Administration -	\$5,200.00	Tender & CA Total: \$15,200.00
10. Part-time Construction Observation -	\$5,600.00	
11. Disbursements (printing, mileage, etc.) -	\$ 900.00	

**TOTAL = \$33,600.00 +HST**

It was noted that the costs associated with Permit Fees and Tender Advertising have not been included in the fee estimate and will be the Township's responsibility.

The anticipated project schedule is as follows:

- Survey, November 2018
- Hydrology/Hydraulics and Preliminary Design, December 2018 to February 2019
- Submit PDR to Township, January/February, 2019
- Tender Project, March/April, 2019
- Construction, July/August, 2019

#### RECOMMENDATION

The Township of Melancthon Roads Sub-committee recommends to Council that the RJ Burnside and Associates be retained for the engineering and contract administration on this project and Staff be directed to include the amount of \$33,600.00 + HST in the 2019 Budget. And further, that Burnside's be directed to put the tender out as soon as possible.

#### BACKGROUND AND DISCUSSION RECOMMENDATION # 2

##### Structure 0004 (Location: 5 Sideroad)

At the Inaugural meeting on December 6<sup>th</sup>, 2018 during the presentation by R.J. Burnside and Associates, it was noted that this bridge has severe concrete deterioration and there is presently no load limit. The options are to consider removing the structure and closing this portion of road due to low traffic volume. The estimated 2017 replacement costs was \$520,000.00.

#### RECOMMENDATION

The Township of Melancthon Roads Sub-Committee's preference is to close this portion of road as costs are too prohibitive considering the low traffic volume and recommends to Council that Staff be directed to investigate the costs and procedure for closing this portion of road.

#### BACKGROUND AND DISCUSSION RECOMMENDATION # 3

##### Structure 2029 (Location: 220 Sideroad)

The email from Chris Knechtel of RJ Burnside and Associates pertaining to this structure was reviewed. The structure has a 2.4m span Concrete Rigid Frame, and lateral movement of the footings was suspected in the 2017 Report, which would require a \$70,000 +/- repair, including concrete struts. They are recommending completing a detailed site investigation in the Summer

of 2019 during low flow to confirm the signs of lateral movement before proceeding to plan for the rehabilitation. They advised that the previous 2017 inspection was completed December 2017, which would make it difficult to inspect the exposed footings. The 2019 Engineering cost to complete a detailed site investigation is \$750.

#### **RECOMMENDATION**

The Township of Melancthon Roads Sub-Committee recommends to Council that RJ Burnside and Associates be retained to complete a detailed site investigation in the Summer of 2019, during low flow, to confirm the signs of lateral movement before the Township proceeds to plan for rehabilitation. The cost of the Engineering is \$750.00 + HST to be included in the 2019 Budget.

#### **BACKGROUND AND DISCUSSION RECOMMENDATION # 4**

##### **Structure 2021 (Location: 2<sup>nd</sup> Line NE)**

The email from Chris Knechtel of RJ Burnside and Associates pertaining to this structure was reviewed. This structure is a 5.2m span CSPA multi-plate culvert and is exhibiting cracking along the bolt line (noted in 2017 Report). They advised that the short term repair is to weld steel to reinforce over the cracked locations and this would temporarily address the problem. They indicated that upon approval from the Township, they can work with Public Works and arrange for capable Contractor to complete this work in 2019 and construction costs can then be finalized once a quote is received. The estimated 2019 Construction Cost is \$15,000 +/- and the 2019 Engineering Cost is \$1,500.00 + HST.

#### **RECOMMENDATION**

The Township of Melancthon Roads Sub-Committee recommends to Council that Staff be directed to obtain further information from Burnside's on how many years this short term solution will give the Township before it has to replace this structure.

#### **BACKGROUND AND DISCUSSION RECOMMENDATION # 5**

##### **2019 Road Study**

An email from Arunas Kalinauskas, RJ Burnside and Associates dated December 12, 2018 was circulated during the meeting as it was just received by Staff. Mr. Kalinauskas said the study will focus on Township paved roads, as well as the section of the 4<sup>th</sup> Line NE. The study will include the following:

- Review, with Township staff, the existing programs, policies and issues affecting the management of the road network within the Township.
- Establish criteria, in consultation with Township staff, and Roads Committee, for the maintenance, rehabilitation and replacement of the roads within the network.
- Review the land uses that are currently serviced by the road network, including the connectivity that is provided by the network.
- Assess traffic volumes (AADT) and traffic types within the road network, based on traffic count data provided by the Township.

- Forecast growth, within the Township and within adjacent municipalities, that impacts the Township's road network. Complete traffic growth forecasts.
- Determine strategies for upgrading, or downgrading, the Level of Service (surface type etc.) to respond to the needs within the road network.
- Establish a strategy for addressing the road needs (types of improvements, triggers, prioritization), taking into account road condition, widths, road structure, drainage, traffic volumes, safety/geometry, network connectivity and road maintenance requirements.
- Obtain updated condition rating of the hard top roads and of a select number of gravel roads (where upgrades may be considered), through a field review of these roads, that is completed with the Road Superintendent.
- Update costs for maintenance, rehabilitation or replacements to roads within the network.
- Review budget constraints with the Township.
- Develop a ten year road maintenance and improvement program for the road network, within budget limitations.
- Recommend changes to Township policies that may be informed by the study work.
- Provide a draft report that summarizes the results of the study work completed to staff and Roads Committee
- Final Report
- Present the results of the study to Council.

The study will provide essential information for the ongoing management of the road network and will form a basis for the future completion of a more comprehensive Asset Management Plan within the municipality, as required by Regulation 588/17. The cost of this is estimated at \$45,000.

### **RECOMMENDATION**

The Township of Melancthon Roads Sub-Committee recommends to Council that the Township of Melancthon proceed with the Melancthon Road Study at an estimated cost of \$45,000.00 + HST, subject to Staff getting a timeline to complete the study as well as technical issues that require clarification.

### **BACKGROUND AND DISCUSSION RECOMMENDATION # 6**

#### **2019 Bridge Study**

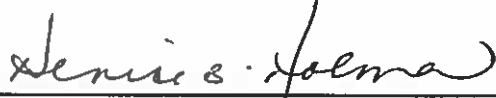
The email from Chris Knechtel of RJ Burnside and Associates pertaining to the 2019 Bridge Study was reviewed. The study will include, among others standard requirements, BCI calculations, replacement costs for every structure, incorporating the data into the Township's asset management and providing future capital planning priority recommendations. Upon approval to proceed, Burnside's will schedule this work early in 2019 so that Council and Staff can have updated bridge recommendations before the Fall 2019 to allow for future planning/budgeting. The estimated cost is \$16,900.00 + HST.



## **RECOMMENDATION**

The Township of Melancthon Roads Sub-Committee recommends to Council that RJ Burnside and Associates be retained to complete the 2019 Bridge Study at an estimated cost of \$16,900.00 + HST and Staff be directed to include this in the 2019 budget.

Respectfully submitted,

A handwritten signature in cursive script, reading "Denise B. Holmes", is written over a horizontal line.

Denise B. Holmes, AMCT  
Secretary

**APPLICATIONS TO PERMIT FOR APPROVAL**  
**Dec 20, 2018 COUNCIL MEETING**

<b>PROPERTY OWNER</b>	<b>PROPERTY DESCRIPTION</b>	<b>TYPE OF STRUCTURE</b>	<b>DOLLAR VALUE</b>	<b>D.C.'s</b>	<b>COMMENTS</b>
Dave Ashley	096112 4th Line SW Part Lot 3, Concession 5 SW	3 Season Sunroom	\$22,000	NO	

PLAN #1  
DEC 20 2018

**Denise Holmes**

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**From:** AMO Communications <communicate@amo.on.ca>  
**Sent:** Friday, September 28, 2018 12:44 PM  
**To:** dholmes@melancthontownship.ca  
**Subject:** AMO Policy Update - Bill 36 – Changes to other Acts related to the Use and Sale of Cannabis

September 28, 2018

## **Bill 36 – Changes to other Acts related to the Use and Sale of Cannabis**

The Province introduced the legislative changes to the operational framework for the sale and use of recreational cannabis yesterday afternoon. AMO staff will be going through the Bill in detail and will provide further information to members in the coming days. In the meantime, the links below will take you to a technical summary prepared by the province and to Bill 36.

One of the key changes from the previous framework is the places of use as noted in our September 26, 2018 Policy Update. In essence, the smoking of cannabis will be prohibited where smoking of tobacco is prohibited. Some details related to the provincial licensing process and standards will be done through regulation.

For more information:

- [Moving Forward with Cannabis Retailing, Province of Ontario](#)
- [Bill 36](#)

### **AMO Contact:**

Craig Reid, Senior Advisor, [creid@amo.on.ca](mailto:creid@amo.on.ca), 416-971-9856 ext. 334

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**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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To: [dholmes@melancthontownship.ca](mailto:dholmes@melancthontownship.ca)      [Remove](#) this sender from my allow list  
From: [communicate@amo.on.ca](mailto:communicate@amo.on.ca)

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

# Moving Forward with Cannabis Retailing

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Technical Briefing  
September 27, 2018



# Enabling Private Retail

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- The government is introducing legislation which, if enacted, would create a tightly regulated licensing model and regulatory framework for private retail of cannabis in Ontario
- The design of the model was informed by engagement with municipalities, Indigenous leadership, and key public safety, industry, and health stakeholders
- In this new model:
  - Private retailers would be licensed by the Alcohol and Gaming Commission of Ontario (AGCO)
  - The Ontario Cannabis Retail Corporation (OCRC) would be the exclusive wholesaler and online retailer of cannabis in the province
  - Municipalities would be able to pass a council resolution by January 22, 2019 to opt-out of retail stores
  - First Nation communities would be able to opt-out of cannabis deliveries and retail stores
- The province will provide \$40 million over two years to help municipalities with the costs of recreational cannabis legalization
- Proposed legislation, if enacted, would support this direction with the intent of enabling the AGCO to begin to accept applications in December 2018

# Provincial Regulator

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- The government is introducing legislation which, if enacted, would enable the implementation of a tightly regulated licensing and regulatory framework for private storefront cannabis retailing in Ontario and establish the AGCO as the provincial regulator for cannabis storefronts
- AGCO currently licenses, regulates and ensures compliance in the alcohol, gaming and horse racing industries in Ontario, and as such offers considerable experience and expertise as a regulator of controlled substances
- If the legislation were passed, AGCO, as the independent provincial regulator, would oversee the private channel and ensure the province's objectives related to cannabis retailing, protecting youth and combatting the illegal market are met
- If the proposed legislation is enacted, AGCO would:
  1. Issue a Retail Operator Licence after investigation (i.e. due diligence) into the business
  2. Issue a Retail Store Authorization to a licensed Retail Operator for the operation of a specified retail store after a local public notice process (administered by the AGCO), and upon confirmation of meeting certain requirements (e.g. safety and security plans in place)
  3. Issue certain individuals a Cannabis Retail Manager Licence
  4. Conduct compliance and audit processes, including store inspection prior to opening



# Licensing Parameters

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## Licensing Eligibility

- The proposed legislation, if enacted, would establish due diligence requirements and specific eligibility criteria for the issuance of licenses and store authorizations, including financial responsibility and conduct based on the principles of integrity and public interest.
- If legislation is passed, persons operating in contravention of provincial and federal Cannabis legislation would not be eligible to operate a cannabis retail store
- The proposed licensing framework would:
  - Not cap the total number of licenses or authorizations
  - Enable ownership concentration limits for private retailers to be established by regulation in advance of December 2018 following appropriate consultation
  - Prohibit the sale or transfer of licences
  - Permit licensed producers to operate a single store at a single production facility in Ontario, per company, including all affiliates
  - Require authorized retailers to display the cannabis retailer seal and create new offences for false representations as an authorized cannabis retailer.

## Store Operating Parameters & Distance Buffers

- Additional store operating parameters (e.g. store format, security requirements, staff training requirements) would be established by regulation or by AGCO Registrar's standards and requirements subject to additional consultation and before the AGCO begins accepting applications in December 2018
- A distance buffer between private cannabis retail stores and schools would be set through regulation in advance of December 2018 following further consultation with municipalities and key stakeholders





# Municipalities

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- It is proposed that local municipalities would be provided with the opportunity to opt-out of cannabis retail stores in their communities by January 22, 2019
  - Municipalities that opt-out of cannabis retail stores could allow them in the future, but municipalities that do not opt-out of stores by January 22nd, cannot opt-out of them at a later date
- In municipalities that have not opted-out of stores, if a request for a store location authorization request is received, the AGCO would initiate a public notice process in which the affected municipality and the public would have an opportunity to identify any comments within a 15-day period
  - AGCO Registrar would consider any comments raised through this process when making its final decision to grant an authorization for that location
  - MAG will continue to consult with municipalities on the implementation of this process
- Municipalities would not be able to designate cannabis retail as a separate land use from retail generally or create a cannabis retail licensing regime within their jurisdiction



# Municipal Funding

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- The province will provide \$40 million over two years to help municipalities with the implementation costs of recreational cannabis legalization, with each municipality receiving at least \$10,000 in total
- As soon as possible this year, the province would make the first payment to all municipalities on a per household basis, with at least \$5,000 provided to each municipality
- The province would then distribute a second payment following the proposed deadline for municipalities to opt-out, which would be January 22, 2019
  - Municipalities that have not opted-out as of that date would receive funding on a per household basis
  - This funding would support initial costs related to hosting retail storefronts
  - Municipalities that have opted-out would receive only a second \$5,000 each
- The province is considering setting aside a certain portion of the municipal funding in each of 2018-19 and 2019-20 for unforeseen circumstances, and priority would be given to municipalities that have not opted-out
- Finally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the province will provide 50% of the surplus only to municipalities that have not opted-out as of January 22, 2019



# First Nations

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## On Reserve Delivery Prohibition

- Proposed amendments would require that OCRC implement a prohibition of on-reserve delivery when requested by a First Nation community through a band council resolution

## Retail Store Opt-out & Approval

- First Nations would be able to opt out of private cannabis retail stores by way of band council resolution
  - A First Nation community's ability to prohibit stores on reserve would not be time-limited to accommodate for First Nation election cycles and ongoing community engagement
- A band council resolution would be required to approve a store on reserve before the AGCO issues a retail store authorization

## Agreement with Council of the Band

- The Attorney General would be able to enter into agreements with First Nation communities on a wide scope of legislative components (e.g. minimum age, retail, etc.)



# Places of Use

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- Smoking of cannabis (medical and recreational) would be prohibited in the same places where the smoking of tobacco is prohibited (e.g. enclosed public places, enclosed workplaces, and other specified places)
  - The vaping of cannabis would be captured by existing provisions in the *Smoke-Free Ontario Act, 2017* (not yet in force) that will regulate the use of an electronic cigarette
- All methods of consuming cannabis (e.g. smoking, vaping, ingestion) would be prohibited in vehicles and boats that are being driven or under a person's care or control, subject to certain exceptions that would be prescribed by regulation (e.g. use of medical cannabis edibles by a passenger who is a medical cannabis user)
- Generally speaking, municipalities could pass by-laws further restricting the use of cannabis
- The government's commitment to review rules regarding vapour products prior to implementation of the Act are also included in the bill
  - Rules for the display and promotion of vapour products would be separate from the display and promotion rules for tobacco products and tobacco product accessories:
    - Any seller of vapour products could display and promote products subject to restrictions outlined in the federal *Tobacco and Vaping Product Act*. There would be no additional provincial restrictions
    - Specialty vape stores would be permitted to let customers sample vapour products within the store, subject to certain conditions



# **Ontario Cannabis Retail Corporation**

- On October 17<sup>th</sup>, the OCRC will be the exclusive online retailer for legal cannabis in Ontario
  - Consumers 19 and older will be able to purchase cannabis via OCRC's online retail platform
  - Online sales would be implemented in a socially responsible manner, including secure home delivery with age verification at the customer's door, and no packages left unattended at the door
- The OCRC would also be the exclusive wholesaler to future private retail stores
- Proposed changes to the governance structure of the OCRC would result in the agency's board reporting directly to the Minister of Finance rather than operating as a subsidiary of the LCBO
  - This change would better support the mandate of OCRC as Ontario's online retailer and cannabis wholesaler



# Next Steps

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- If legislation is enacted, regulations would be developed to enable the AGCO to accept applications in December 2018
- Municipalities would have the opportunity to opt out of retail stores by January 22, 2019
- The government will continue to consult on further details to enable private retail stores by April 1, 2019

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO  
67 ELIZABETH II, 2018

## Bill 36

**An Act to enact a new Act and make amendments to various other Acts  
respecting the use and sale of cannabis and vapour products in Ontario**

**The Hon. C. Mulroney**  
Attorney General

**Government Bill**

1st Reading      September 27, 2018

2nd Reading

3rd Reading

Royal Assent



## EXPLANATORY NOTE

The Bill amends various Acts and enacts one new Act in relation to the use and sale in Ontario of cannabis and of vapour products. Schedule 1 amends the *Cannabis Act, 2017* and makes related amendments to other Acts. Schedule 2 enacts the *Cannabis Licence Act, 2018* and makes related amendments to other Acts. Schedule 3 amends the *Ontario Cannabis Retail Corporation Act, 2017* and the *Liquor Control Act*. Schedule 4 amends the *Smoke-Free Ontario Act, 2017* and makes a consequential amendment to the *Highway Traffic Act*.

### SCHEDULE 1 AMENDMENTS TO THE CANNABIS ACT, 2017 AND OTHER ACTS

The Schedule makes amendments to the *Cannabis Act, 2017*, as well as a number of complementary amendments to other Acts.

Amendments made to the *Cannabis Act, 2017* include the following:

1. Re-enacting the definition of “cannabis” to refer to the definition of cannabis in the *Cannabis Act* (Canada), and making other amendments to refer to federal law respecting cannabis (subsections 3 (2), (3) and (6), 6 (1) and (2) and 12 (2) of the Schedule).
2. Repealing section 11 of the Act, which provided for prohibitions on places where cannabis may be consumed, and making consequential amendments (sections 11 and 15 of the Schedule). Instead, prohibitions on places where cannabis may be consumed are added to the *Smoke-Free Ontario Act, 2017* (Schedule 4 to the Bill).
3. Re-enacting subsection 12 (2) of the Act to make changes to the circumstances in which the restriction in subsection 12 (1) on the transportation of cannabis in vehicles or boats does not apply (subsection 12 (1) of the Schedule).
4. Adding to the list of circumstances in which premises may be closed under section 18 of the Act, and making consequential amendments to that section (subsections 13 (1), (3) and (4) of the Schedule).
5. Providing for circumstances in which the court may make inferences in the absence of evidence to the contrary, and providing for additional circumstances to be added by regulations made under the Act (section 17 and subsection 20 (3) of the Schedule).

Other amendments are made to the *Cannabis Act, 2017* in order to reflect the *Cannabis Licence Act, 2018* (Schedule 2 to the Bill). These include the addition of a new defined term of “authorized cannabis retailer” which, in addition to the Ontario Cannabis Retail Corporation, includes the holder of a retail store authorization under the *Cannabis Licence Act, 2018*, when acting in accordance with the authorization (subsection 3 (1) of the Schedule). A new prohibition on falsely representing oneself as an authorized cannabis retailer is added as section 8.1 of the *Cannabis Act, 2017* (section 9 of the Schedule). Another new prohibition is added in subsection 9 (2) of the Act, prohibiting persons from purchasing cannabis online or by any means other than in person at a cannabis retail store, as defined in the *Cannabis Licence Act, 2018*, except from the Ontario Cannabis Retail Corporation (subsection 10 (2) of the Schedule). Finally, the short title of the *Cannabis Act, 2017* is changed to the *Cannabis Control Act, 2017* (section 1 of the Schedule).

### SCHEDULE 2 CANNABIS LICENCE ACT, 2018 AND RELATED AMENDMENTS TO OTHER ACTS

The Schedule enacts the *Cannabis Licence Act, 2018*, which sets out a licensing scheme for private cannabis retail stores. The licensing scheme is administered by the Alcohol and Gaming Commission of Ontario (“Commission”) (subsection 50 (4)).

Definitions that apply to the Act are set out in section 1. The Act does not apply to the Ontario Cannabis Retail Corporation (section 2).

Sections 3 to 17 address licences and authorizations that may be issued under the Act. The Act provides for two types of licences — retail operator licence and cannabis retail manager licence — and a retail store authorization. A retail store authorization authorizes its holder to operate a particular cannabis retail store. A separate authorization is required with respect to each store (subsection 4 (5)). In order to apply for a retail store authorization, a person must be the holder of or an applicant for a retail operator licence, but a retail store authorization may only be issued to the holder of a retail operator licence (subsection 4 (1)). A cannabis retail manager licence is required in order to carry out specified functions in respect of a cannabis retail store (subsections 5 (1) and 25 (1)).

Section 3 addresses applications for a retail operator licence, section 4 addresses applications for a retail store authorization and section 5 addresses applications for a cannabis retail manager licence. Applications for licences and authorizations are made to the Registrar of the Commission, who determines whether licences and authorizations should be issued. In the case of an application for a retail store authorization in respect of a proposed cannabis retail store to be located in a municipality, the Registrar must consider, among other things, the public interest, having regard to the needs and wishes of the residents of the municipality, and, unless the authorization may not be issued otherwise, must provide public notice of the application and an opportunity to make written submissions (paragraph 5 of subsection 4 (6) and subsections 4 (7), (8), (9) and (10)). In the case of an application for a retail store authorization in respect of a proposed cannabis retail store to be located on a reserve,



the authorization may not be issued unless the council of the band has approved the location of the proposed store on the reserve (paragraph 6 of subsection 4 (6)). Licences and authorizations issued under the Act are subject to specified conditions with which their holders must comply (sections 6 and 7). Licences and authorizations may be renewed if specified criteria are met (section 8). In determining whether to issue or renew a licence or authorization, the Registrar may exercise specified inquiry and investigation powers (sections 9 and 45). The Registrar is empowered, in specified circumstances, to revoke or suspend, or to issue a proposal to revoke or suspend, a licence or authorization (sections 11 and 12). Proposals issued by the Registrar may be the subject of a hearing before the Licence Appeal Tribunal (sections 14 and 15).

Sections 18 to 25 set out requirements for the sale of cannabis in cannabis retail stores and the operation of cannabis retail stores. Requirements include that only cannabis and any other things that may be specified by regulations made under the Act may be sold in a cannabis retail store, as well as that cannabis may only be sold through a cannabis retail store in person at the store. In most cases, a contravention of or failure to comply with the requirements is an offence under the Act, although a proceeding cannot be commenced more than two years after the day on which any such offence was or is alleged to have been committed (section 39). Offence penalties are set out in section 40. Sections 27 to 35 provide for the designation of inspectors to conduct inspections to ensure compliance with the Act and its regulations and the appointment of investigators to investigate possible failures to comply; the sections also set out inspection and investigation powers and procedures.

Sections 36 to 38 set out general prohibitions respecting the licensing scheme, including prohibitions against hindering inspectors or investigators (section 37) and against retaliating against a person because of any disclosure to the Registrar or to an inspector or investigator (section 38). Contravention of the prohibitions is an offence (section 39).

Sections 41 and 42 address additional municipal matters. Under section 41, a municipality (defined in the Act as a “local municipality”), may pass a resolution by January 22, 2019 prohibiting cannabis retail stores from being located in the municipality. Such a prohibition may be lifted by a later resolution passed by the municipality, but a municipality’s decision to do so is final and may not be further reversed. Persons are not permitted to apply for a retail store authorization in respect of a proposed cannabis retail store that would be located in a municipality that is the subject of a resolution to prohibit stores (subsection 4 (2)). Section 42 constrains specified municipality by-law making authorities from addressing matters relating to the sale of cannabis.

Sections 43 and 44 address additional matters respecting reserves. Under section 43, a council of the band may in relation to a reserve request that the Registrar not issue retail store authorizations for cannabis retail stores to be located on the reserve. The Registrar must comply with such a request, as well as with any future request to amend or rescind the original request. Persons are not permitted to apply for a retail store authorization in respect of a proposed cannabis retail store that would be located on a reserve for which a request not to issue authorizations is in effect (subsection 4 (2)). Section 44 authorizes arrangements or agreements between the Crown and a council of the band with respect to the regulation of cannabis retail stores on a reserve, the licensing or authorization of persons to operate the stores or the enforcement of the licensing scheme on a reserve.

Sections 45 to 49 address various miscellaneous matters: section 45 provides for the requesting of information from the Ontario Cannabis Retail Corporation for specified purposes; section 46 permits the Commission to employ 18-year-olds for the purposes of monitoring compliance with the licensing scheme; sections 47 and 48 protect specified persons from requirements to give testimony and against actions or other proceedings for damages respectively; and section 49 sets out the regulation-making authority under the Act, which is given to the Lieutenant Governor in Council.

Sections 50 to 62 set out complementary amendments to other Acts, including the following amendments:

1. Amending the *Alcohol and Gaming Regulation and Public Protection Act, 1996* to bring the *Cannabis Licence Act, 2018* under the jurisdiction of the Commission.
2. Updating the short title of the *Alcohol and Gaming Regulation and Public Protection Act, 1996* to include reference to cannabis and making the necessary consequential amendments to other Acts.
3. Amending the *Licence Appeal Tribunal Act, 1999* in relation to the hearing of matters brought before the Tribunal under the *Cannabis Licence Act, 2018*.
4. Amending the *Ontario Cannabis Retail Corporation Act, 2017* to provide that the Corporation must comply with any minimum pricing rules established by regulation under the *Cannabis Licence Act, 2018* with respect to cannabis that it sells at retail, and requiring the Corporation to provide specified information if requested to do so under the *Cannabis Licence Act, 2018*.

Section 63 provides that the Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

### SCHEDULE 3 AMENDMENTS TO THE ONTARIO CANNABIS RETAIL CORPORATION ACT, 2017 AND THE LIQUOR CONTROL ACT

The Schedule amends the *Ontario Cannabis Retail Corporation Act, 2017*.

The Schedule amends the Act to provide that the Corporation has the exclusive right to sell cannabis in Ontario online and by any means other than by operating retail stores directly or indirectly. The Corporation also has the exclusive right to sell

cannabis in Ontario to a holder of a retail store authorization under the *Cannabis Licence Act, 2018* for the purpose of resale in a cannabis retail store within the meaning of that Act.

The Schedule amends the Act to prohibit the Corporation from operating retail stores directly or indirectly.

Currently, under the Act, the members of the Corporation's board of directors are appointed by the LCBO. The Schedule amends the Act to provide that the members are appointed by the Lieutenant Governor in Council. The Schedule also provides for the Lieutenant Governor in Council to appoint the chair and vice-chair of the board of directors. Transitional rules are enacted with respect to members of the board of directors who are in office on the day before the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent.

Currently, the Act provides that arrangements and agreements may be entered into with respect to cannabis that is sold and delivered to a purchaser on a reserve. The Schedule amends these rules to provide that such arrangements and agreements may only be entered into jointly with the Ministers specified in the Act.

The Act is amended to provide that if the Corporation receives a copy of a resolution of the council of the band in respect of a reserve requesting that the Corporation not deliver cannabis and related products to the reserve, the Corporation shall make reasonable efforts to comply with the request in a timely manner. However, this does not apply with respect to wholesale deliveries to a holder of a retail store authorization for the purpose of resale in a cannabis retail store on a reserve. The Corporation is required to publish a list of affected reserves and the dates of the relevant resolutions.

The Act is amended to require that within two years, the Minister shall initiate a review of any matters relating to the Corporation that the Minister considers advisable.

Various amendments are made to the Act and to the *Liquor Control Act* to reflect changes to the relationship between the Corporation and the LBCO. Additional technical amendments are made to both Acts.

#### SCHEDULE 4

##### AMENDMENTS TO THE SMOKE-FREE ONTARIO ACT, 2017 AND THE HIGHWAY TRAFFIC ACT

The *Smoke-Free Ontario Act, 2017* is amended to replace rules respecting the use of "medical cannabis" with rules respecting "cannabis". For example, smoking or holding lighted cannabis in an enclosed public place or enclosed workplace is prohibited. Any form of consumption of cannabis in a vehicle or boat is prohibited.

Changes are also made to various provisions regarding vapour products and electronic cigarettes. For example, the definition of "vapour product" is extended to include packaging, and the rules concerning the display and promotion of vapour products in stores are made subject to the regulations.

**An Act to enact a new Act and make amendments to various other Acts  
respecting the use and sale of cannabis and vapour products in Ontario**

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Amendments to the Cannabis Act, 2017 and Other Acts
Schedule 2	Cannabis Licence Act, 2018 and Related Amendments to Other Acts
Schedule 3	Amendments to the Ontario Cannabis Retail Corporation Act, 2017 and the Liquor Control Act
Schedule 4	Amendments to the Smoke-free Ontario Act, 2017 and the Highway Traffic Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**Short title**

**3 The short title of this Act is the *Cannabis Statute Law Amendment Act, 2018*.**

**SCHEDULE 1  
AMENDMENTS TO THE CANNABIS ACT, 2017 AND OTHER ACTS**

**1** The title of the *Cannabis Act, 2017* is repealed and the following substituted:

**Cannabis Control Act, 2017**

**2** Subclause 1 (a) (iii) of the Act is amended by adding “and the *Cannabis Licence Act, 2018*” at the end.

**3 (1)** Subsection 2 (1) of the Act is amended by adding the following definition:

“authorized cannabis retailer” means the Ontario Cannabis Retail Corporation or the holder of a retail store authorization under the *Cannabis Licence Act, 2018* when acting in accordance with the authorization; (“détaillant de cannabis autorisé”)

**(2)** The definition of “cannabis” in subsection 2 (1) of the Act is repealed and the following substituted:

“cannabis” has the same meaning as in subsection 2 (1) of the *Cannabis Act* (Canada); (“cannabis”)

**(3)** The definition of “cannabis plant” in subsection 2 (1) of the Act is repealed.

**(4)** Subsection 2 (1) of the Act is amended by adding the following definition:

“Ontario Cannabis Retail Corporation” means the corporation established under section 3 of the *Ontario Cannabis Retail Corporation Act, 2017*; (“Société ontarienne de vente du cannabis”)

**(5)** The definition of “Ontario cannabis retailer” in subsection 2 (1) of the Act is repealed.

**(6)** Subsections 2 (2), (3) and (4) of the Act are repealed.

**4** Section 3 of the Act is repealed and the following substituted:

**Interpretation, authorized retailer employees**

**3** For the purposes of this Act and the regulations,

- (a) the sale or distribution of cannabis by an authorized cannabis retailer includes the sale or distribution of cannabis by an employee of the authorized cannabis retailer when the employee is acting in that capacity; and
- (b) the purchase of cannabis from an authorized cannabis retailer includes the purchase of cannabis from an employee of the authorized cannabis retailer when the employee is acting in that capacity.

**5** Section 4 of the Act is repealed.

**6 (1)** Subsection 5 (1) of the Act is repealed and the following substituted:

**Cannabis for medical purposes**

(1) Subject to section 12, this Act and the regulations do not apply with respect to the sale, distribution, purchase or attempt to purchase, possession, consumption, offering to cultivate or cultivation, offering to propagate or propagation or offering to harvest or harvesting of cannabis for medical purposes in accordance with the *Cannabis Regulations* (Canada) or in accordance with a court order, or to cannabis produced or obtained for medical purposes in accordance with such authority.

**(2)** Subsection 5 (3) of the Act is amended by striking out “in accordance with applicable federal law” and substituting “under the *Cannabis Act* (Canada)”.

**(3)** Subsection 5 (3) of the Act is amended by adding “or the *Cannabis Licence Act, 2018*” at the end.

**7 (1)** Subsection 6 (1) of the Act is amended by striking out “the Ontario cannabis retailer” at the end and substituting “an authorized cannabis retailer”.

**(2)** Subsection 6 (2) of the Act is repealed and the following substituted:

**Distribution**

(2) No person shall distribute cannabis that is sold, or that is intended to be sold, other than by an authorized cannabis retailer.

**8** The French version of section 8 of the Act is amended by striking out “une personne dont les facultés sont ou paraissent affaiblies” at the end and substituting “une personne qui est ou semble être en état d’intoxication”.

**9** The Act is amended by adding the following section:

**False representation as authorized cannabis retailer**

**8.1** No person other than an authorized cannabis retailer may use the cannabis retail seal prescribed for the purposes of subsection 7 (2) of the *Cannabis Licence Act, 2018*, or otherwise represent themselves to be an authorized cannabis retailer.

**10 (1)** Section 9 of the Act is amended by striking out “the Ontario cannabis retailer” at the end and substituting “an authorized cannabis retailer”.

**(2) Section 9 of the Act is amended by adding the following subsection:**

**Same, purchasing other than in person**

(2) No person shall purchase cannabis online or by any means other than in person at a cannabis retail store, as defined in the *Cannabis Licence Act, 2018*, except from the Ontario Cannabis Retail Corporation.

**11 Section 11 of the Act is repealed.**

**12 (1) Subsection 12 (2) of the Act is repealed and the following substituted:**

**Exception**

(2) Subsection (1) does not apply with respect to cannabis that,

- (a) is in its original packaging and has not been opened; or
- (b) is packed in baggage that is fastened closed or is not otherwise readily available to any person in the vehicle or boat.

**(2) Subsection 12 (4) of the Act is repealed and the following substituted:**

**Application to cannabis for medical purposes**

(4) This section applies to cannabis obtained for medical purposes in accordance with Part 14 of the *Cannabis Regulations* (Canada) or in accordance with a court order, except in such circumstances as may be prescribed.

**13 (1) Subsection 18 (1) of the Act is repealed and the following substituted:**

**Interim closure of premises**

(1) If a charge is laid against a person for a contravention of any of the following provisions, and a police officer has reasonable grounds to believe that a premises was used in the alleged contravention, the police officer may cause the premises to be closed immediately and any persons on the premises to be removed:

1. Section 6.
2. Paragraph 10 (1) (a) or (c) of the *Cannabis Act* (Canada).
3. Subsection 10 (2) of the *Cannabis Act* (Canada), in relation to the selling of cannabis contrary to paragraph 10 (1) (a) or (c) of that Act.

**(2) Subsection 18 (3) of the Act is amended by striking out “the applicable police force” and substituting “a police officer”.**

**(3) Clause 18 (4) (a) of the Act is amended by striking out “section 6 or 13, as the case may be” and substituting “the provision referred to in subsection (1) or (2) to which the charge relates”.**

**(4) Subsection 18 (5) of the Act is amended by striking out “section 6 or 13, as the case may be” and substituting “the same provision”.**

**14 Section 21 of the Act is repealed and the following substituted:**

**Powers of a police officer exercised by others**

21 (1) A power that may be exercised under this Act by a police officer, other than a power set out in section 19, may also be exercised by any other person or class of persons designated in writing by the Minister for the purposes of this section.

**Same**

(2) A designation under subsection (1) is subject to such restrictions as may be specified in the designation, including restrictions respecting the powers that may be exercised or the offences under this Act in respect of which powers may be exercised.

**15 Subsection 23 (6) of the Act is repealed.**

**16 Subsection 25 (2) of the Act is amended by striking out “the applicable police force” and substituting “a police officer”.**

**17 The Act is amended by adding the following section:**

**Court may make inferences**

25.1 A court may, in the absence of evidence to the contrary, infer that any substance in question is cannabis from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis.

**18 Subsection 26 (2) of the Act is repealed and the following substituted:**

#### **Same, requirement for agreement with other ministers**

(2) If an arrangement or agreement referred to in subsection (1) relates, in whole or in part, to the sale of cannabis, the Minister may only enter into the arrangement or agreement jointly with,

- (a) the Minister responsible for the administration of the *Ontario Cannabis Retail Corporation Act, 2017*;
- (b) the Minister of Finance, if the Minister referred to in clause (a) is not the Minister of Finance; and
- (c) the Minister responsible for the administration of the *Cannabis Licence Act, 2018*.

#### **19 The Act is amended by adding the following section:**

##### **Delegation by Minister**

27.1 The Minister may delegate in writing any of his or her powers under this Act, other than a power under section 26, to a public servant employed under Part III of the *Public Service of Ontario Act, 2006*, subject to any conditions or restrictions that may be set out in the delegation.

20 (1) Clause 28 (b) of the Act is amended by striking out “by specified persons or in specified circumstances, or the sale or distribution of cannabis to specified persons” at the end.

(2) Clause 28 (c) of the Act is repealed.

(3) Section 28 of the Act is amended by adding the following clause:

- (c) providing for how elements of an offence under this Act may be proved in a prosecution, including providing for presumptions that apply or inferences that may be made in the absence of evidence to the contrary;

##### **Drug and Pharmacies Regulation Act**

21 (1) Subsection 1 (1) of the *Drug and Pharmacies Regulation Act* is amended by adding the following definition:

“cannabis” has the same meaning as in subsection 2 (1) of the *Cannabis Act* (Canada); (“cannabis”)

(2) Clause (f.1) of the definition of “drug” in subsection 1 (1) of the Act is repealed and the following substituted:

- (f.1) cannabis, other than,
  - (i) a drug containing cannabis to which the *Cannabis Regulations* (Canada) apply,
  - (ii) cannabis obtained for medical purposes in accordance with Part 14 of those Regulations or in accordance with a court order, and
  - (iii) cannabis that is identified in the regulations as being a drug for the purposes of this Act despite this clause,

(3) Subsection 118 (5) of the Act is repealed and the following substituted:

##### **Same**

(5) Nothing in this Act prevents the sale or distribution of cannabis for medical purposes in accordance with Part 14 of the *Cannabis Regulations* (Canada) or in accordance with a court order.

##### **Education Act**

22 The definition of “medical cannabis user” in subsection 300 (1) of the *Education Act* is amended by striking out “applicable federal law” at the end and substituting “Part 14 of the *Cannabis Regulations* (Canada) or in accordance with a court order”.

##### **Highway Traffic Act**

23 Clause 46 (1) (b.1) of the *Highway Traffic Act* is amended by striking out “*Cannabis Act, 2017*” at the end and substituting “*Cannabis Control Act, 2017*”.

##### **Ontario Cannabis Retail Corporation Act, 2017**

24 The definition of “cannabis” in section 1 of the *Ontario Cannabis Retail Corporation Act, 2017* is amended by striking out “*Cannabis Act, 2017*” at the end and substituting “*Cannabis Control Act, 2017*”.

##### **Commencement**

25 (1) Subject to subsections (2) and (3), this Schedule comes into force on the later of October 17, 2018 and the day the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent.

(2) Sections 1 and 2, subsections 3 (1), (4) and (5), section 4, subsection 6 (3) and sections 7, 9, 10, 18, 23 and 24 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Section 5 and subsection 20 (2) come into force on the day the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent.

## SCHEDULE 2 CANNABIS LICENCE ACT, 2018 AND RELATED AMENDMENTS TO OTHER ACTS

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## INTERPRETATION AND APPLICATION

### Definitions

1 (1) In this Act,

“Board” means the board of the Commission; (“conseil”)

“cannabis” means cannabis with respect to which the *Cannabis Control Act, 2017* applies; (“cannabis”)

“cannabis retail store” means a store operated under the authority of a retail store authorization; (“magasin de vente au détail de cannabis”)

“Commission” means the Alcohol and Gaming Commission of Ontario established under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“Commission”)

“council of the band” has the same meaning as in subsection 2 (1) of the *Indian Act* (Canada); (“conseil de bande”)

“distribute”, “Ontario Cannabis Retail Corporation” and “sell” have the same meaning as in the *Cannabis Control Act, 2017*; (“distribuer”, “Société ontarienne de vente du cannabis”, “vente”)

“Indian” has the same meaning as in subsection 2 (1) of the *Indian Act* (Canada); (“Indien”)

“Minister” means the Attorney General or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“municipality” means a local municipality; (“municipalité”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“Registrar” means the Registrar under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“registrar”)

“regulations” means the regulations made under this Act; (“règlements”)

“reserve” means a reserve as defined in subsection 2 (1) of the *Indian Act* (Canada) or an Indian settlement located on Crown land, the Indian inhabitants of which are treated by Indigenous and Northern Affairs Canada in the same manner as Indians residing on a reserve; (“réserve”)

“Tribunal” means the Licence Appeal Tribunal established under the *Licence Appeal Tribunal Act, 1999*. (“Tribunal”)

### Interpretation, interested in another person

(2) For the purposes of this Act, a person is interested in another person if the first person,

- (a) has, or may have in the opinion of the Registrar based on reasonable grounds, a beneficial interest of any kind, either directly or indirectly, in the other person’s business, including but not limited to a holder, directly or indirectly, of shares or other securities;
- (b) exercises, or may exercise in the opinion of the Registrar based on reasonable grounds, direct or indirect control over the other person’s business; or
- (c) has provided, or may have provided in the opinion of the Registrar based on reasonable grounds, direct or indirect financing to the other person’s business.

### Non-application of Act to Ontario Cannabis Retail Corporation

2 This Act does not apply with respect to the Ontario Cannabis Retail Corporation.



## LICENCES AND AUTHORIZATIONS

### Retail operator licence

3 (1) Subject to the regulations, a person may apply to the Registrar for a retail operator licence.

#### Restriction, age

(2) In order to apply under subsection (1), an individual must be at least 19 years of age or, in the case of an applicant that is a corporation, every director, officer and shareholder of the corporation must be at least 19 years of age.

#### Restriction, prior refusal or revocation

(3) Despite subsection (1), a person who has been refused a retail operator licence or the renewal of a retail operator licence, or who was the holder of a retail operator licence that was revoked, may not apply for a retail operator licence until after the second anniversary of the refusal or revocation, unless the Registrar is satisfied that there has been a significant change in circumstances since the refusal or revocation.

#### Eligibility

(4) An applicant is not eligible to be issued a retail operator licence in any of the following circumstances:

1. There are reasonable grounds to believe that the applicant will not be financially responsible in the conduct of the applicant's cannabis retail business, having regard to the financial history of any of the persons referred to in subsection (5).
2. There are reasonable grounds to believe that the applicant will not carry on business in accordance with the law, or with integrity, honesty or in the public interest, having regard to the past or present conduct of any of the persons referred to in subsection (5).
3. A person referred to in subsection (5) has been convicted of or charged with an offence under this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) or the regulations made under any of them that is prescribed for the purposes of this paragraph.
4. There are reasonable grounds to believe that the applicant is carrying on activities that are, or would be if the applicant were the holder of a retail operator licence, in contravention of or not in compliance with a provision of this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) or the regulations made under any of them that is prescribed for the purposes of this paragraph.
5. The Registrar is not satisfied that the applicant will exercise sufficient control, either directly or indirectly, over the applicant's cannabis retail business.
6. The applicant or an employee or agent of the applicant makes a false statement or provides false information in the application.
7. Any other circumstance that may be prescribed.

#### Same

(5) Paragraphs 1 to 3 of subsection (4) apply with respect to,

- (a) the applicant;
- (b) persons interested in the applicant; and
- (c) if the applicant is a corporation, the directors, officers or shareholders of the applicant and persons interested in those directors, officers or shareholders.

#### Convictions, charges under *Controlled Drugs and Substances Act* (Canada)

(6) Paragraph 2 of subsection (4) does not prevent the issuance of a retail operator licence to an applicant if a person referred to in subsection (5) has been convicted of or charged with a prescribed offence under the *Controlled Drugs and Substances Act* (Canada) in relation to cannabis.

#### Issuance, refusal of retail operator licence

(7) The Registrar shall consider every application for a retail operator licence, and shall,

- (a) issue the retail operator licence, if the applicant has met the application requirements, is not ineligible to be issued a retail operator licence and has paid the required fee; or
- (b) issue a proposal to refuse the application.

#### Conditions on consent

(8) In issuing a retail operator licence, the Registrar may specify any conditions consented to by the applicant that are to be attached to the licence.

### **Retail store authorization**

4 (1) Subject to the regulations, the following persons may apply to the Registrar for a retail store authorization to operate a specified proposed cannabis retail store:

1. A holder of a retail operator licence, subject to any conditions attached to the licence.
2. An applicant for a retail operator licence.

### **Restriction, applicable resolution in effect**

(2) Despite subsection (1), an application may not be made for a retail store authorization in respect of a proposed cannabis retail store that would be located,

- (a) in a municipality in which cannabis retail stores may not be located in accordance with section 41; or
- (b) on a reserve on which cannabis retail stores may not be located in accordance with section 43.

### **Restriction, prior refusal or revocation**

(3) Despite subsection (1), a person who has been refused a retail store authorization in respect of a proposed cannabis retail store or the renewal of a retail store authorization in respect of a cannabis retail store, or who was the holder of a retail store authorization that was revoked, may not apply for a retail store authorization in respect of the same cannabis retail store or proposed cannabis retail store until after the second anniversary of the refusal or revocation, unless the Registrar is satisfied that there has been a significant change in circumstances since the refusal or revocation.

### **Restriction, producers**

(4) A person who is authorized by a licence issued under the *Cannabis Act* (Canada) to produce cannabis for commercial purposes is subject to the following restrictions in respect of an application that may be made by the person under subsection (1):

1. The proposed cannabis retail store must be located on or within the site set out in the licence.
2. The person and its affiliates, as defined by the regulations, may not between them hold more than one retail store authorization.
3. Any other restriction that may be prescribed.

### **One store per authorization**

(5) A separate application is required in respect of each proposed cannabis retail store, and a retail store authorization that is issued only authorizes the operation of the store specified in the application for the authorization.

### **Eligibility**

(6) An applicant is not eligible to be issued a retail store authorization in respect of a proposed cannabis retail store in any of the following circumstances:

1. The applicant is not, or would not at the time of the issuance of the authorization be, the holder of a retail operator licence, or is a holder of a retail operator licence that is subject to conditions that prevent the application for or issuance of a retail store authorization in respect of the proposed store.
2. A person referred to in clauses 3 (5) (a) to (c) has been convicted of or charged with an offence under this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) or the regulations made under any of them that is prescribed for the purposes of this paragraph.
3. There are reasonable grounds to believe that the applicant is carrying on activities that are, or would be if the applicant were the holder of a retail store authorization, in contravention of or not in compliance with a provision of this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) or the regulations made under any of them that is prescribed for the purposes of this paragraph.
4. The applicant employs or intends to employ an individual who is not the holder of a cannabis retail manager licence to perform any of the functions set out in subsection 5 (1).
5. The issuance of the retail store authorization in respect of a proposed store is not in the public interest, having regard to the needs and wishes of the residents of the municipality in which the proposed cannabis retail store would be located.
6. In the case of a proposed cannabis retail store that would be located on a reserve, the council of the band has not approved, by the passage of a resolution applicable to the proposed store, the location of the proposed store on the reserve.
7. The premises, equipment and facilities of the proposed store are not, or would not be if the authorization were issued, in compliance with this Act, the regulations or the standards and requirements established under section 26, or the Registrar is satisfied that the applicant will not exercise sufficient control, either directly or indirectly, over the premises, equipment and facilities.

8. The applicant or an employee or agent of the applicant makes a false statement or provides false information in the application.
9. Any other circumstance that may be prescribed.

#### **Public notice**

(7) For the purposes of paragraph 5 of subsection (6), the Registrar shall give notice of an application for a retail store authorization,

- (a) by displaying a notice at the location of the proposed cannabis retail store specified in the application;
- (b) by posting a notice on the Commission's website; and
- (c) in any other manner the Registrar considers appropriate.

#### **Exception**

(8) Subsection (7) does not apply if,

- (a) the applicant is ineligible on any other ground to be issued a retail store authorization; or
- (b) subsection (12) prevents the issuance of the retail store authorization.

#### **Same**

(9) Notice given under subsection (7) shall include a request for the municipality, its residents and, if the municipality is a lower-tier municipality, the upper-tier municipality of which it forms a part, to make written submissions to the Registrar, which must be made no later than 15 days after the notice is first given, as to whether the issuance of the retail store authorization is in the public interest, having regard to the needs and wishes of the residents.

#### **Issuance, refusal of retail store authorization**

(10) The Registrar shall consider every application for a retail store authorization, and shall,

- (a) subject to subsection (12), issue the retail store authorization, if the applicant has met the application requirements, is not ineligible to be issued a retail store authorization and has paid the required fee; or
- (b) refuse the application.

#### **Submissions to be considered**

(11) The Registrar shall consider any written submissions made in accordance with subsection (9) in relation to the application.

#### **Circumstances where no issuance**

(12) The Registrar shall refuse to issue a retail store authorization,

- (a) if the proposed cannabis retail store would be located less than the distance specified by or determined in accordance with the regulations from,
  - (i) a school as defined in the *Education Act*, or
  - (ii) any other prescribed land use; or
- (b) in any other circumstance that may be prescribed.

#### **Conditions on consent**

(13) In issuing a retail store authorization, the Registrar may specify any conditions consented to by the applicant that are to be attached to the authorization.

#### **Decision final**

(14) A decision of the Registrar to issue or to refuse to issue a retail store authorization is final.

#### **Cannabis retail manager licence**

5 (1) Subject to the regulations, an individual who wishes to perform one or more of the following functions in respect of a cannabis retail store may apply to the Registrar for a cannabis retail manager licence:

1. Supervising or managing employees of a cannabis retail store.
2. Overseeing or co-ordinating the sale of cannabis.
3. Managing compliance issues in relation to the sale of cannabis.
4. Having signing authority to purchase cannabis, enter into contracts or make offers of employment.

**Restriction, age**

(2) An individual must be at least 19 years of age in order to apply under subsection (1).

**Restriction, prior refusal or revocation**

(3) Despite subsection (1), an individual who has been refused a cannabis retail manager licence or the renewal of a cannabis retail manager licence, or who was the holder of a cannabis retail manager licence that was revoked, may not apply for a cannabis retail manager licence until after the second anniversary of the refusal or revocation, unless the Registrar is satisfied that there has been a significant change in circumstances since the refusal or revocation.

**Eligibility**

(4) An applicant is not eligible to be issued a cannabis retail manager licence in any of the following circumstances:

1. There are reasonable grounds to believe that the applicant will not, in acting as a cannabis retail manager, act in accordance with the law, or with integrity, honesty or in the public interest, having regard to the past or present conduct of the applicant.
2. The applicant has been convicted of or charged with an offence under this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) or the regulations made under any of them that is prescribed for the purposes of this paragraph.
3. There are reasonable grounds to believe that the applicant is carrying on activities that are, or would be if the applicant were the holder of a cannabis retail manager licence, in contravention of or not in compliance with a provision of this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) or the regulations made under any of them that is prescribed for the purposes of this paragraph.
4. The applicant makes a false statement or provides false information in the application.
5. Any other circumstance that may be prescribed.

**Convictions, charges under *Controlled Drugs and Substances Act* (Canada)**

(5) Paragraph 1 of subsection (4) does not prevent the issuance of a cannabis retail manager licence to an applicant if the applicant has been convicted of or charged with a prescribed offence under the *Controlled Drugs and Substances Act* (Canada) in relation to cannabis.

**Issuance, refusal of cannabis retail manager licence**

(6) The Registrar shall consider every application for a cannabis retail manager licence, and shall,

- (a) issue the cannabis retail manager licence, if the applicant has met the application requirements, is not ineligible to be issued a cannabis retail manager licence and has paid the required fee; or
- (b) issue a proposal to refuse the application.

**Conditions on consent**

(7) In issuing a cannabis retail manager licence, the Registrar may specify any conditions consented to by the applicant that are to be attached to the licence.

**Conditions of licences, authorizations****Retail operator licences**

6 (1) A retail operator licence is subject to the following conditions:

1. That the holder must comply with this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) and the regulations made under any of them.
2. That if the holder is issued a retail store authorization, the holder must comply with the conditions of that retail store authorization.
3. Any condition specified by the Registrar under this Act that attaches to the licence.
4. Any condition imposed by the Tribunal.
5. Any condition that may be prescribed.

**Retail store authorizations**

(2) A retail store authorization is subject to the following conditions:

1. That the holder must comply with this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) and the regulations made under any of them.
2. Any condition specified by the Registrar under this Act that attaches to the authorization.
3. Any condition imposed by the Tribunal.

4. The conditions set out in section 7.
5. Any condition that may be prescribed.

#### **Cannabis retail manager licences**

(3) A cannabis retail manager licence is subject to the following conditions:

1. That the holder must comply with this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) and the regulations made under any of them.
2. Any condition specified by the Registrar under this Act that attaches to the licence.
3. Any condition imposed by the Tribunal.
4. Any condition that may be prescribed.

#### **Duty to comply**

(4) A holder of a retail operator licence, cannabis retail manager licence or retail store authorization shall comply with any conditions to which the licence or authorization is subject.

#### **Risk-based conditions**

(5) The Board may specify conditions that may be imposed on a licence or authorization issued under this Act if the holder meets criteria established by the Board for the purpose on the basis of factors related to risks to the public interest or the risk of non-compliance with this Act, the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) or regulations made under any of them.

#### **Same, designations**

(6) The Registrar may at any time, based on the Registrar's assessment of the risks referred to in subsection (5), designate a holder of a licence or authorization issued under this Act in accordance with the criteria established by the Board, and may impose on the licence or authorization one or more of the conditions specified by the Board in relation to those criteria.

#### **Same, re-designations**

(7) If the Registrar is satisfied that there is a change in circumstances affecting the designation of a holder of a licence or authorization issued under this Act, the Registrar may re-designate the holder in accordance with the criteria established by the Board and may add, remove or otherwise change the conditions imposed on the licence or authorization accordingly.

#### **Conditions specified by Registrar**

(8) The Registrar may at any time review a retail operator licence, cannabis retail manager licence or retail store authorization and may,

- (a) attach to the licence or authorization any further conditions consented to by the holder; or
- (b) issue a proposal to attach to the licence or authorization any further conditions that the Registrar considers appropriate to give effect to the purposes of this Act.

#### **Removal of certain conditions by Registrar**

(9) The Registrar may, on application by the holder, remove a condition attached by the Registrar on the consent of the applicant or holder if, as a result of a change in circumstances, the Registrar is satisfied that the condition is no longer appropriate.

#### **Removal of certain conditions by Tribunal**

(10) The Tribunal may, on application by the holder, remove a condition of a retail operator licence, cannabis retail manager licence or retail store authorization imposed by it if, as a result of a change in circumstances, the Tribunal is satisfied that the condition is no longer appropriate.

#### **Additional conditions of retail store authorization**

##### **Ongoing sale**

7 (1) The holder of a retail store authorization must ensure that cannabis begins to be sold at the cannabis retail store by the first anniversary of the day the authorization is issued, and that cannabis continues to be sold at the store after that date.

##### **Use of seal**

(2) Cannabis may not be sold by the holder of a retail store authorization unless the holder displays, in the prescribed manner, the prescribed cannabis retail seal.

##### **Minimum pricing**

(3) If the regulations so provide, the holder of a retail store authorization shall not sell cannabis or a prescribed class of cannabis at a price that is lower than the prescribed price for the cannabis or class of cannabis.

### **Restrictions on corporate operations, s. 69 of *Cannabis Act* (Canada)**

#### **(4) The holder of a retail store authorization,**

- (a) shall not sell cannabis unless the cannabis has been produced by a person or entity that is authorized under the *Cannabis Act* (Canada) to produce cannabis for commercial purposes;
- (b) shall not sell cannabis to an individual under 19 years of age and, for the purpose, subsections 7 (2) and (3) of the *Cannabis Control Act, 2017* and the regulations made for the purposes of those subsections apply with necessary modifications;
- (c) shall keep appropriate records, in accordance with the regulations and any applicable standards and requirements established under section 26 of this Act, respecting its activities in relation to cannabis that it possesses;
- (d) shall take adequate measures, in accordance with the regulations and any applicable standards and requirements established under section 26, to reduce the risk of cannabis it possesses being diverted to an illicit market or activity.

### **Intoxicated persons**

(5) The holder of a retail store authorization shall not sell or distribute cannabis to a person who is or appears to be intoxicated.

### **Renewals**

8 (1) The holder of a licence or authorization issued under this Act may apply to the Registrar for the renewal of the licence or authorization.

#### **Timing**

(2) An application for the renewal of a licence or authorization must be made before the licence or authorization expires or such other time as may be specified by the Registrar.

#### **Renewal, refusal**

#### **(3) The Registrar shall,**

- (a) subject to clause (b), grant the renewal, if the holder has met the application requirements and paid the required fee; or
- (b) issue a proposal to refuse to renew the licence or authorization,
  - (i) if the holder has contravened or failed to comply with this Act or the regulations, or
  - (ii) on the basis of a ground under subsection 3 (4) in the case of a retail operator licence, subsection 4 (6), other than paragraphs 5 and 6, in the case of a retail store authorization or subsection 5 (4) in the case of a cannabis retail manager licence, that would disentitle the holder to be issued the licence or authorization if the holder were an applicant.

### **Continuance pending decision**

(4) If the holder of a licence or authorization issued under this Act has met the renewal application requirements and paid the required fee, the licence or authorization is deemed to continue,

- (a) until the renewal is granted; or
- (b) if the Registrar issues a notice of a proposal to refuse to renew the licence or authorization, until the time for giving notice requesting a hearing has expired under subsection 14 (2) and, if a hearing is requested, until the order has become final.

### **Inquiries**

9 (1) The Registrar may make such inquiries and conduct such investigations into the character, financial history and competence of any of the following persons as are necessary to determine, for the purposes of an application for a licence or authorization under this Act or for the renewal of a licence or authorization, whether the applicant or holder meets the requirements for a licence, authorization or renewal, as the case may be:

1. The applicant or holder.
2. Persons interested in the applicant or holder.
3. In the case of an application for the renewal or issuance of a retail store authorization, persons interested in the cannabis retail store or proposed cannabis retail store with respect to which the authorization is or would be issued.
4. If the applicant or holder is a corporation, a director, officer or shareholder of a person referred to in paragraph 1, 2 or 3.
5. Any individual employed in a cannabis retail store.

### **Interpretation, interested in store**

(2) For the purposes of paragraph 3 of subsection (1), persons interested in a cannabis retail store or proposed cannabis retail store include a landlord or owner of the premises, a mortgagee or any person with an interest in the assets of the applicant or holder's cannabis retail business or in the store property, fixtures or inventories.

### **Costs**

(3) The applicant or holder shall pay the reasonable costs of the inquiries or investigations or provide security to the Registrar in a form acceptable to the Registrar for the payment.

### **Collection of information**

(4) The Registrar may require information, including personal information, or material from any person who is the subject of the inquiries or investigations and may request information, including personal information, or material from any person or entity who the Registrar has reason to believe can provide information or material relevant to the inquiries or investigations.

### **Verification of information**

(5) The Registrar may require that any information provided under subsection (4) be verified by statutory declaration.

### **Disclosure**

(6) An institution subject to the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act* is authorized to disclose to the Registrar the information, including personal information, or material that the Registrar requests from the institution under subsection (4), and such disclosure is deemed to comply with those Acts.

### **Application forms**

10 An application for a licence or authorization under this Act, or for the renewal of a licence or authorization, shall be in the form approved by the Registrar.

### **Revocation, suspension**

#### **Proposal to revoke or suspend**

11 (1) The Registrar may issue a proposal to revoke or to suspend a licence or authorization issued under this Act,

- (a) if the Registrar believes on reasonable grounds that the holder has contravened or failed to comply with this Act or the regulations; or
- (b) on the basis of a ground under subsection 3 (4) in the case of a retail operator licence, subsection 4 (6), other than paragraphs 5 and 6, in the case of a retail store authorization or subsection 5 (4) in the case of a cannabis retail manager licence, that would disentitle the holder to be issued the licence or authorization if the holder were an applicant.

#### **Suspension without proposal**

(2) The Registrar may suspend a licence or authorization issued under this Act without issuing a proposal if the Registrar considers it to be necessary in the public interest.

#### **Revocation without proposal**

(3) Despite subsections (1) and (2), the Registrar shall revoke a licence or authorization issued under this Act without issuing a proposal if the holder or any other prescribed person is convicted for contravening,

- (a) section 6, 7 or 13 of the *Cannabis Control Act, 2017*;
- (b) section 10 of the *Cannabis Act* (Canada); or
- (c) any other prescribed provision of the *Cannabis Control Act, 2017*, the *Cannabis Act* (Canada) or the regulations made under either of them.

### **Notice and immediate effect**

(4) The Registrar shall serve notice of a suspension under subsection (2) or of a revocation under subsection (3) on the holder together with written reasons, and the suspension or revocation takes effect immediately on the holder being served.

### **Notice requesting hearing**

(5) The holder may request a hearing by the Tribunal of a suspension under subsection (2) or a revocation under subsection (3) if, no later than 15 days after being served with notice of the suspension or revocation, the holder mails or delivers to the Tribunal and to the Registrar a written notice requesting the hearing.

### **Same**

(6) A notice served under subsection (4) shall inform the holder of the entitlement to a hearing under subsection (5), and of the requirements of that subsection.



**Effect of revocation, suspension on related licence, authorization****Effect of revocation, non-renewal of retail operator licence**

12 (1) If a holder's retail operator licence is revoked or fails to be renewed, any retail store authorizations held by the holder are revoked from the time of the licence revocation or non-renewal.

**Effect of suspension of retail operator licence**

(2) If a holder's retail operator licence is suspended, any retail store authorizations held by the holder are suspended from the time of the licence suspension and for its duration.

**Effect of revocation, non-renewal of retail store authorization**

(3) If a retail store authorization is revoked or fails to be renewed and the Registrar considers it appropriate in the circumstances to do so, the Registrar may, without issuing a proposal, revoke or suspend,

- (a) any other retail store authorization held by the same holder;
- (b) the holder's retail operator licence; or
- (c) both.

**Effect of suspension of retail store authorization**

(4) If a retail store authorization is suspended and the Registrar considers it appropriate in the circumstances to do so, the Registrar may, without issuing a proposal, suspend,

- (a) any other retail store authorization held by the same holder;
- (b) the holder's retail operator licence; or
- (c) both.

**Notice**

(5) The Registrar shall give notice of a revocation or suspension under this section to the holder.

**Application**

(6) This section applies despite section 11, other than subsection 11 (3).

**Cancellation on holder's request**

13 (1) Subject to subsection (2), the Registrar may cancel a licence or authorization issued under this Act on the holder's request if the holder,

- (a) makes the request to the Registrar in writing; and
- (b) surrenders the licence or authorization to the Registrar.

**Holder of retail operator licence and authorization**

(2) If a holder of a retail operator licence who is also the holder of one or more retail store authorizations wishes to have the licence cancelled,

- (a) the holder shall surrender each authorization to the Registrar together with the licence; and
- (b) each authorization is cancelled together with the licence.

**Notice of proposal**

14 (1) If the Registrar issues a proposal under this Act, the Registrar shall serve notice of the proposal together with written reasons on the applicant or holder.

**Notice requesting hearing**

(2) The applicant or holder may request a hearing by the Tribunal of the matter being proposed if, no later than 15 days after being served with notice of the proposal, the applicant or holder mails or delivers to the Tribunal and to the Registrar a written notice requesting the hearing.

**Same**

(3) A notice of a proposal shall inform the applicant or holder of the entitlement to a hearing under subsection (2), and of the requirements of that subsection.

**No hearing**

(4) If the person on whom notice of a proposal is served does not request a hearing by the Tribunal, the Registrar may carry out the proposal stated in the notice.



**Hearing**

15 (1) If a person requests a hearing in accordance with section 11 or 14, the Tribunal shall schedule and hold the hearing.

**Order**

(2) After holding a hearing, the Tribunal may by order,

- (a) confirm or set aside the proposal or decision of the Registrar; and
- (b) direct the Registrar to take any action specified by the Tribunal that it considers appropriate to give effect to the purposes of this Act.

**Discretion of Tribunal**

(3) In setting aside a proposal or decision under clause (2) (a), the Tribunal may substitute its opinion for that of the Registrar.

**Terms, conditions**

(4) The Tribunal may attach such terms to its order, or such conditions to the licence or authorization that is the subject of the hearing, as it considers appropriate.

**Registrar shall comply**

(5) The Registrar shall comply with any direction of the Tribunal made under clause (2) (b).

**Notice of change in address for service**

16 Every applicant for or holder of a licence or authorization issued under this Act shall, no later than five days after any change in address for service, serve on the Registrar, in the manner specified by the Registrar, written notice of the change.

**No transfers**

17 Retail operator licences, cannabis retail manager licences and retail store authorizations are not transferable.

**SALE OF CANNABIS AND CANNABIS RETAIL STORES****Things permitted to be sold in cannabis retail stores**

18 The holder of a retail store authorization may only sell the following things at a cannabis retail store:

- 1. Subject to the regulations, cannabis that was purchased by the holder directly from the Ontario Cannabis Retail Corporation, in the packaging in which it was purchased from the Ontario Cannabis Retail Corporation.
- 2. Any other things that may be prescribed.

**Purchase of cannabis**

19 The holder of a retail store authorization may only purchase cannabis for sale in the cannabis retail store from the Ontario Cannabis Retail Corporation.

**In-person sales only**

20 The holder of a retail store authorization shall ensure that all aspects of the sale of cannabis through the cannabis retail store, including ordering and payment, are conducted in person at the store.

**Limit on amount sold**

21 The holder of a retail store authorization shall ensure that the amount of cannabis sold to an individual in the cannabis retail store in a single visit, whether in a single or multiple transactions, does not exceed the total amount of cannabis of any class permitted under the *Cannabis Act* (Canada) to be possessed by an individual in a public place.

**Only recorded sales permitted**

22 The holder of a retail store authorization shall ensure that cannabis sold at the cannabis retail store is sold only through recorded sales.

**No employment of individual under 19 years of age**

23 The holder of a retail store authorization shall not employ an individual under 19 years of age in a cannabis retail store.

**Unsold cannabis**

24 (1) In the event of the revocation, cancellation or non-renewal of a retail store authorization, the person who held the authorization shall comply with the requirements specified by the Registrar respecting any cannabis left unsold or undistributed as a result of the revocation, cancellation or non-renewal.

**Same**

(2) In the event of the revocation, cancellation or non-renewal of a retail operator licence, the person who held the licence shall comply with the requirements specified by the Registrar respecting any cannabis left unsold or undistributed as a result of the revocation, cancellation or non-renewal.

**Cannabis retail managers**

**25 (1)** No individual may perform any of the functions set out in subsection 5 (1) in respect of a cannabis retail store unless the individual is,

- (a) the holder of a cannabis retail manager licence; or
- (b) the holder of a retail operator licence.

**Same**

(2) The holder of a retail store authorization shall not employ an individual to perform any of the functions set out in subsection 5 (1) in respect of a cannabis retail store unless the individual is the holder of a cannabis retail manager licence.

**Same**

(3) The holder of a cannabis retail manager licence shall perform his or her functions and duties in relation to the cannabis retail store in which the holder is employed in a manner that is consistent with the requirements of sections 18 to 24.

**Standards and requirements**

**26 (1)** Subject to subsection (2), the Registrar may establish standards and requirements respecting the following matters relating to the conduct of holders of licences or authorizations issued under this Act or to the operation of cannabis retail stores:

1. Store premises, equipment and facilities, including surveillance and security.
2. The prevention of unlawful activities, including prohibiting or restricting certain individuals from entering cannabis retail stores.
3. Advertising and promotional activities.
4. Training relating to cannabis, including the responsible use of cannabis, and to the sale of cannabis.
5. The protection of assets, including money and money equivalents.
6. The keeping of records, including financial records.
7. Reasonable measures to maintain the confidentiality and security of records, including measures to securely dispose of records and to prevent unauthorized access to records.
8. Compliance with a cannabis tracking system established under section 81 of the *Cannabis Act* (Canada).
9. Any other matter relating to the conduct of holders of licences or authorizations issued under this Act or to the operation of cannabis retail stores that may be prescribed.

**Restriction**

(2) Subsection (1) does not apply with respect to any matter for which a standard or requirement has been established by the regulations.

**Publication**

(3) The Registrar shall publish the standards and requirements on the Commission's website or by any other method that may be prescribed.

**Effective date**

(4) Standards and requirements established under subsection (1) take effect on the date they are published under subsection (3) or on such later date as the Registrar may specify, and the effective date shall be published together with the standards and requirements.

**Not regulations**

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to standards and requirements established under subsection (1).

**Duty to comply**

(6) Every holder of licence or authorization issued under this Act shall comply with the standards and requirements established under subsection (1).

## ENFORCEMENT

### Inspectors

27 (1) The Registrar may designate persons employed by the Commission or other persons as inspectors for the purpose of carrying out inspections to ensure compliance with this Act and the regulations.

### Certificate

(2) A person designated under subsection (1) who is acting as an inspector under this Act shall, on request, produce his or her certificate of designation.

### Inspections

28 (1) For the purposes of carrying out an inspection to ensure compliance with this Act and the regulations, an inspector may at any reasonable time enter any place, other than any place or part of a place that is actually used as a dwelling, that is used by the holder of a retail store authorization in relation to the authorization.

### Powers of inspector

(2) An inspector conducting an inspection may,

- (a) examine records or anything else that is relevant to the inspection, including examining and opening any receptacle or package;
- (b) demand the production of a record or any other thing that is relevant to the inspection;
- (c) on issuing a written receipt for it, remove a record or any other thing that is relevant to the inspection for review, examination or testing;
- (d) on issuing a written receipt for it, remove a record or any other thing that is relevant to the inspection for copying;
- (e) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
- (f) take photographs or make any other kind of recording; and
- (g) inquire into all financial transactions, records and other matters that are relevant to the inspection.

### Written demand

(3) A demand under this section that a record or any other thing be produced must be in writing and must include a statement of the nature of the record or thing required.

### Obligation to produce and assist

(4) If an inspector demands that a record or any other thing be produced under this section, the person who has custody of the record or thing shall produce it and, in the case of a record, on request, shall provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form.

### Records and things removed from place

(5) A record or other thing that has been removed for review, examination, testing or copying,

- (a) shall be made available on request to the person from whom it was removed and at a time and place that are convenient for the person and for the inspector; and
- (b) shall be returned to the person within a reasonable time, unless, in the case of a thing that has been subject to testing, the thing has been made unsuitable for return as a result of the testing.

### Copy admissible in evidence

(6) A copy of a record or other thing that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

### Seizure

(7) An inspector conducting an inspection may seize anything the inspector discovers that the inspector reasonably believes not to be in compliance with this Act or the regulations.

### Same

(8) Subject to section 35, an inspector who seizes a thing under subsection (7) shall, in accordance with the direction of the Registrar, either return it within a reasonable time or dispose of it.

### Assistance

(9) An inspector is entitled to call upon such experts as are necessary to assist in an inspection.

**Duty to facilitate**

(10) Every holder of a licence or authorization issued under this Act shall facilitate inspections under this Act.

**Investigators**

29 (1) The Registrar may appoint any person to be an investigator for the purpose of determining whether there has been a contravention of or failure to comply with this Act or the regulations.

**Investigators by default**

(2) Police officers and individuals who exercise the powers of a police officer are deemed to be investigators.

**Certificate**

(3) The Registrar shall issue a certificate of appointment to every investigator, other than to individuals referred to in subsection (2).

**Proof of appointment**

(4) Every investigator who exercises powers under this Act shall, upon request, produce the certificate of appointment as an investigator or identification as an individual referred to in subsection (2).

**Warrants**

30 (1) On application made without notice by an investigator, a justice of the peace may issue a warrant, if satisfied on information under oath that there are reasonable grounds to believe that,

- (a) there has been or is likely to be a contravention of or failure to comply with this Act or the regulations; and
- (b) there is in any place anything relating to the contravention of or failure to comply with this Act or the regulations.

**Powers under warrant**

- (2) Subject to any conditions contained in it, a warrant obtained under subsection (1) authorizes an investigator,
  - (a) to enter or access the place specified in the warrant and examine and seize anything described in the warrant;
  - (b) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form;
  - (c) to require a person to produce the evidence or information described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the evidence or information described in the warrant; and
  - (d) to use any investigative technique or procedure or do anything described in the warrant.

**Obligation to produce and assist**

(3) If an investigator demands that a person produce evidence or information described in the warrant and provide assistance under clause (2) (c), the person shall produce the evidence or information or provide the assistance.

**Entry of dwelling**

(4) Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place or part of a place actually used as a dwelling, unless,

- (a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and
- (b) the justice of the peace authorizes the entry into the dwelling.

**Conditions on warrant**

(5) A warrant obtained under subsection (1) shall contain the conditions that the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances.

**Execution of warrant**

(6) A warrant issued under this section shall specify the hours and days during which it may be executed.

**Expiry**

(7) Unless renewed, a warrant under this section expires not later than 30 days after the date on which it is issued.

**Renewal of warrant**

(8) A warrant under this section may be renewed for any reason for which it may be issued.

**Admissibility**

(9) A copy of a document or record that purports to be certified by an investigator as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

### **Assistance**

(10) An investigator acting under the authority of a warrant issued under this section is authorized to call on police officers and experts to assist in the execution of the warrant and to use such force as is necessary in the execution of the warrant.

### **Seizure of things not specified**

31 An investigator who is lawfully present in a place pursuant to a warrant or otherwise in the execution of the investigator's duties may, without a warrant, seize anything in plain view that the investigator believes on reasonable grounds will afford evidence relating to a contravention of or failure to comply with this Act or the regulations.

### **Searches in exigent circumstances**

32 (1) An investigator may exercise any of the powers described in subsection 30 (2) without a warrant, if the conditions for obtaining the warrant exist but, by reason of exigent circumstances, the investigator determines that it would be impracticable to obtain the warrant.

### **Dwellings**

(2) Subsection (1) does not apply to a place or part of a place or that is actually being used as a dwelling.

### **Use of force**

(3) The investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary.

### **Applicability of s. 30**

(4) Subsections 30 (3), (9) and (10) apply, with necessary modifications, to a search under this section.

### **Application of *Public Inquiries Act, 2009***

33 Section 33 of the *Public Inquiries Act, 2009* applies to an investigation by an investigator under this Act.

### **Return of items seized by investigator**

34 Subject to section 35, an investigator who seizes anything as a result of an investigation under this Act may make a copy of it, and shall, in accordance with the direction of the Registrar, either return it within a reasonable time or dispose of it.

### **Order of restoration**

35 (1) The Ontario Court of Justice may, on the application of any person made within 30 days of a seizure authorized under this Act, order that the things seized be restored without delay to the applicant if the court is satisfied that,

- (a) the applicant is entitled to possession of the things seized;
- (b) the things seized are not required as evidence in any proceeding;
- (c) continued detention of the things seized is not necessary to prevent the commission of an offence; and
- (d) it is unlikely that the things will be forfeited on conviction in accordance with an order made under subsection (4).

### **Same**

(2) If the court is satisfied that the applicant is entitled to possession of the things seized but is not satisfied as to all of the matters mentioned in clauses (1) (b), (c) and (d), it shall order that the things seized be restored to the applicant,

- (a) on the expiration of three months from the date of the seizure, if no proceeding in respect of an offence has been commenced; or
- (b) on the final conclusion of any such a proceeding.

### **Forfeiture**

(3) If no application has been made for the return of a thing seized under this Act or an application has been made but upon the hearing of the application no order of restoration has been made, the thing seized is forfeited to the Crown.

### **Same**

(4) If a person is convicted of an offence under this Act, the court shall order that anything seized under this Act in connection with the offence be forfeited to the Crown, unless the court considers that the forfeiture would be unjust in the circumstances.

### **Relief against forfeiture**

(5) Any person with an interest in a thing forfeited under this Act may apply to the Superior Court of Justice for relief against the forfeiture, and the court may make an order providing for any relief that it considers just, including, but not limited to, one or more of the following orders:

1. An order directing that the thing or any part of the thing be returned to the applicant.

2. An order directing that any interest in the thing be vested in the applicant.
3. An order directing that an amount be paid by the Crown to the applicant by way of compensation for the forfeiture.

#### **Same**

(6) The court shall not order any relief under subsection (5) unless the court is satisfied that the applicant did not, directly or indirectly, participate in, or benefit from, any offence in connection with which the thing was seized.

### **GENERAL PROHIBITIONS**

#### **Inducement**

##### **Promotion to increase sales**

36 (1) No person shall, for the purpose of increasing the sale of a particular type of cannabis,

- (a) directly or indirectly offer or give a material inducement to the holder of a licence or authorization issued under this Act or to an agent or employee of the holder; or
- (b) engage in any prescribed practices respecting the promotion of cannabis.

#### **Officials**

(2) No person shall directly or indirectly pay or offer to pay any amount, or make or offer to make any gift, to the Registrar, a member or employee of the Commission, or a member or employee of the Tribunal in relation to a retail operator licence, a cannabis retail manager licence or a retail store authorization.

#### **Obstruction**

##### **Inspections**

37 (1) No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an inspector conducting an inspection under this Act, refuse to answer questions on matters relevant to the inspection or provide the inspector with false information on matters relevant to the inspection.

##### **Investigations**

(2) No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an investigator executing a warrant under this Act or withhold from the investigator or conceal, alter or destroy anything relevant to the investigation being conducted pursuant to the warrant.

##### **Whistle-blowing protection**

38 (1) No person shall retaliate or threaten to retaliate against another person, whether by act or omission, because any person has disclosed anything to the Registrar, an inspector conducting an inspection under this Act or an investigator conducting an investigation under this Act, or has provided evidence that has been or may be given in a proceeding in respect of the enforcement of this Act or the regulations.

##### **Malicious disclosure**

(2) Subsection (1) applies in the case of a disclosure even if the disclosure was made maliciously or in bad faith.

##### **Interpretation, retaliation**

(3) For the purposes of subsection (1), retaliation includes,

- (a) dismissing, suspending or disciplining an employee of a holder of a retail operator licence or retail store authorization, or subjecting the employee to discriminatory treatment;
- (b) imposing a penalty on any person; or
- (c) intimidating, coercing or harassing any person.

##### **Disclosure not to be discouraged**

(4) No holder of a licence or authorization issued under this Act, or person interested in such a holder, shall do anything that discourages, is aimed at discouraging or has the effect of discouraging a person from making a disclosure to the Registrar, an inspector or an investigator.

##### **Protection from legal action**

(5) No action or other proceeding shall be instituted against any person for making a disclosure to the Registrar, an inspector or an investigator, unless the person acted maliciously or in bad faith.

### **OFFENCES AND PENALTIES**

#### **Offence**

39 (1) A person is guilty of an offence if the person contravenes or fails to comply with,

- (a) section 18, 19, 20, 21, 22 or 23, subsection 24 (2), section 25, subsection 28 (10), section 36 or 37 or subsection 38 (1) or (4); or
- (b) any prescribed provision of the regulations.

**Same, directors or officers**

(2) A director or officer of a corporation who causes, authorizes, permits or participates in an offence under this Act by the corporation is guilty of an offence.

**Limitation**

(3) No proceeding under this section shall be commenced more than two years after the day the offence was, or is alleged to have been, committed.

**Penalty**

**40** On conviction for an offence under this Act,

- (a) a corporation is liable to a fine of not more than \$250,000; and
- (b) an individual is liable to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or both.

**MATTERS RESPECTING MUNICIPALITIES**

**Prohibition on stores**

**41** (1) A municipality may, by resolution passed no later than January 22, 2019, prohibit cannabis retail stores from being located in the municipality.

**Outstanding applications**

(2) Despite subsection 4 (10), the Registrar shall refuse any applications that are outstanding at the time a resolution is passed by a municipality under subsection (1) for a retail store authorization in respect of a proposed cannabis retail store to be located in the municipality.

**Lifting of prohibition**

(3) A municipality that has prohibited cannabis retail stores under subsection (1) may, by resolution, lift the prohibition and permit cannabis retail stores to be located in the municipality.

**Lifted prohibition may not be restored**

(4) A resolution passed for the purposes of subsection (3) is final and may not be reversed.

**Notice**

(5) A municipality shall provide to the Registrar, in the prescribed time and manner, notice of every resolution passed under this section.

**Publication**

(6) The Registrar shall publish on the Commission's website a list of the municipalities in which cannabis retail stores may not be located in accordance with this section, along with the dates of the relevant resolutions.

**Restrictions on by-law making authority**

**Business licensing by-laws**

**42** (1) The authority to pass a business licensing by-law within the meaning of the *Municipal Act, 2001* or a by-law under paragraph 11 of subsection 8 (2) of the *City of Toronto Act, 2006* does not include the authority to pass a by-law providing for a system of licences respecting the sale of cannabis, holders of a licence or authorization issued under this Act or cannabis retail stores.

**Planning Act by-laws**

(2) The authority to pass a by-law under section 34, 38 or 41 of the *Planning Act* does not include the authority to pass a by-law that has the effect of distinguishing between a use of land, a building or a structure that includes the sale of cannabis and a use of land, a building or a structure that does not include the sale of cannabis.

**Same**

(3) A by-law passed under section 34, 38 or 41 of the *Planning Act*, or an order made under section 47 of that Act, is of no effect to the extent that it conflicts with subsection (2).



## MATTERS RESPECTING RESERVES

### Prohibition on stores

43 (1) If the Registrar receives a copy of a resolution of the council of the band in respect of a reserve requesting that the Registrar not issue retail store authorizations for cannabis retail stores to be located on the reserve, the Registrar shall not issue the authorizations.

### Outstanding applications

(2) Despite subsection 4 (10), the Registrar shall refuse any applications that are outstanding at the time the Registrar receives a copy of a resolution under subsection (1) for a retail store authorization in respect of a proposed cannabis retail store to be located on the reserve.

### Amended, rescinded resolution

(3) If the Registrar receives a copy of a resolution of the council of the band in respect of a reserve amending or rescinding a request referred to in subsection (1), the Registrar shall comply with the request.

### Existing cannabis retail stores

(4) The passage of a resolution for the purposes of this section in respect of a reserve does not affect the validity of a retail store authorization issued in respect of any cannabis retail store located on the reserve when the resolution is passed, but any such authorization shall not be renewed, subject to an amendment or rescindment under subsection (3).

### Notice

(5) A council of the band shall provide to the Registrar, in the prescribed time and manner, notice of every resolution passed under this section.

### Publication

(6) The Registrar shall publish on the Commission's website a list of the reserves on which cannabis retail stores may not be located in accordance with this section, along with the dates of the relevant resolutions.

### Agreement with council of the band

44 (1) Subject to subsection (2) and to the approval of the Lieutenant Governor in Council, the Minister may, on behalf of the Crown, enter into arrangements and agreements with a council of the band with respect to the regulation of cannabis retail stores on a reserve, the licensing or authorization of persons to operate cannabis retail stores on a reserve or the enforcement of this Act and the regulations on a reserve.

### Same, requirement for agreement with other ministers

- (2) The Minister may only enter into the arrangement or agreement jointly with,
- (a) the Minister responsible for the administration of the *Ontario Cannabis Retail Corporation Act, 2017*;
  - (b) the Minister of Finance, if the Minister referred to in clause (a) is not the Minister of Finance; and
  - (c) the Minister responsible for the administration of the *Cannabis Control Act, 2017*.

## MISCELLANEOUS

### Requests for information from Ontario Cannabis Retail Corporation

45 The following persons may request information from the Ontario Cannabis Retail Corporation respecting cannabis sold by the Corporation to a holder of a retail store authorization:

1. The Registrar, for the purposes of inquiries and investigations under section 9.
2. An inspector conducting an inspection under this Act.
3. An investigator conducting an investigation under this Act.

### Employment of 18 year olds by Commission

46 (1) An individual who is 18 years of age may be appointed under section 7 of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996* to employment in the Commission for the purposes of monitoring compliance with this Act and the regulations.

### Same

(2) Subsection 10 (1) of the *Cannabis Control Act, 2017* does not apply to an individual referred to in subsection (1) of this section while the individual is performing his or her duties of employment, except with respect to consumption.



### Testimony in civil proceeding

47 No person engaged in the administration of this Act shall be required to give testimony in any civil proceeding with regard to information obtained by the person in the course of the person's duties, except in a proceeding under this Act, the *Cannabis Control Act, 2017* or the *Cannabis Act* (Canada).

### Immunity

48 (1) No action or other proceeding for damages may be instituted against any person engaged in the administration of this Act for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

### Crown liability

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject.

### Regulations

49 (1) The Lieutenant Governor in Council may make regulations for implementing the purposes, provisions and intent of this Act, including regulations,

- (a) respecting anything that, in this Act, may or must be prescribed or done by regulation;
- (b) governing applications for retail operator licences, cannabis retail manager licences and retail store authorizations, and for the renewal of licences and authorizations, and authorizing the Registrar to exempt any person from a requirement to provide information in respect of an application;
- (c) specifying classes of persons who may not apply for a retail operator licence, retail store authorization or cannabis retail manager licence;
- (d) governing the issuance, renewal and expiry of retail operator licences, cannabis retail manager licences and retail store authorizations;
- (e) setting out matters that are or are not matters of public interest, for the purposes of paragraph 5 of subsection 4 (6);
- (f) for the purposes of clause 4 (12) (b), setting out circumstances in which a retail store authorization may not be issued, including setting out maximums or methods of determining maximums respecting authorizations that may be issued, or that may be issued with respect to an applicant, a municipality, or any other person, place or thing;
- (g) prescribing conditions that apply to retail operator licences, to cannabis retail manager licences or to retail store authorizations;
- (h) governing the sale of cannabis under a retail store authorization, including the operation of cannabis retail stores and their hours of operation;
- (i) respecting varieties, forms and types of cannabis that may and may not be sold under a retail store authorization by holders of retail store authorizations;
- (j) regulating and controlling the possession and distribution of cannabis sold or to be sold under a retail store authorization;
- (k) for the purposes of subsection 7 (3), requiring that the holder of a retail store authorization not sell cannabis or a prescribed class of cannabis at a price that is lower than a price specified by or determined in accordance with the regulations, and governing such prices;
- (l) providing for how elements of an offence under this Act may be proved in a prosecution, including providing for presumptions that apply or inferences that may be made in the absence of evidence to the contrary;
- (m) governing records to be kept by holders of a licence or authorization issued under this Act;
- (n) requiring holders of a licence or authorization issued under this Act to take prescribed measures to reduce the risk that cannabis under the holder's control is diverted to an illicit market or activity;
- (o) governing and requiring the provision of information by holders of a licence or authorization issued under this Act to the Registrar, including information respecting the sale of cannabis and the premises, methods and practices connected to the sale of cannabis, and requiring any information provided to the Registrar to be verified in any manner specified by the regulations, including by oath;
- (p) governing the advertising of cannabis, or the advertising of its availability for sale, and governing related promotional activities;
- (q) authorizing the Board to approve training courses or programs and requiring specified persons to successfully complete them;

- (r) establishing standards or requirements respecting any other matter referred to in subsection 26 (1) that is not otherwise provided for by this subsection;
- (s) exempting any person, place or thing from this Act or the regulations, or from any provision of this Act or the regulations, and prescribing conditions for the exemption.

**Same**

(2) A regulation made under subsection (1) may be general or specific in its application to any person, place or thing or any class of them, may impose different requirements, conditions or restrictions on or in respect of any class, and may be limited as to time and place.

**AMENDMENTS TO OTHER ACTS**

***Alcohol and Gaming Regulation and Public Protection Act, 1996***

**50 (1) The title of the *Alcohol and Gaming Regulation and Public Protection Act, 1996* is repealed and the following substituted:**

**Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996**

**(2) Section 1 of the Act is amended by adding the following definition:**

“cannabis” means cannabis with respect to which the *Cannabis Control Act, 2017* applies; (“cannabis”)

**(3) The definition of “Registrar” in section 1 of the Act is repealed and the following substituted:**

“Registrar” means the Registrar established under section 6; (“registrator”)

**(4) Subsection 3 (1) of the Act is amended by adding “the *Cannabis Licence Act, 2018*” after “the *Horse Racing Licence Act, 2015*”.**

**(5) Section 3 of the Act is amended by adding the following subsection:**

**Agreements with other jurisdictions**

(5) With the approval of the Minister, the board of the Commission may enter into agreements with the government of another Canadian jurisdiction, or an agency of that government, in relation to its duties respecting the administration of the Acts referred to in this section.

**(6) Subsection 6 (1) of the Act is repealed and the following substituted:**

**Registrar**

(1) There shall be a Registrar for the purposes of this Act, the *Liquor Licence Act*, the *Gaming Control Act, 1992*, the *Horse Racing Licence Act, 2015*, the *Cannabis Licence Act, 2018* and the regulations made under them.

**(7) Clause 13 (1) (a) of the Act is repealed and the following substituted:**

(a) the issuance or non-issuance of,

(i) a licence or permit under the *Liquor Licence Act*,

(ii) a licence or registration under the *Horse Racing Licence Act, 2015*, or

(iii) a licence or authorization under the *Cannabis Licence Act, 2018*;

**(8) Clause 13 (1) (e) of the Act is amended by adding “licences or authorizations under the *Cannabis Licence Act, 2018*” after “the *Horse Racing Licence Act, 2015*”.**

**(9) Paragraph 1 of subsection 14.1 (4) of the Act is amended by adding “cannabis” after “alcohol”.**

***Business Corporations Act***

**51 Paragraph 0.1 of subsection 241 (1) of the *Business Corporations Act* is amended by striking out “*Alcohol and Gaming*” at the beginning and substituting “*Alcohol, Cannabis and Gaming*”.**

***Gaming Control Act, 1992***

**52 The definitions of “Board” and “Registrar” in subsection 1 (1) of the *Gaming Control Act, 1992* are repealed and the following substituted:**

“Board” means the board of the Alcohol and Gaming Commission of Ontario established under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“conseil”)

“Registrar” means the Registrar under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“registrator”)

***Horse Racing Licence Act, 2015***

**53** The definitions of “Board”, “Commission” and “Registrar” in section 1 of the *Horse Racing Licence Act, 2015* are repealed and the following substituted:

“Board” means the board of the Alcohol and Gaming Commission of Ontario established under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“conseil”)

“Commission” means the Alcohol and Gaming Commission of Ontario established under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“Commission”)

“Registrar” means the Registrar under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“registrar”)

***Licence Appeal Tribunal Act, 1999***

**54** (1) Subsection 5.1 (1) of the *Licence Appeal Tribunal Act, 1999* is repealed and the following substituted:

**Hearings re liquor, cannabis or gaming**

(1) This section applies to hearings held by the Tribunal under section 14.1 of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996* or under the *Cannabis Licence Act, 2018*, the *Gaming Control Act, 1992*, the *Horse Racing Licence Act, 2015*, the *Liquor Control Act*, the *Liquor Licence Act* or the *Vintners Quality Alliance Act, 1999*.

(2) Subsection 5.1 (2) of the Act is amended by striking out “The Registrar of Alcohol, Gaming and Racing” at the beginning and substituting “The Registrar under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*”.

(3) Subsection 11 (1) of the Act is amended by adding “*Cannabis Licence Act, 2018*” after “*Building Code Act, 1992*”.

(4) Subsections 11 (2), (4) and (5) of the Act are repealed and the following substituted:

**Certain appeals**

(2) Subsections (3) to (5) apply to appeals of decisions made in respect of proceedings under the *Cannabis Licence Act, 2018*, the *Gaming Control Act, 1992*, the *Horse Racing Licence Act, 2015*, the *Liquor Control Act*, the *Liquor Licence Act* or the *Vintners Quality Alliance Act, 1999*.

. . . . .

**Registrar a party**

(4) The Registrar under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996* is a party to the appeal.

**Right to be heard**

(5) The Minister responsible for administration of the Act under which the decision that is the subject of the appeal was made is entitled to be heard, by counsel or otherwise, on the appeal.

***Liquor Control Act***

**55** Subsection 4.1 (1.1) of the *Liquor Control Act* is amended by striking out “The Registrar of Alcohol, Gaming and Racing under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*” at the beginning and substituting “The Registrar under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*”.

***Liquor Licence Act***

**56** (1) The definitions of “Board” and “Registrar” in subsection 1 (1) of the *Liquor Licence Act* is are repealed and the following substituted:

“Board” means the board of the Alcohol and Gaming Commission of Ontario established under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“conseil”)

“Registrar” means the Registrar under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; (“registrar”)

(2) Subsection 6 (6) of the Act is amended by striking out “*Alcohol and Gaming*” and substituting “*Alcohol, Cannabis and Gaming*”.

(3) Subsection 13 (2) of the Act is amended by striking out “*Alcohol and Gaming*” and substituting “*Alcohol, Cannabis and Gaming*”.

***Ministry of Revenue Act***

**57** Paragraph 1 of subsection 11.6 (1) of the *Ministry of Revenue Act* is amended by striking out “*Alcohol and Gaming*” and substituting “*Alcohol, Cannabis and Gaming*”.

***Ontario Cannabis Retail Corporation Act, 2017***

**58 (1) Clause 4 (b) of the *Ontario Cannabis Retail Corporation Act, 2017* is repealed and the following substituted:**

- (b) to determine,
  - (i) the varieties, forms or types of cannabis and related products it sells, subject to the regulations, and
  - (ii) the prices at which it sells them, subject to subsection 5 (5) and the regulations;

**(2) Section 5 of the Act is amended by adding the following subsection:**

**Limitation, minimum retail price**

(5) If a regulation is made under the *Cannabis Licence Act, 2018* prohibiting the holder of a retail store authorization under that Act from selling cannabis at a price that is lower than the price prescribed under that Act, the Corporation shall not sell cannabis at retail at a price that is lower than the price prescribed under that Act.

**(3) The Act is amended by adding the following section:**

**Compliance with *Cannabis Licence Act, 2018***

**27.1** At the request of a person under section 45 of the *Cannabis Licence Act, 2018*, the Corporation shall provide the person with information respecting cannabis sold by the Corporation to a holder of a retail store authorization under that Act.

**(4) Clause 29 (1) (e) of the Act is repealed and the following substituted:**

- (e) subject to subsection 5 (5), respecting the Corporation's determination of prices at which it sells cannabis and related products;

***Ontario Lottery and Gaming Corporation Act, 1999***

**59** Paragraph 4 of subsection 14 (1) of the *Ontario Lottery and Gaming Corporation Act, 1999* is amended by striking out "*Alcohol and Gaming Regulation and Public Protection Act, 1996*" at the end and substituting "*Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*".

***Retail Sales Tax Act***

**60** Paragraph 1 of subsection 6 (3) of the *Retail Sales Tax Act* is amended by striking out "*Alcohol and Gaming*" at the beginning and substituting "*Alcohol, Cannabis and Gaming*".

***Taxation Act, 2007***

**61 (1)** Section 104.13 of the *Taxation Act, 2007* is amended by striking out "*Alcohol and Gaming*" wherever it appears and substituting in each case "*Alcohol, Cannabis and Gaming*".

**(2)** Subsections 104.14 (1) and (3) of the Act are amended by striking out "*Alcohol and Gaming*" wherever it appears and substituting in each case "*Alcohol, Cannabis and Gaming*".

**(3)** Paragraph 2 of subsection 104.15 (1) of the Act is amended by striking out "*Alcohol and Gaming*" and substituting "*Alcohol, Cannabis and Gaming*".

**(4)** Subsections 104.17 (13) and (14) of the Act are amended by striking out "*Alcohol and Gaming*" wherever it appears and substituting in each case "*Alcohol, Cannabis and Gaming*".

***Wine Content and Labelling Act, 2000***

**62 (1)** Section 2 of the *Wine Content and Labelling Act, 2000* is amended by adding the following definition:

"Registrar" means the Registrar under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*; ("registrar")

**(2)** Clause 3 (b) of the Act is amended by striking out "of Alcohol, Gaming and Racing under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*" at the end.

**(3)** Subsection 6 (6) of the Act is amended by striking out "of Alcohol, Gaming and Racing".

**COMMENCEMENT AND SHORT TITLE**

**Commencement**

**63** The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**Short title**

**64** The short title of the Act set out in this Schedule is the *Cannabis Licence Act, 2018*.

**SCHEDULE 3**  
**AMENDMENTS TO THE ONTARIO CANNABIS RETAIL CORPORATION ACT, 2017 AND THE LIQUOR CONTROL ACT**

**1 Section 2 of the *Ontario Cannabis Retail Corporation Act, 2017* is repealed and the following substituted:**

**Exclusive rights of Corporation**

**2 (1)** The Corporation has the exclusive right to sell cannabis in Ontario,

- (a) online and by any means other than by operating retail stores directly or indirectly; and
- (b) to a holder of a retail store authorization under the *Cannabis Licence Act, 2018* for the purpose of resale in a cannabis retail store within the meaning of that Act.

**Exceptions**

**(2)** Subsection (1) does not apply with respect to sales of cannabis,

- (a) for medical purposes in accordance with Part 14 of the *Cannabis Regulations* (Canada) or in accordance with a court order;
- (b) to the Corporation in accordance with the *Cannabis Act* (Canada); or
- (c) by such persons or entities, or in such circumstances, as may be prescribed, subject to such conditions as may be prescribed.

**2 Section 5 of the Act is amended by adding the following subsection:**

**Operation of retail stores prohibited**

**(1.1)** The Corporation shall not operate retail stores directly or indirectly.

**3 Section 7 of the Act is repealed.**

**4 Clause 8 (2) (c) of the Act is amended by striking out “chief operating officer” and substituting “chief executive officer”.**

**5 (1) Section 9 of the Act is repealed and the following substituted:**

**Composition, etc.**

**9 (1)** The board of directors shall consist of at least three and not more than seven members appointed by the Lieutenant Governor in Council.

**Chair**

**(2)** The Lieutenant Governor in Council shall designate a chair from among the members of the board of directors.

**Vice-chair**

**(3)** The Lieutenant Governor in Council may designate a vice-chair from among the members of the board of directors.

**Acting chair**

**(4)** If the chair is absent or unable to act, or if the office of the chair is vacant, the vice-chair shall act as chair.

**Same**

**(5)** If the chair and vice-chair are absent, the members present shall appoint an acting chair from among themselves.

**Quorum**

**(6)** A majority of the members constitutes a quorum of the board of directors.

**Remuneration**

**(7)** The members of the board of directors shall receive the remuneration and reimbursement for reasonable expenses as the Lieutenant Governor in Council determines.

**Transition**

**(8)** The chair, vice-chair and members of the board of directors who are in office on the day before the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent shall each continue in office as the chair, vice-chair and members of the board of directors until the earliest of the following:

1. The date on which the member's term of office expires.
2. The date on which the member dies.
3. The date on which the member resigns.

4. The date on which the member is removed by the Lieutenant Governor in Council.
5. The date on which the member becomes bankrupt or unable to act.

**Same**

(9) The following rules apply to each individual described in subsection (8):

1. The individual is deemed to be a public servant for the purposes of Parts IV, V and VI of the *Public Service of Ontario Act, 2006*.
2. Until such time as the Lieutenant Governor in Council determines remuneration and reimbursement under subsection (7), the individual shall continue to be paid at the rates of remuneration that are in effect for that individual on the day before the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent.
3. If the individual is also a member of the LCBO, the individual is deemed not to have a conflict of interest by virtue only of that fact.

(2) Section 9 of the Act, as re-enacted by subsection (1), is amended by adding the following subsection:

**Restriction, LCBO member**

(1.1) A member of the LCBO is not eligible to be appointed as a member of the Corporation's board of directors.

6 Section 10 of the Act is repealed.

7 Subsections 11 (2) to (4) of the Act are repealed and the following substituted:

**Financial by-laws**

(2) A by-law of the Corporation relating to borrowing, investing or managing financial risks does not take effect until it is approved by the Minister and, if the Minister is not the Minister of Finance, by the Minister of Finance.

8 (1) Subsections 12 (1) to (3) of the Act are repealed and the following substituted:

**President and chief executive officer**

(1) The Corporation shall appoint an individual to serve as the Corporation's president and chief executive officer.

**Transition**

(2) The individual who is the Corporation's president and chief operating officer on the day before the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent shall continue as the Corporation's president and chief executive officer until the earliest of the following:

1. The date on which the individual's term of office expires.
2. The date on which the individual dies.
3. The date on which the individual resigns.
4. The date on which the individual is removed by the Corporation.

**References to president and chief operating officer**

(3) A reference in any by-law or resolution of the Corporation or other prescribed documents to the Corporation's president and chief operating officer is deemed to be a reference to the president and chief executive officer.

(2) Subsections 12 (4) to (7) of the Act are amended by striking out "chief operating officer" wherever it appears and substituting in each case "chief executive officer".

9 Section 16 of the Act is repealed.

10 Section 19 of the Act is amended by adding the following subsection:

**Financial reports**

(2) The Corporation shall give the Minister and, if the Minister is not the Minister of Finance, the Minister of Finance, at the times required by the Minister of Finance, reports setting out the Corporation's net profit and net profit forecasts and containing such additional financial information as the Minister of Finance may request.

11 Section 25 of the Act is repealed and the following substituted:

**Annual report**

25 (1) The Corporation shall prepare an annual report, provide it to the Minister and make it available to the public.

**Same**

(2) The Corporation shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

- (a) the form and content of the annual report;
- (b) when to provide it to the Minister; and
- (c) when and how to make it available to the public.

**Same**

(3) The Corporation shall include such additional content in the annual report as the Minister may require.

**Tabling of annual report**

(4) The Minister shall table the Corporation's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

**12 Section 26 of the Act is amended by striking out "LCBO" wherever it appears and substituting in each case "Minister".**

**13 (1) Clause 27 (a) of the Act is repealed and the following substituted:**

- (a) shall not sell cannabis unless the cannabis has been produced by a person or entity that is authorized under the *Cannabis Act* (Canada) to produce cannabis for commercial purposes;

**(2) Clause 27 (b) of the Act is amended by striking out "a person" and substituting "an individual".**

**14 (1) Subsection 28 (1) of the Act is amended by striking out "section 29" in the portion before the definitions and substituting "section 28.1".**

**(2) Subsection 28 (2) of the Act is repealed and the following substituted:**

**Same**

(2) Subject to subsection (3) and to the approval of the Lieutenant Governor in Council, the Minister may, on behalf of the Crown, enter into arrangements and agreements with a council of the band with respect to cannabis that is sold and delivered to a purchaser on a reserve.

**Same, requirement for agreement with other ministers**

(3) The Minister may only enter into an arrangement or agreement jointly with,

- (a) the Minister of Finance, if the Minister is not the Minister of Finance;
- (b) the Minister responsible for the administration of the *Cannabis Act, 2017*; and
- (c) the Minister responsible for the administration of the *Cannabis Licence Act, 2018*.

**(3) Clause 28 (3) (b) of the Act, as enacted by subsection (2), is amended by striking out "*Cannabis Act, 2017*" and substituting "*Cannabis Control Act, 2017*".**

**15 The Act is amended by adding the following section:**

**No delivery to reserve on request**

**28.1 (1)** If the Corporation receives a copy of a resolution of the council of the band in respect of a reserve requesting that the Corporation not deliver cannabis and related products to the reserve, the Corporation shall make reasonable efforts to comply with the request in a timely manner.

**Additional information**

(2) The council of the band shall provide such information as the Corporation may reasonably require to enable it to comply with the request.

**Amended, rescinded resolution**

(3) If the Corporation receives a copy of a resolution of the council of a band in respect of a reserve amending or rescinding a request described in subsection (1), the Corporation shall make reasonable efforts to comply with the amended or rescinded request in a timely manner.

**Publication**

(4) The Corporation shall publish on its website a list of the reserves to which the Corporation does not deliver cannabis and related products in accordance with this section, along with the dates of the relevant resolutions.

**Exception, wholesale deliveries**

(5) Subsection (1) does not apply with respect to the Corporation delivering cannabis and related products to the holder of a retail store authorization under the *Cannabis Licence Act, 2018* for the purpose of resale in a cannabis retail store within the meaning of that Act which is located on the reserve.

**16 The Act is amended by adding the following section:**



### Review

**28.2** Within two years after the day on which the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent, the Minister shall initiate a review of any matters relating to the Corporation that the Minister considers advisable.

**17 (1)** Clause 29 (1) (b) of the Act is repealed and the following substituted:

- (b) governing the sale of cannabis and related products;
- (2)** Clause 29 (1) (d) of the Act is repealed.
- (3)** Clause 29 (1) (i) of the Act is amended by striking out “not”.
- (4)** Subsection 29 (2) of the Act is repealed.

### COMPLEMENTARY AMENDMENTS — LIQUOR CONTROL ACT

#### *Liquor Control Act*

**18 (1)** Section 1 of the *Liquor Control Act* is amended by adding the following definition:

“Ontario Cannabis Retail Corporation” means the corporation established under section 3 of the *Ontario Cannabis Retail Corporation Act, 2017*; (“Société ontarienne de vente du cannabis”)

- (2)** The definition of “Ontario cannabis retailer” in section 1 of the Act is repealed.
- (3)** Clause 3 (1) (o) of the Act is repealed and the following substituted:
  - (o) for the purpose of supporting the operations of the Ontario Cannabis Retail Corporation, to provide it with services, advice, assistance, goods and other property and to enter into agreements;
- (4)** Clauses 3 (1) (p) and (q) of the Act are repealed.
- (5)** Section 3.1.1 of the Act is repealed.
- (6)** Section 4.0.2.1 of the Act is amended by striking out “Ontario cannabis retailer” wherever it appears and substituting in each case “Ontario Cannabis Retail Corporation”.
- (7)** Subsection 5 (4) of the Act is amended by striking out “and of the Ontario cannabis retailer”.
- (8)** Subsection 7 (3) of the Act is repealed and the following substituted:

Same

- (3)** The Board shall include such additional content in the annual report as the Minister may require.
- (9)** Section 7.1 of the Act is amended by striking out “or the Ontario cannabis retailer” at the end.

### COMMENCEMENT

#### Commencement

- 19 (1)** Subject to subsections (2) to (5), this Schedule comes into force on the day the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent.
- (2)** Section 1 comes into force on the later of October 17, 2018 and the day the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent.
- (3)** Subsection 5 (2) comes into force on a day to be named by proclamation of the Lieutenant Governor.
- (4)** Subsection 14 (2) comes into force on the day subsection 44 (1) of Schedule 2 to the *Cannabis Statute Law Amendment Act, 2018* comes into force.
- (5)** Subsection 14 (3) comes into force on the day section 1 of Schedule 1 to the *Cannabis Statute Law Amendment Act, 2018* comes into force.



**SCHEDULE 4**  
**AMENDMENTS TO THE SMOKE-FREE ONTARIO ACT, 2017 AND THE HIGHWAY TRAFFIC ACT**

**1 (1) Subsection 1 (1) of the *Smoke-Free Ontario Act, 2017* is amended by adding the following definition:**

“cannabis” has the same meaning as in subsection 2 (1) of the *Cannabis Act* (Canada); (“cannabis”)

**(2) The definitions of “commercial”, “medical cannabis”, “medical cannabis user”, “Minister” and “promote” in subsection 1 (1) of the Act are repealed and the following substituted:**

“commercial”, with respect to a product or substance regulated under this Act, means something done or prepared for the primary purpose of generating profits from its sale or use, directly or indirectly; (“commercial”)

“Minister” means the Minister of Health and Long-Term Care or such other member of the Executive Council as may be assigned the administration of this Act under the Executive Council Act; (“ministre”)

“promote”, with respect to a product or substance regulated under this Act, means to use any commercial act or practice or to use any commercial communication, through any media or other means, that is intended to or is likely to,

(a) encourage its purchase or use or the purchase or use of a particular brand, or

(b) create an awareness of or an association with it, or with a brand or a manufacturer or seller; (“promouvoir”)

**(3) The definition of “vapour product” in subsection 1 (1) of the Act is amended by adding “and includes the package in which the electronic cigarette, e-substance or component is sold” at the end.**

**2 Clause 2 (b) of the Act is repealed and the following substituted:**

(b) cannabis;

**3 Section 4 of the Act is repealed and the following substituted:**

**Display, etc. of tobacco products**

**4 (1) No person shall, in any place where tobacco products or tobacco product accessories are sold or offered for sale, display or permit the display of any of the following products in any manner that would permit a consumer to view or handle the product before purchasing it:**

1. A tobacco product.

2. A tobacco product accessory that is associated with a brand of tobacco product.

**Promotion**

**(2) No person shall promote tobacco products or tobacco product accessories,**

(a) in any place where tobacco products or tobacco product accessories are sold or offered for sale; or

(b) in any manner, if the promotion is visible from outside a place in which tobacco products or tobacco product accessories are sold or offered for sale.

**Exceptions**

**(3) Despite subsection (2), if the regulations so provide, a person may post one or more signs providing information about tobacco products or tobacco product accessories and their price, but only if the sign or signs meet the prescribed conditions.**

**Same**

**(4) Despite subsection (2), if the regulations so provide, a person may make available one or more documents providing information about tobacco products or tobacco product accessories and their price, but only if the document or documents meet the prescribed conditions.**

**Display, etc., of vapour products**

**4.1 (1) No person shall, in any place where vapour products are sold or offered for sale, display or permit the display of vapour products in any manner that would permit a consumer to view or handle the product before purchasing it, except in accordance with the regulations, if any.**

**Promotion**

**(2) No person shall promote vapour products, except in accordance with the regulations, if any,**

(a) in any place where vapour products are sold or offered for sale; or

(b) in any manner, if the promotion is visible from outside a place in which vapour products are sold or offered for sale.

### **Display, etc., of prescribed products and substances**

4.2 (1) No person shall, in any place where a prescribed product or substance is sold or offered for sale, display or permit the display of a prescribed product or substance in any manner that would permit a consumer to view or handle the product before purchasing it, except in accordance with the regulations, if any.

### **Promotion**

- (2) No person shall promote a prescribed product or substance, except in accordance with the regulations, if any,
- (a) in any place where a prescribed product or substance is sold or offered for sale; or
  - (b) in any manner, if the promotion is visible from outside a place in which a prescribed product or substance is sold or offered for sale.

**4 Paragraph 2 of subsection 12 (1) of the Act is repealed and the following substituted:**

- 2. Smoke or hold lighted cannabis.

**5 Section 13 of the Act is repealed and the following substituted:**

### **Exemptions**

13 (1) Subsection 12 (1) does not apply to a person who smokes or holds lighted tobacco or cannabis or who uses an electronic cigarette in an indoor room in a residence that also serves as an enclosed workplace if the following conditions are met, and the obligations under sections 14 and 15 do not apply to a proprietor or employer with respect to such a room if the proprietor or employer complies with any prescribed requirements respecting the room:

- 1. The residence is,
  - i. a long-term care home within the meaning of the *Long-Term Care Homes Act, 2007*,
  - ii. a residential facility that is operated as a retirement home and that provides care, in addition to accommodation, to the residents of the home,
  - iii. a supportive housing residence funded or administered through the Ministry of Health and Long-Term Care or the Ministry of Children, Community and Social Services,
  - iv. a psychiatric facility that is designated in the regulations, or
  - v. a facility for veterans that is designated in the regulations.
- 2. The room has been designated as a controlled area for smoking tobacco or cannabis or for the use of electronic cigarettes, or for any or all of them, as the case may be.
- 3. A resident who desires to use the room must be able, in the opinion of the proprietor or employer, to do so safely without assistance from an employee. An employee who does not desire to enter the room shall not be required to do so.
- 4. Use of the room is limited to residents of the residence.
- 5. The room is an enclosed space that,
  - i. is fitted with proper ventilation in compliance with the regulations,
  - ii. is identified as a controlled area by means of prescribed signs, displayed in the prescribed manner, and
  - iii. meets any other prescribed requirements.

### **Hotels, motels, inns**

(2) Subsection 12 (1) does not apply to a person who smokes or holds lighted tobacco or cannabis or who uses an electronic cigarette in a guest room in a hotel, motel or inn if the following conditions are met, and the obligations under sections 14 and 15 do not apply to a proprietor or employer with respect to a guest room described in paragraphs 2 to 5 if the proprietor or employer complies with any prescribed requirements respecting the guest room:

- 1. The person is a registered guest of the hotel, motel or inn, or the invited guest of a registered guest.
- 2. The guest room is designed primarily as sleeping accommodation.
- 3. The guest room has been designated as a guest room that accommodates smoking tobacco or cannabis or the use of electronic cigarettes, or any or all of them, as the case may be, by the management of the hotel, motel or inn.
- 4. The guest room is fully enclosed by floor-to-ceiling walls, a ceiling and doors that separate it physically from any adjacent area in which smoking or the use of electronic cigarettes is prohibited by this Act.
- 5. The guest room conforms to any other prescribed requirements.

### **Scientific research and testing facilities**

(3) Subsection 12 (1) does not apply to a person who smokes or holds lighted tobacco or cannabis or who uses an electronic cigarette in a scientific research and testing facility for the purpose of conducting research or testing concerning tobacco products, cannabis or vapour products, as the case may be, and the obligations under sections 14 and 15 do not apply to a proprietor or employer with respect to the research and testing carried on in such a facility.

### **Hospices, other facilities**

(4) Subsection 12 (1) does not apply to a person who smokes or holds lighted cannabis or who uses an electronic cigarette in a hospice that complies with the prescribed requirements or in another prescribed facility, as long as any requirements provided for in the regulations are complied with.

**6 Paragraph 2 of subsection 16 (1) of the Act is repealed and the following substituted:**

- 2. Smoke or hold lighted cannabis.

**7 Paragraph 3 of subsection 17 (1) of the Act is repealed.**

**8 The Act is amended by adding the following section:**

### **Cannabis, vehicles and boats**

**17.1 (1)** No person shall consume cannabis in any manner in a vehicle or boat while,

- (a) the person is driving or has care or control of the vehicle or boat, regardless of whether the vehicle or boat is in motion; or
- (b) the person is a passenger in a vehicle or boat that is being driven by another person or that is under the care or control of another person, regardless of whether the vehicle or boat is in motion.

### **Enforcement**

(2) Despite section 20, this section shall be enforced by police officers or by any other person or class of persons designated in writing by the Minister to enforce this section.

### **Definitions**

(3) In this section,

“boat” includes any ship or boat or any other description of a vessel used or designed to be used in the navigation of water; (“bateau”)

“vehicle” means, subject to the regulations,

- (a) a motor vehicle within the meaning of the *Highway Traffic Act*,
- (b) a motorized snow vehicle within the meaning of the *Motorized Snow Vehicles Act*. (“véhicule”)

**9 (1) Subsection 21 (11) of the Act is amended by striking out “4, 5” and substituting “4, 4.1, 4.2, 5”.**

**(2) Column 1 of Table 2 to section 21 of the Act is amended by striking out “4, 5” wherever it appears and substituting “4.1, 4.2, 5” in each case.**

**(3) Column 1 of Table 2 to section 21 of the Act is amended by adding “17.1” after “12 (1)” wherever it appears.**

**10 (1) Subsection 24 (1) of the Act is amended by adding the following clause:**

- (d.1) governing the application of section 17.1, and without limiting the generality of the foregoing,
  - (i) providing for exceptions to that section, and making such exceptions subject to conditions, and
  - (ii) clarifying, modifying, expanding or restricting the definition of “vehicle” in that section;

**(2) Clause 24 (1) (f) of the Act is amended by striking out “medical cannabis” and substituting “cannabis”.**

### **Highway Traffic Act**

**11 Subsection 46 (1) of the *Highway Traffic Act* is amended by striking out “or” at the end of clause (d) and by adding the following clause:**

- (d.1) under clause 17.1 (1) (a) of the *Smoke-Free Ontario Act, 2017*; or

### **Commencement**

**12 This Schedule comes into force on the later of October 17, 2018 and the day the *Cannabis Statute Law Amendment Act, 2018* receives Royal Assent.**

**From:** AMO Communications <communicate@amo.on.ca>  
**Sent:** Wednesday, November 21, 2018 5:51 PM  
**Subject:** For Immediate Attention: Cannabis Implementation Information to Help Prepare Council Reports  
**Attachments:** Draft Template Municipal Cannabis Policy Statement 2018-11-21.pdf

November 21, 2018

## Cannabis Implementation Information to Help Prepare Council Reports

The purpose of this document is to provide more information that will help staff prepare reports to their new councils on cannabis retail stores and the impending January 22 deadline to determine if stores will or will not be permitted in the municipality. We recognize that municipal staff are working to inform their councils on its decision-making and the factors important to it.

The attached document provides information on:

- i. Yesterday's funding (OCLIF) information from Ministry of Finance.
- ii. The provincial regulatory framework and what it means (e.g., opting out; school buffers)
- iii. AGCO licensing regime. It includes a 15 day commenting period *where a municipality agrees to retail stores*, and a template on municipal interests (municipal cannabis policy statement) that can provide municipal staff with direction on responding to AGCO on specific store locations.

AMO's municipal working group, a cross section of senior administrators and planners, helped develop the template and we thank its members for their assistance.

Please note:

- If the municipal council doesn't opt-out by January 22 in the manner required under O.Reg. 468/18 s.22, you are opted-in by default.
- For those that are thinking about a wait and see approach after January 22nd (e.g. opt-out now with thought to opt-in after January 22nd), there are serious funding consequences that council needs to consider.
- The province will be providing additional funding information soon but here is the Minister of Finance's municipal funding information the AMO President received yesterday.

Finally, we urge you to share this information with your head of council/council (new) sooner than later. If you have questions, please contact Craig Reid, AMO Senior Advisor, at 416 971 9856 ext. 334.

Pat Vanini

AMO Executive Director

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**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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November 20, 2018

Mr. Jamie McGarvey  
President  
Association of Municipalities of Ontario  
200 University Ave, Suite 801  
Toronto, Ontario  
M5H 3C6

Dear Mr. McGarvey:

Recently, Ontario's Government for the People moved to a new cannabis retail model to meet our key priorities of combatting the illegal market and keeping our children and communities safe.

Today, the Province is beginning the fulfillment of its commitment to provide \$40 million in funding over two years to municipalities to help with the implementation costs of recreational cannabis legalization.

The Ontario Cannabis Legalization Implementation Fund (OCLIF) will be distributed as follows:

- In early January, the first payment of \$15 million will be made to all municipalities on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This will enable all municipalities to proceed with their planned legalization activities.
- A second payment of \$15 million will then be distributed following the deadline for municipalities to opt-out under the *Cannabis Licence Act*, which is January 22, 2019.
  - Municipalities that have not opted-out as of January 22, 2019 will receive funding on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This funding will support initial costs related to hosting retail storefronts.
  - Municipalities that have opted-out will receive only a second \$5,000 each.

.../cont'd

- The Province is setting aside \$10 million of the municipal funding to address costs from unforeseen circumstances related to the legalization of recreational cannabis, and priority will be given to municipalities that have not opted-out. Further details will be provided at a later date.
- Finally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the Province will provide 50 per cent of the surplus only to municipalities that have not opted-out as of January 22, 2019.

Lower-tier and upper-tier municipalities will receive a 50/50 split of the allocation. The household numbers will be split between the upper- and lower-tier, and the allocation calculated accordingly. Decisions to adjust the split in allocation and transfer funding can be made at the local level as needed. Upper-tier municipalities will receive funding in relation to opt-out decisions made by the lower-tier municipality.

This information is also being communicated to Heads of Councils. The Deputy Minister of Finance will communicate to each municipality's Treasurer further details on administration of this funding and attach each municipality's specific allocation notice.

Our government is committed to respecting taxpayers and their hard-earned money. We believe municipalities have an obligation to do likewise.

As such, municipalities must use this funding to address the implementation costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include:

- increased enforcement (e.g., police, public health and by-law enforcement, court administration, litigation);
- increased response to public inquiries (e.g., 311 calls, correspondence);
- increased paramedic services; increased fire services; and
- by-law / policy development (e.g., police, public health, workplace safety policy).

To assess the impact of the funding, it's my request that the Association of Municipalities of Ontario and the City of Toronto work with the Ministry of Finance to establish a process by which a sample group of municipalities can assess the use and impact of these funds. The Ministry of Finance will contact your staff to discuss this process further.

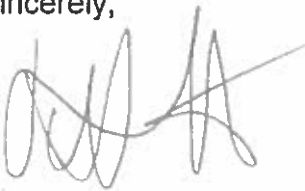
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Our government is committed to building a retail system for cannabis sales that will help eliminate the illegal market and is safe and reliable with rules that keep cannabis out of the hands of children and youth, while keeping our roads safe. Complementary to this municipal funding, the Province continues to do the following:

- Increase the capacity of law enforcement to help detect drug impaired driving through training. The Province has also created a specialized legal team to support drug impaired driving prosecutions, increased capacity at the Province's Centre of Forensic Sciences, and has created a Cannabis Intelligence Coordination Centre.
- Support local boards of health (public health units) by providing a suite of tools and resources for enforcement of the *Smoke-Free Ontario Act, 2017*, which includes rules for smoking and vaping of cannabis.
- Conduct an integrated public awareness campaign to communicate the rules and regulations for recreational cannabis and educate Ontarians about the health and safety measures in place to protect them.

We appreciate the efforts of municipalities in the implementation of the federal government's legalization of cannabis and look forward to continuing to work together.

Sincerely,



Vic Fedeli  
Minister of Finance

- c. The Honourable Caroline Mulroney, Attorney General  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Pat Vanini, Executive Director, AMO  
Dan Miles, Chief of Staff  
Paul Boniferno, Deputy Attorney General  
Greg Orencsak, Deputy Minister of Finance  
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing  
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of Attorney General  
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project, Ministry of Finance  
Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning Policy Division, Ministry of Municipal Affairs and Housing



# Municipal Cannabis Update

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Information to help municipal staff prepare reports for councils

November 21, 2018

**Purpose:**

This update provides information on the province's regulatory framework, funding and AGCO licensing. This will help municipal staff prepare its report to council on elements for its decision-making on whether to have cannabis retail stores.

**Overview**

The provincial government has committed to allowing private recreational cannabis retail stores throughout Ontario starting April 1, 2019. As recreational cannabis is a legal, controlled and regulated product, cannabis stores will be considered like any other type of retail and as such, no zoning changes are needed.

In legalizing cannabis for recreational purposes, the federal, provincial and municipal governments share three interrelated goals: protecting youth, public health and safety, and ending illegal sales of cannabis. The provincial government has established a regulatory framework (O. Reg. 468/18) under the recently passed *Cannabis Licensing Act, 2018* that provides further clarity on how these private businesses will be licensed and regulated by the Alcohol and Gaming Commission of Ontario (AGCO). These regulations deal with various elements of the retail regime including matters in which municipal governments may have an interest.

**Key Points in the Regulations**

The regulations speak to how a license to open a cannabis store will be issued. The full details of the AGCO process have not yet been released, however the AGCO will issue guidance as the regime is finalized. It is offering webinars (November 27 - 10:00 am / 3:00 pm) to prospective retailers and interested parties.

AGCO process will begin with it reviewing and completing due diligence on applications from corporations and individuals seeking to sell recreational cannabis. The licensing regime will have three parts: operator approval; retail site location approval; and store management licensing.

Municipal governments have the one-time opportunity to opt out of allowing retail cannabis stores in their communities. **The decision to opt out must be made by January 22, 2019. Unless a municipal government opts out as per Ontario Regulation 468/18 s. 22, they opt in to recreational cannabis retail sale by default.**

To protect youth, the provincial cannabis retailing regulations include a 150-meter buffer area for cannabis stores to keep them separated from schools. No buffers from any other use has been specified by the regulations.

In our discussions with some members, it has been proposed that a municipal government may consider setting out a policy statement identifying specific and significant locally sensitive considerations or uses, to best represent the expectations of the community in allowing cannabis retail. This statement would provide direction to municipal staff input to the AGCO within its 15-day review period.

The AGCO cannabis licensing process, much like the process for liquor licensing applications, requires that a notice of a proposed cannabis store site be posted for comments from area residents and businesses before a site authorization is made. At this point, the municipal

government will not be provided pre-notification of the application, but can make comments about whether the proposal is in the public interest as described by regulation.

While there is no regulatory requirement for the AGCO to act on municipal input, it is reasonable that a council could choose to set out any locally sensitive uses as part of the decision to allow cannabis retail stores or to opt out. Setting out these sensitive uses would specify the expectations of the community as cannabis retail sites are proposed. However, care needs to be taken so that this statement would not prohibit any cannabis retail store from locating in a municipality. Opting out is the appropriate mechanism for not permitting any stores in a municipality.

The province has just released the funding approach to help municipal governments offset implementation costs. Please see the Minister of Finance's letter of November 20 to the AMO President. A similar letter is being sent to all Heads of Council. In addition, a letter from the Deputy Minister of Finance to municipal treasurers with more details will be sent in the coming days.

**Please note that while opting out can be reversed after January 22, the municipal government will not gain any additional funding from the Ontario Cannabis Legalization Implementation Fund (OCLIF) than it had as of January 22 when it opted out- beyond the minimum second payment of \$5000.**

### Store Location Approval Steps

The AGCO will have a 15-day window for public and municipal government comments for each store site proposed by an approved operator. The legislation provides that municipal comments should focus on whether a proposed storefront location is in the public interest, as defined in the regulation. In the regulation, public interest is defined as public health or safety, protecting youth and eliminating the illegal market.

If a municipal council accepts retail stores, AMO suggests that a 'Municipal Cannabis Retail Policy Statement' be adopted by council. Such a policy statement could address what it sees as significant local sensitive uses. This would give municipal staff direction in responding to the 15-day window during the commentary process. For example, a policy statement may identify specific sensitive uses and express some parameters to consider proximity to these sensitive areas, or may set out concerns regarding store concentration<sup>1</sup> in certain areas of their communities.

It is recommended that municipal governments identify a key senior staff lead for proposed cannabis store notices from AGCO and to provide a one-window approach to coordinate municipal input within the 15-day commentary period. This will ensure AGCO has every opportunity to take note of municipal government considerations. This key contact should be able to gather information from various municipal departments as necessary, provide maps and be able to convey council policy.

Below, AMO has provided a draft Municipal Cannabis Retail Policy Statement template that may help municipal governments that choose to create such a policy. The template helps municipal government officials begin to think about the issues and criteria they may wish to note when considering a proposed cannabis retail site. Notes for consideration of what we understand to be

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<sup>1</sup> Note that store concentration will ultimately be determined by the market demand, however municipal governments may wish to set out any criteria through which they may consider this in future.

an effective municipal policy statement are provided in the shaded boxes and would not form part of the policy statement.

For alignment between the regulations and AGCO mandate, municipal comments in the process, whether through a municipal cannabis policy statement or not, must focus on the three provincial public interest objectives: public health and safety, protecting youth and ending illegal sales of cannabis.

Municipal staff are encouraged to read the regulations and AGCO guidelines as they are developed and made available to understand eligibility requirements for operators how cannabis retail businesses are expected to operate. AMO will continue to provide information and analysis on this and other matters as it becomes available.

**Draft Municipal Policy Statement Template:**

The template can be used by a municipality that has chosen to allow retail sales of recreational cannabis.

**Purpose & Vision**

The purpose of this policy statement is to provide a format for municipal government input to the Alcohol and Gaming Commission of Ontario (AGCO) as well as help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in (name of municipality).

The AGCO is the provincial authority that licences cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. Municipal governments have no licensing authority.

The AGCO regulates and reviews all aspects of the retail operation including municipal and public input, that the proposed store location is consistent with the public interest as defined in the regulations.

The Municipality of .....has chosen to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to AGCO when notice on a specific proposed cannabis retail store site is provided on the site location.

**Principles for Cannabis Retail Store Locations:****Relationship to Other Applicable Law:**

- **Land Use Planning:** The provincial licensing process does not remove the requirement to comply with the zoning by-law and other municipal planning documents. The definitions within the municipality's Official Plan and Zoning By-law are applicable to all retail, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store is legal and is a permitted use in the retail zones.
- **Municipal Building Inspections:** while the licencing of the store operation is the responsibility of the AGCO, the Building Code applies to cannabis retail store locations. Therefore, where a building permit is required, the building inspector will undertake duties as usual. Fire Code compliance is also mandatory.

For the purposes of this policy statement, a cannabis retail store shall mean a store licenced by the AGCO.

1. Cannabis Retail Stores and Sensitive activities:

In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores are discouraged where nearby properties are designed to serve youth including ....

The policy can address types of activities where youth or the potential for illegal sales or health risk exist. Please note that Ontario Regulation restricts a cannabis retail store from being located within a distance of 150 meters of a public school or most private schools. The municipality cannot adopt a greater distance. The distance buffer would be measured from the property line, if the school is the primary or only occupant of a building; or the boundary of any space occupied by the school within the building, if the school shares space, like in a mall. This distance buffer would not apply to private schools that hold classes online only, or to First Nation schools located on reserve.

The municipal government may want to suggest other youth facilities such as libraries and community centres if appropriate, or other sensitive facilities that serve persons with mental health or addiction challenges.

The policies cannot be so restrictive that it is impossible to locate a store. Nor can the policy state a specific number of stores permitted.

It is recommended that should the municipal government choose a separation distance from a sensitive use that it be a number, not a range and that a rationale for this distance be provided.

Municipal governments should note that municipal density restrictions on cannabis retail stores are not permitted under the legislation or regulations. However, it is possible that the number of cannabis retail stores in one area could in the future be considered under the public interest criteria in the regulations and merit comment from the municipal government and community.

2. Cannabis retail stores should not be permitted in:

Any prohibitive statements must be considered through the lens of eliminating illegal activity, public health and safety or protecting youth and the regulatory definition of the public interest.

Retail locations, if retail is allowed in a zone other than a commercial zone, such concerns may be noted.

How does this prohibition help youth, create a safer environment or limit illegal activity? A municipal government may choose not to have any prohibitions.

3. Attached is a map showing the retail/commercial zones of the municipality and the activities identified in Section 1 above.

A map showing where retail is permitted and the locations of the activities identified in the first section will be very helpful to the AGCO. Municipal governments may choose to provide some sample separation distances as concentric rings around the activities such as addiction treatment facilities etc. to provide sample set backs. The Ministry of Education is working to identify all schools however; municipalities could also provide this information.

**Denise Holmes**

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**From:** AMO Communications <communicate@amo.on.ca>  
**Sent:** Monday, December 10, 2018 6:30 PM  
**To:** dholmes@melancthontownship.ca  
**Subject:** AMO Policy Update - Information for Councils - Developing a Municipal Cannabis Policy Statement

December 10, 2018

## **Information for Councils – Developing a Municipal Cannabis Policy Statement**

### **Members of Council**

During Council transition, AMO sent to senior municipal staff a document that covers off all the information that would be helpful in preparing reports to councils on whether to opt-out or allow retail cannabis sales. Now, with councils sworn in, we want to share it directly with you.

The document includes a Draft Municipal Cannabis Policy Statement Template. The Template helps municipal governments that may wish to allow recreational cannabis retail sales in their communities to identify sensitive areas and better guide retail outlet locations. The template is based upon the 'public interest' definition in the Ontario recreational cannabis regulations. Where stores are allowed, it can also help staff to provide comments to the Alcohol and Gaming Commission of Ontario (AGCO) on proposed locations within the 15-day statutory consultation window.

Under Ontario's recreational cannabis policy, private cannabis retail stores will be approved to sell as of April 1, 2019 where municipal governments allow them. Municipal governments that do not wish to allow cannabis retail stores can do so by informing the AGCO in writing by January 22, 2019 of council's decision. Members should note that the decision not to allow retail stores or the decision is to opt out and opt back in after Jan. 22 will affect access to the municipal portion of the Province's share of the federal share of its cannabis excise tax. No matter the municipal decision, consumers will continue to have access to cannabis through on-line sales, personal growing and through retail in other communities.

As a priority, please read the documents linked to this communication so that you have the most comprehensive information given the decision you will need to make by January 22, 2019. In addition, Heads of Councils and municipal treasurers received individual letters from the Minister of Finance. These letters set out each municipal government's cannabis implementation funding allocation. Members can find other information on cannabis legalization on AMO's resource page.

### **AMO Contact:**

Craig Reid, Senior Advisor, [creid@amo.on.ca](mailto:creid@amo.on.ca), 416-971-9856 ext. 334.



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**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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**MEMORANDUM**

**To:** Mayor White and Members of Council  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** December 13, 2018  
**Re:** Retail Sale of Cannabis

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**BACKGROUND**

On June 21, 2018, Bill C-45 of the Government of Canada received Royal Assent resulting in, amongst other things, the legalization of cannabis for recreational purposes. Section 69 (1) of the Bill authorizes a person to "possess, sell or distribute cannabis if the person is authorized to sell cannabis under a Provincial Act..."

On October 17, 2018, Bill 36 of the Government of Ontario received Royal Assent resulting in amendments to the original Cannabis Act and other existing Acts and the establishment of a new Cannabis License Act designed to regulate the retail sale of cannabis in Ontario.

**BILL 36**

Under Section 41 (1) of Bill 36, *"a municipality may, by resolution passed no later than January 22, 2019, prohibit retail stores from being located in a municipality"*.

In cases where a municipality has chosen to "opt-out" in accordance with the above provision, the Province will not authorize the establishment of retail stores in the municipality.

Where a municipality has chosen to "opt-out", Section 41(3) of the Act allows a municipality to reverse this decision in order to be a host for retail stores, however the Act states that such a decision may not be subsequently reversed.

**Zoning And Licensing**

Section 42 of the Act prohibits a municipality from passing licensing by-laws with respect to the retail sale of cannabis and/or from passing zoning by-laws designed to distinguish between "generic" retail stores and stores established for the purpose of retailing cannabis.

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• Municipal Planning Services Ltd. •

Chris D. Jones BES, MCIP, RPP  
51 Churchill Drive, Unit 1  
Barrie, Ontario  
(705) 725-8133

PLAN #5

DEC 20 2018

### **Ontario Regulation 468/18**

The following provisions are noted from O. Reg. 468/18 made under the Cannabis License Act.

- A licensed producer is not eligible for a retail operator license unless the producer holds a minority stake in the retail use (less than 9.9 percent);
- The maximum number of retail authorizations one individual may possess is 75;
- A retail store shall not be located within 150 metres of the boundary of a school. In cases where the school is not the primary occupant of the building the setback shall apply to the location of the school within the building;
- The operating hours are 9 am to 11 pm; and,
- Persons under 19 are prohibited from entering the store.

### **ANALYSIS**

It is noted that the recent Ontario law and regulation addressing the retail sale of cannabis is limited only to "retail stores". The Township's zoning by-law currently defines cannabis production facilities and these uses will remain subject to municipal regulation under the Planning Act, however it is recommended that this definition be amended to reflect current terminology including the removal of any reference to retailing.

It is also evident from Ontario's licensing act and regulation that the Province simply requires municipalities to confirm whether they wish to host retail stores as the legislation does not allow retail stores to be the subject of more specific local regulation.

It is understood the Province will be offering financial incentives to municipalities that agree to host retail stores. According to a briefing prepared by the Association of Municipalities of Ontario:

*All municipal governments will receive at least \$10,000 to help transition to legal recreational cannabis in our community.*

*Communities that decide to allow retail storefronts will receive \$10,000, plus per household funding, and will be eligible for a share of 50% of the surplus funding if the provinces' share of federal excise tax exceeds \$100 million in the first two years.*

*Municipal governments must track additional expenditures related to legalized recreational cannabis.*

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• **Municipal Planning Services Ltd.** •

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

The same AMO circulation indicates that municipalities who agree to host retail stores will be given 15 days to provide comments with respect to an application for a license to operate a retail store.

The decision to host retail stores should ultimately be based on Council's consideration of the needs and wishes of the community as well as the Township's ability to accommodate the use.

A secondary issue which has been raised in a number of municipalities is the issue of smoking by-laws, however it is understood that the Township does not have a by-law and instead utilizes the County By-law.

### OPTIONS

Council has two options to consider:

1. If Council does not consider the Township to be a suitable location for a cannabis retail store, Council should pass a resolution to "opt-out" and must do so prior to January 22, 2019. Should Council proceed in this manner, the Township will retain a future right to reverse this decision; or,
2. If Council is supportive of the Township being a potential host for retail stores, the legislation does not specifically require a resolution to "opt-in", although it is recommended a resolution of support be articulated so there is a record of Council's consideration of and direction on the issue.

Respectfully Submitted,



Chris Jones MCIP, RPP

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• Municipal Planning Services Ltd. •

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

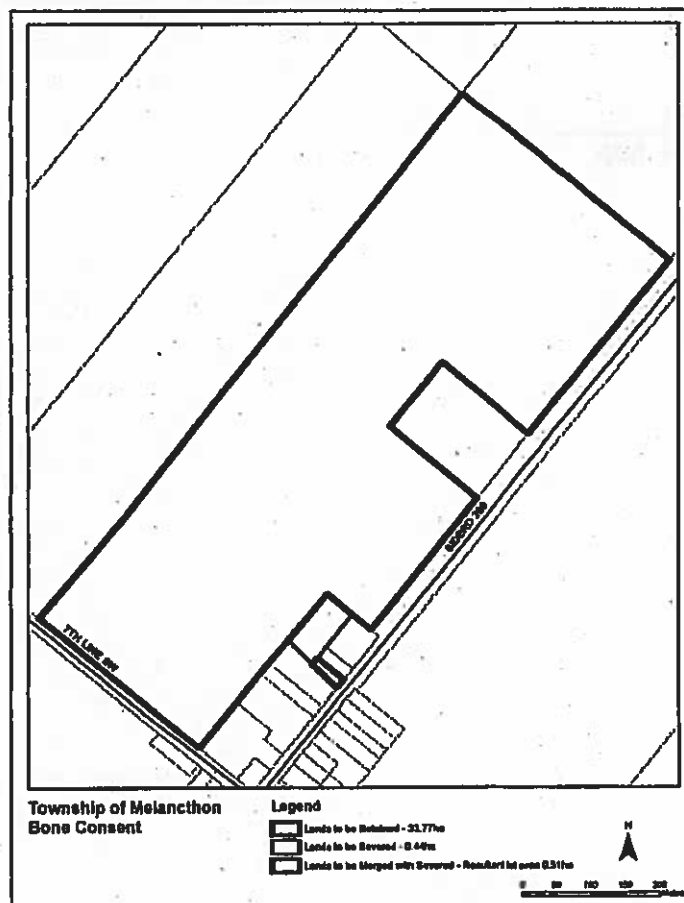
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**MEMORANDUM**

**To:** Mayor White and Members of Council  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris D. Jones MCIP, RPP  
**Date:** December 13, 2018  
**Re:** Deeming By-law (Lot 17, Plan 54 - Bone)

On May 17, 2018, Committee granted a consent to sever and merge lands to create a larger residential lot in the settlement of Riverview. An illustration of the severed and retained lands is shown in Figure 1.

**Figure 1 – Subject Lands (Severed and Retained)**



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51 Churchill Drive, Unit 1  
Barrie, Ontario  
(705) 725-8133

PLAN #6  
DEC 20 2018

The approval allowed the applicant to sever approximately one acre from the larger parcel to merge in title with Lot 17 to create a more viable residential lot. The resultant residential parcel would have a lot area of approximately 0.5 hectares (1.2 acres).

One of the conditions of the consent was that the Lot 17, Plan 54 shall be deemed by by-law not to be a lot in a plan of subdivision to enable it to be legally merged in title with the severed lands.

The attached deeming by-law has been prepared for Council approval in order to fulfill the requisite condition of consent. Upon approval the deeming by-law will be registered with the Registry Office which will enable the applicant's lawyer to register Lot 17 and the severed lands together as a single parcel of land.

Respectfully Submitted,



Chris Jones MCIP, RPP

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

# **The Corporation of the Township of Melancthon**

**By-law No. \_\_\_\_\_**

## **A BY-LAW TO DEEM A LOT IN A PLAN OF SUBDIVISION**

**WHEREAS** Section 50(4) of the Planning Act, R.S.O. 1990 Chapter P. 13, as amended, authorizes a Township to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, as not being a registered plan of subdivision for subdivision control purposes;

**AND WHEREAS** the Owner of Lot 17, Plan 54 located in the Part Lot 22, Concession 6, S.W.T.S.R, in the Township of Melancthon has received a consent to sever and merge abutting lands with Lot 17;

**AND WHEREAS** Lot 17 is required as a condition of consent to be deemed not to be a lot in a Plan of Subdivision to enable the severed land, described legally as Part 1 Plan 7R-6555, and Lot 17 to be legally merged in title;

**NOW THEREFORE** the Council of the Corporation of the Township of Melancthon hereby enacts as follows:

1. Lot 17, Plan 54 located in Part of Lot 22, Concession 6, S.W.T.S.R, in the Township of Melancthon, County of Dufferin shall be deemed not to be a lot in a registered Plan of Subdivision in accordance with Section 50 (3) of the Planning Act, R.S.O. 1990 Chapter P. 13, as amended.
2. That this By-law shall come into full force and take effect on the date it is passed by Council of the Corporation of the Township of Melancthon, subject to the provisions of Section 50 (26), (27), (28) and (29) of the Planning Act.
3. That this By-law be registered in the Registry/Land Titles Office for the County of Dufferin.

This By-law read a first, second and third time this 20<sup>th</sup> day of December 2018.

\_\_\_\_\_  
Darren White, Mayor

\_\_\_\_\_  
Denise Holmes, Clerk

## Denise Holmes

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**From:** Sonya Pritchard <spritchard@dufferincounty.ca>  
**Sent:** Wednesday, November 28, 2018 4:17 PM  
**To:** Ed Brennan; Susan Stone; Denise Holmes; Jane Wilson; dmorrissey@shelburne.ca; Tracey Atkinson; Mark Early  
**Cc:** Pam Hillock; Anna McGregor; Jenny Li; Darrell Keenie; Karisa Downey  
**Subject:** FW: Consultation - Increasing Housing Supply in Ontario

Good afternoon,

I received the email below today from MMAH (not sure if you did as well). In an effort to provide comprehensive feedback we think it would be valuable to consult broadly on this matter. As the timeline is tight, I would like to offer that the County organize 2-3 consultations sessions that would include interested councillors from all municipalities, identified stakeholders, staff and members of the public. We would also seek feedback via some online tools. The proposed consultation presentation provided at <http://www.mah.gov.on.ca/AssetFactory.aspx?vid=26068> gives a great overview of the extent of the information being covered. It touches on a number of areas such as social housing, planning, building inspection and general administration. Feedback received via the sessions would be used in a County submission and shared with all municipalities so that it could also be used in any local submissions your Councils wanted to provide. We could also use the information to help shape our own planning processes in the areas of economic development, land use planning, affordable housing strategy, etc.

The sessions would be held in different locations with one possibly taking place the week of December 17<sup>th</sup> and the others the 2<sup>nd</sup> week of January.

Let me know your thoughts. If there are specific questions or issues you would like to see raised let me know.

Regards,

Sonya

Sonya Pritchard, CPA, CMA | Chief Administrative Officer  
County of Dufferin | Phone: 519-941-2816 Ext. 2502 | [spritchard@dufferincounty.ca](mailto:spritchard@dufferincounty.ca) |  
55 Zina Street, Orangeville, ON L9W 1E5

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**From:** Housing Supply (MMAH) <HousingSupply@ontario.ca>  
**Sent:** Wednesday, November 28, 2018 10:25 AM  
**Subject:** Consultation - Increasing Housing Supply in Ontario

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Ontario's Government for the People is developing a broad-based action plan to help increase the supply of housing in Ontario. To inform the plan, the government wants to hear the views of all Ontarians on how to expand the supply of ownership and rental housing in Ontario.



This initiative is a cross-government effort involving many ministries. You are receiving this email because your organization has been identified as potentially interested in providing feedback.

The government is interested in hearing from as many interested parties as possible. You are therefore invited and encouraged to share this email with any other individual or organization you believe may be interested in participating.

Visit [www.ontario.ca/housingsupply](http://www.ontario.ca/housingsupply) to participate. Submissions will be accepted until January 25, 2019.

Thank you,

Rachel Simeon  
Director, Market Housing Branch  
Ministry of Municipal Affairs and Housing

\*\*\*\*\*

Le gouvernement de l'Ontario pour la population a entrepris d'élaborer un vaste plan d'action en vue d'accroître l'offre de logements en Ontario. Aux fins de l'élaboration de ce plan d'action, le gouvernement souhaite obtenir les points de vue de la population ontarienne sur la meilleure façon d'accroître l'offre de logements de propriétaires-occupants et de logements locatifs en Ontario.

Cette initiative est un projet faisant intervenir plusieurs ministères du gouvernement. Vous recevez le présent courriel car nous croyons que votre organisme souhaiterait nous faire part de ses commentaires.

Le gouvernement aimerait obtenir les idées d'autant de personnes intéressées que possible. Nous vous encourageons donc à transmettre notre courriel à tout autre individu ou organisme qui, selon vous, souhaiterait participer à notre consultation.

Visitez le site [www.ontario.ca/offredelogements](http://www.ontario.ca/offredelogements) pour participer. Nous accepterons des observations jusqu'au 25 janvier 2019.

Merci.

Rachel Simeon  
Directrice, Direction du logement à but lucratif  
Ministère des Affaires municipales et du Logement

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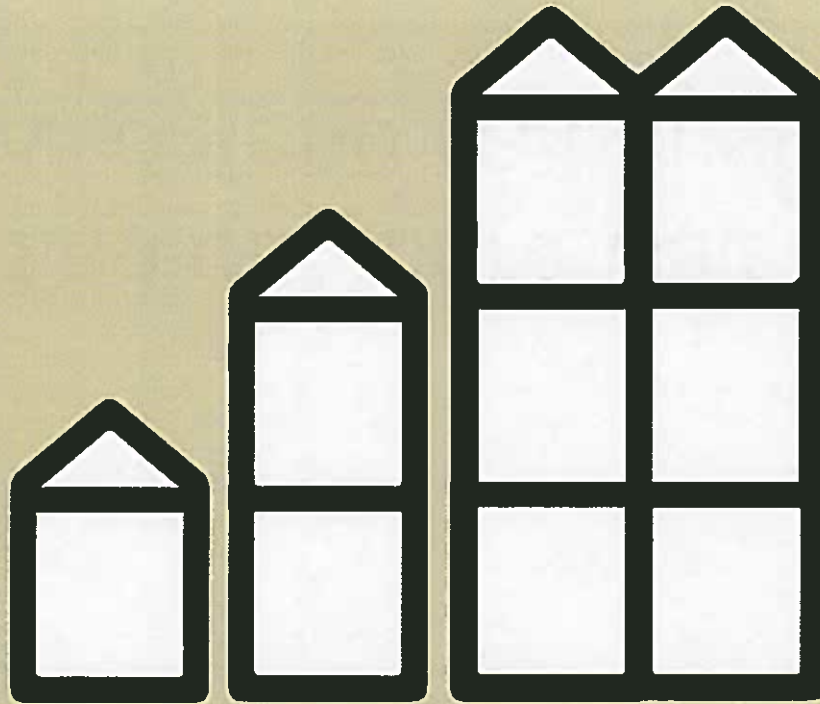
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# INCREASING HOUSING SUPPLY IN ONTARIO

Presentation

To find out more visit  
[www.ontario.ca/housingsupply](http://www.ontario.ca/housingsupply)

This presentation is meant to supplement the [consultation document](#) and guide solution-oriented discussions to the challenge of increasing housing supply in Ontario

# Housing is one of the largest cost burdens for households in Ontario

A strong demand for housing and limited supply in Ontario has resulted in rapidly rising housing costs over the last few years.

- In high-growth urban areas, high prices and rents have made it too hard for people to afford the housing they need.
- High prices also affect other parts of Ontario, including northern and rural communities, where a lack of supply has made ownership more difficult and quality rental housing hard to find.

Creating more housing, of the types and sizes people need, will help make home ownership and renting more affordable and give people more choice.





## Developing a Housing Supply Action Plan

To help increase the supply of housing in Ontario, the government is developing a Housing Supply Action Plan.

The Housing Supply Action Plan will include measures that the Province can take to increase the supply of new ownership and rental housing in Ontario.

We want to hear the views of all Ontarians on how to expand the housing supply in Ontario.

Your input will provide important information about how we can make it easier for Ontarians to find an affordable place to call home.

# Barriers to new housing supply

The government has heard from many individuals and groups that it has become too complicated and expensive to build new housing in Ontario.

There are five broad themes:

1. Speed: It takes too long for development projects to get approved
2. Mix: There are too many restrictions on what can be built to get the right mix of housing where it is needed
3. Cost: Development costs are too high because of high land prices and government-imposed fees and charges
4. Rent: It is too hard to be a landlord in Ontario and tenants need to be protected
5. Innovation: Other concerns, opportunities and innovations to increase housing supply

# 1. Speed: It takes too long for development projects to get approved

- To get a new home from the drawing board to the market, a number of different planning, building and site-specific approvals and permits are needed from various agencies and levels of government.
- Duplication, lack of coordination and delays add burden to the development process and increase costs for builders and homebuyers.
- The various regulatory requirements and approvals were established to serve specific public interests, policy objectives or government goals. Efforts to streamline these requirements need to balance these multiple goals.

# What do you think?

- How can we streamline development approval processes, while balancing competing interests and the broader public interest?

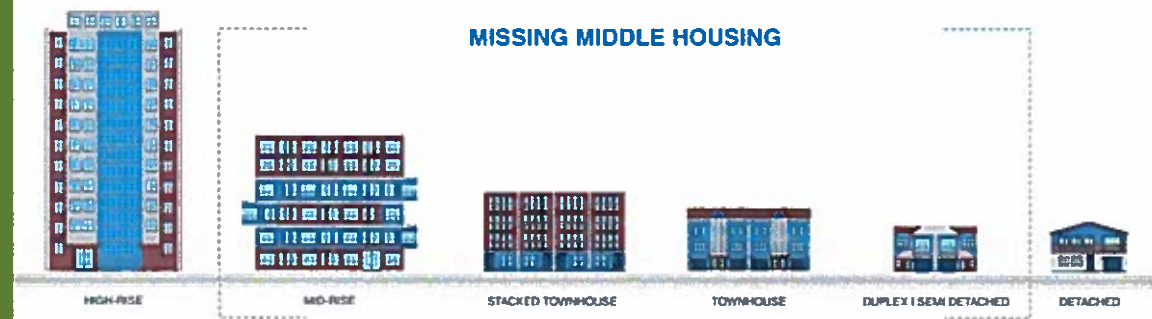
*Speed: It takes too long for development projects to get approved*



## 2. Mix:

There are too many restrictions on what can be built to get the right mix of housing where it is needed

- The government has heard that not enough housing appropriate for families and seniors wishing to downsize is being built in areas convenient to transit, schools, workplaces and amenities.
- Market conditions, provincial policies and plans, local planning priorities, and municipal zoning by-laws can all affect the type and location of housing.



# What do you think?



- How can we make the planning and development system more effective to build the kind of housing people want, and can afford, in the right places with the right supports (e.g., schools, transit and other amenities)?
- How can we bring new types of housing to existing neighbourhoods while maintaining the qualities that make these communities desirable places to live?
- How can we balance the need for more housing with the need to maintain employment and industrial lands?

*Mix: There are too many restrictions on what can be built to get the right mix of housing where it is needed*

### 3. Cost: Development costs are too high because of high land prices and government- imposed fees and charges

- New housing development requires access to serviced land (land that has critical infrastructure like water and sewer lines). It has been noted that land prices are driven up by a lack of serviced land.
- Government-imposed fees and charges can also make it more expensive to develop new housing.
- Many of the investments in public infrastructure needed to support housing development are funded by these fees and charges.

An aerial photograph of a city, likely Los Angeles, showing a multi-lane highway (I-5) running diagonally from the top left towards the bottom right. To the right of the highway, there are several tall skyscrapers and other urban buildings. In the foreground, there's a large, flat, light-colored area that appears to be a parking lot or a construction site. The overall scene depicts a dense urban environment with significant infrastructure.

## What do you think?

- How can we lower the cost of developing new housing while ensuring that funds are available for growth-related infrastructure (e.g., water and sewer systems, fire and police services, schools, roads, and transit)?
- How can we make sure that serviced land is available in the right places for housing?

*Cost: Development costs are too high because of high land prices and government-imposed fees and charges*



## 4. Rent:

It is too hard to  
be a landlord in  
Ontario and  
tenants need to  
be protected

- Many small landlords say that the current legislation, as well as Building Code requirements and local by-laws for second units (e.g., basement apartments), make it difficult and expensive to rent out their homes.
- On the other hand, tenants have said they need stronger protections against unlawful evictions and poorly maintained rental housing.



## What do you think?

- How can we make the current system work better for landlords?
- What additional protections should be provided for tenants?
- How do we encourage homeowners to create legal second units and new rental supply?

*Rent: It is too hard to be a landlord in Ontario and tenants need to be protected*

## 5. Innovation: Other concerns, opportunities and innovations to increase housing supply

- The government is interested in other creative ideas to help increase the supply of ownership and rental housing.
- The government is also interested in hearing your input about other issues that people face when trying to find or afford a home, including issues that new home buyers face.





What do you think?

- How do we encourage innovation in the building industry while maintaining high standards of safety and efficiency?
- Are there any innovative forms of homeownership (for example, shared ownership or rent-to-own models) that you feel could help make housing more attainable?
- Do you have any creative ideas to make better use of existing homes, buildings and neighbourhoods to increase the supply of housing?
- What other creative solutions could help increase the supply of housing?
- What type of protections would help new home buyers?

*Innovation: Other concerns, opportunities and innovations to increase housing supply*



# Help us develop the Housing Supply Action Plan



Share your ideas with us by January 25, 2019  
in one of the following ways:

- 1) Complete the survey with the results of this discussion at [www.ontario.ca/housingsupply](http://www.ontario.ca/housingsupply)
- 2) Email your group's submission to [housingsupply@ontario.ca](mailto:housingsupply@ontario.ca)
  - Include your name or the name of your organization
  - Add "provincial consultations on housing supply" as the subject

## Denise Holmes

---

**From:** Karisa Downey <kdowney@dufferincounty.ca>  
**Sent:** Monday, December 10, 2018 1:04 PM  
**To:** ebrennan@orangeville.ca; bward@orangeville.ca; rphillips@orangeville.ca;  
djones@orangeville.ca; dmorrissey@shelburne.ca; swever@gspgroup.ca;  
cmaitland@shelburne.ca; jmarceau@shelburne.ca; jwilson@townofgrandvalley.ca;  
mkluge@townofgrandvalley.ca; sam.pringle@ssw.ca; tatkinson@mulmur.ca;  
sstone@amaranth-eastgary.ca; cgervais@amaranth-eastgary.ca;  
dmenary@eastgarafraxa.ca; bryzebol@amaranth.ca; dholmes@melancthontownship.ca;  
chris\_mplanningservices@rogers.com; roads@melancthontownship.ca;  
mark.early@townofmono.com; david.trotman@townofmono.com;  
mike.dunmore@townofmono.com  
**Cc:** Sonya Pritchard; Darrell Keenie; Jenny Li  
**Subject:** Housing Consultations

Hello everyone

Thank you for your assistance thus far with the preparation for the MMAH housing consultations taking place over the next few weeks. Please note, we have made some changes to the proposed locations and times of the sessions. The updated list of consultations is below:

Consultation #1: Wednesday December 19<sup>th</sup> from 2:00 pm – 4:00 pm, Community Room, Community Centre, 90 Main St. N, Grand Valley

Consultation #2: Monday January 7<sup>th</sup> from 10:00 am -12:00 pm - Banquet Room, Tony Rose Memorial Sports Centre, 40 Fead St., Orangeville

Consultation #3: Monday January 7<sup>th</sup> from 6:00 pm -8:00 pm - Mel Lloyd Auditorium, 167 Centre St., Shelburne

You can register for the consultation that best suits your schedule by visiting Eventbrite: [www.eventbrite.ca](http://www.eventbrite.ca) and searching "Increasing Housing in Dufferin County".

We request each municipality send at least one representative to one of the meetings to ensure their municipality is represented through this process. For larger municipalities, we will be looking for more information specifically as it pertains to planning, economic development and public works. Therefore, we strongly encourage representation from each of these departments at one of the sessions.

For your reference, here are the links to the background information provided by MMAH:

<http://www.mah.gov.on.ca/AssetFactory.aspx?did=19940> and

<http://www.mah.gov.on.ca/AssetFactory.aspx?vid=26068>.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you,

**Karisa Downey | Economic Development Officer | Planning, Economic Development and Culture  
County of Dufferin** | Phone: 519.941.2816 Ext: 2508 | [kdowney@dufferincounty.ca](mailto:kdowney@dufferincounty.ca) | 55 Zina St, Orangeville,  
ON  
L9W 1E5

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# INCREASING HOUSING

In Dufferin County

PUBLIC CONSULTATION

## To Review:

- Speed of development
- Establishing the right "mix" of housing
- Development costs
- Landlord and tenant issues
- Opportunities to increase housing supply

## Registration:

[www.Eventbrite.ca](http://www.Eventbrite.ca)

Search: "Increasing Housing in Dufferin"

Contact: Jenny Li 519-941-2816 ext.2509

 **DUFFERIN**  
COUNTY.ca

**EVERYONE  
WELCOME!**





## News Release

***For Immediate Release: December 13, 2018***

# Increasing Housing in Dufferin County

Dufferin - It's time to talk about housing in Dufferin County!

The Ministry of Municipal Affairs and Housing (MMAH) is creating an action plan to expand housing in Ontario. The County of Dufferin will take advantage of an opportunity to inform the ministry on the current housing climate in Dufferin County as well as strategies on how to make improvements. Residents of Dufferin County are invited to provide their ideas into this process.

The ministry has identified five specific topics of interest:

- **Speed** - Does it take too long for development projects to get approved?
- **Mix** - Are there too many restrictions on what can be built to get the right mix of housing where it is needed?
- **Cost** - Are development costs too high because of high land prices and government imposed fees and charges?
- **Rent** - Is it too difficult to be a landlord in Ontario, and are tenants being protected?
- **Innovation** - What other concerns, opportunities and innovations should be considered to increase housing supply?

In an effort to hear from all Dufferin County stakeholders, three consultation sessions are being held:

- Wednesday, December 19<sup>th</sup> from 2:00 – 4:00 pm at the Grand Valley and District Community Centre, Grand Valley, ON
- Monday, January 7<sup>th</sup> from 10:00 am – 12:00 pm at the Tony Rose Memorial Centre Banquet Room, Orangeville, ON
- Monday, January 7<sup>th</sup> from 6:00 – 8:00 pm at the Mel Lloyd Centre Auditorium, Shelburne, ON

All sessions are free and open to the public, however registration is required. To register for one of these consultation sessions please visit <https://goo.gl/1KxVb5>.

If you are not able to attend a consultation, the County of Dufferin still wants to hear from you! Visit <https://www.surveymonkey.com/r/TZT5XVJ> to respond to a brief survey.

For more information on the need to increase housing options in Ontario, the Ministry has developed the following resources:

<http://www.mah.gov.on.ca/AssetFactory.aspx?did=19940>

<http://www.mah.gov.on.ca/AssetFactory.aspx?vid=26068>

Have your say, and help create a strategy to make positive change to the housing issues in Dufferin County.

-30-

**Media Contacts:**

Jenny Li  
Planning Coordinator  
519-941-2816 ext. 2509  
[spritchard@dufferincounty.ca](mailto:spritchard@dufferincounty.ca)

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M5G 2E5  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M5G 2E5  
Tél. : 416 585-7000



Dear Head of Council,

As you know, our government has launched a broad consultation to gather input on how to increase the supply and mix of housing, speed up development timelines and drive down costs. Feedback from the consultation will inform our Housing Supply Action Plan, to be released this spring. I encourage you to share your ideas by visiting [Ontario.ca/HousingSupply](http://Ontario.ca/HousingSupply) before January 25, 2019.

As part of this consultation, we will be undertaking a fundamental review of all aspects of the development approvals process as it relates to building more housing people can afford, and attracting and retaining new business investments. That is why I have directed my ministry to review the entire provincial approvals process – from the rules for planning all the way to construction.

I am keenly aware of the broad number of permits, approvals and processes that may come into play as part of this exercise, including those that reside with our partner ministries. I am working closely with my Cabinet colleagues on this initiative and our government's goal is a streamlined development process that ensures provincial approvals are in place within one year so building can begin sooner.

To help achieve this ambitious but necessary goal, and following on the successes of our recent Growth Plan Implementation workshops, we want to hear directly from you. That is why, we will be holding a series of targeted consultations focused on the key laws and policies that my ministry administers, and your input will be critical.

In the coming days, you will be invited to participate in one or several discussions focused on the Planning Act, the Provincial Policy Statement, the Building Code and other matters. This detailed review of individual policies and laws is needed to find every barrier and unnecessary step in the process. However, as Minister, I am interested in transformative change, not incremental shifts in policies.

Making Ontario open for business means a fundamental change to the status quo. Our province needs to be a place where businesses can locate and grow, and create jobs and innovate, not spend their time clearing regulatory hurdles and navigating unnecessary red tape.

This is urgent work, and I hope you will make time to participate. I look forward to hearing your important insights and recommendations on how to move forward.

A handwritten signature in black ink, appearing to read "Steve Clark".

Steve Clark  
Minister  
Ministry of Municipal Affairs and Housing

## Denise Holmes

---

**From:** Chris Jones <chris\_mplanningservices@rogers.com>  
**Sent:** Friday, November 16, 2018 9:53 AM  
**To:** Denise Holmes  
**Subject:** Fwd: Dufferin County MCR Summary  
**Attachments:** Untitled attachment 00196.htm; MCR Overview Memo Nov 15, 2018.docx; Untitled attachment 00199.htm

Hi Denise - this item could be added to a future agenda with the new Council as an fyi.

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

Begin forwarded message:

From: Jenny Li <jli@dufferincounty.ca>  
Subject: Dufferin County MCR Summary  
Date: November 15, 2018 at 1:47:02 PM EST  
To: Brandon Ward <bward@orangeville.ca>, "Chris Jones (chris\_mplanningservices@rogers.com)" <chris\_mplanningservices@rogers.com>, "Christine Gervais (cgervais@amaranth-eastgary.ca)" <cgervais@amaranth-eastgary.ca>, "david.trotman (david.trotman@townofmono.com)" <david.trotman@townofmono.com>, "gdickson@orangeville.ca" <gdickson@orangeville.ca>, Mark Kluge <mkluge@townofgrandvalley.ca>, "Steve Wever (swever@gspgroup.ca)" <swever@gspgroup.ca>, "tatkinson@mulmur.ca" <tatkinson@mulmur.ca>  
Cc: Darrell Keenie <dkeenie@dufferincounty.ca>, "Roth, Randall" <Randall.Roth@wsp.com>

Good afternoon everyone,



Please see the attached summary for your information and to advise your local Councils with respect to the County MCR. This document is also available on the Planning and Eco Dev SharePoint site.  
Let me know if there are any questions.

Best regards,

Jenny Li, Planning Coordinator

Planning, Economic Development and Culture |County of Dufferin

Phone: 519-941-2816 Ext. 2509

[jli@dufferincounty.ca](mailto:jli@dufferincounty.ca) <<mailto:jli@dufferincounty.ca>>|55 Zina St., Orangeville, ON L9W 1E5

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## **XMEMO**

**TO:** Darrell Keenie, Jenny Li  
**FROM:** Chris Tyrrell, WSP  
Randall Roth, WSP  
**SUBJECT:** Dufferin County MCR Work Plan Summary  
**DATE:** November 15, 2018

---

Dufferin County (“the County”) is expected to grow to approximately 85,000 people and 32,000 jobs by 2041, representing an increase in 23,265 people and 7,646 jobs, according to the 2016 Canada Census data. To plan for and accommodate this growth, Dufferin County is reviewing and updating its Official Plan through a process called a Municipal Comprehensive Review (MCR) to comprehensively implement the policies of the new Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”). The new Growth Plan came into effect on July 1, 2017, providing an expanded policy framework for MCRs, which now must be initiated by the upper-tier municipality (i.e., County) and approved by the Province. The County is required to bring its Official Plan into conformity with the Growth Plan by 2022 and implement other new Provincial Plans (i.e., Greenbelt Plan, 2017, the Oak Ridges Conservation Plan, 2017, and the Niagara Escarpment Plan, 2017). Lower-tier municipalities are required to bring their official plans into conformity with the upper-tier official plan and the Growth Plan, 2017 within one year of the County MCR being approved and in effect.

The MCR represents a substantial integrated planning study for the County to provide planning direction to the local municipalities when updating their Official Plans, in accordance with the 2017 Growth Plan. The MCR process of the 2017 Growth Plan requires an integrated approach to planning for complete communities to 2041; the proposed approach is rooted in three focus areas, being (1) Growth Management; (2) Integrated Infrastructure Planning; and, (3) Environmental Planning. At the County Council meeting on July 12th, 2018, Council received a memo, titled “Dufferin County Municipal Comprehensive Review Process and Major Tasks”, which outlined the tasks and process that must be undertaken to complete the County’s MCR through this integrated approach, as required by the policies of the 2017 Growth Plan and outlined in the associated Provincial guidance documents. The major tasks identified in this memo include:

- |                               |                            |
|-------------------------------|----------------------------|
| 1 Consultation and Engagement | 3 Natural Heritage Systems |
| 2 Agricultural System         | 4 Watershed Planning       |

- |  |  |
|--|--|
| <b>5</b> Population and Employment Forecasts | <b>11</b> Water and Wastewater         |
| <b>6</b> Baseline Target Analysis            | <b>12</b> Transportation               |
| <b>7</b> County Land Needs                   | <b>13</b> Public Service Facilities    |
| <b>8</b> Employment Strategy                 | <b>14</b> Climate Change Initiatives   |
| <b>9</b> Intensification Strategy            | <b>15</b> Fiscal Impact Analysis       |
| <b>10</b> Housing Strategy                   | <b>16</b> Updated County Official Plan |

WSP, in association with urbanMetrics, MetroEconomics, and PRIME Consulting and Strategy, has prepared a preliminary scope of work for the County's MCR to address these needs through a five-phased approach, anticipated to be completed by 2022 (**Figure 1**). The proposed scope of work represents the Project Team's current understanding of the work required to undertake the MCR to address the requirements of the 2017 Growth Plan. It is anticipated that based on further discussions with the County, Councils, local municipalities, Steering Committee, and the Province, while working through the MCR process, the scope of work and level of effort required may evolve and some level of flexibility will be required.

The purpose of this memo is to provide an overview of the process and tasks that will be undertaken to complete the County's MCR process, as required by the policies of the Growth Plan. The MCR will be an iterative process that will need to be flexible and reactive to the various studies incorporated in the process; the proposed work plan has been phased to respond to this interconnectivity (**Figure 2**).

FIGURE 1 Dufferin County Municipal Comprehensive Review Project Timeline

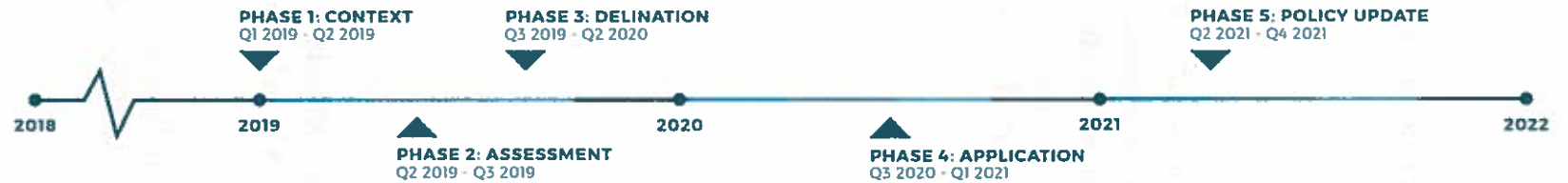
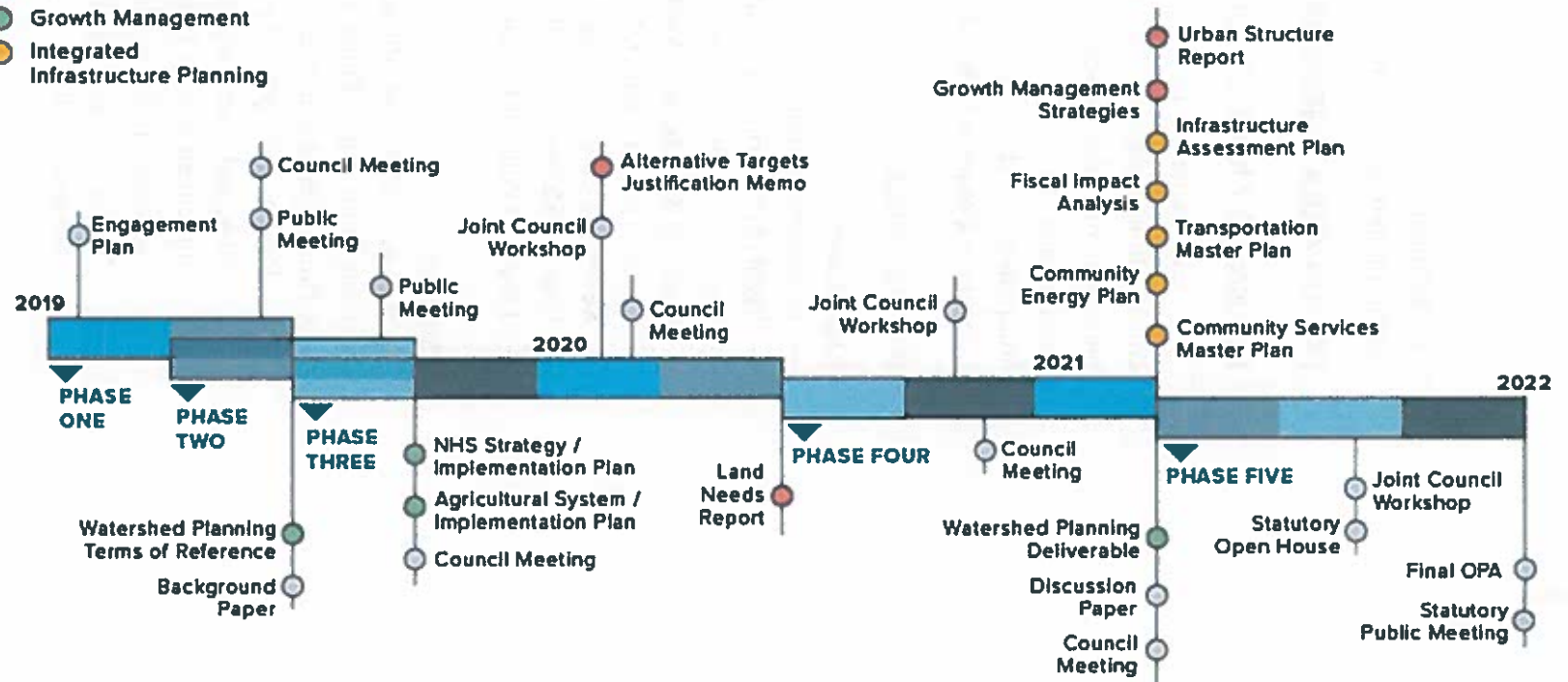


FIGURE 2 Timeline of Council / Public Meetings and Deliverables

**LEGEND**

- Planning / Engagement
- Natural Environment
- Growth Management
- Integrated Infrastructure Planning



The following sections outline the purpose and outcomes for each component within the proposed scope of work for this MCR.

## **FOCUS AREA // GENERAL**

### **1 PLANNING AND ENGAGEMENT**

This component provides an overarching framework for planning and consultation/engagement throughout the entire MCR process. This includes the planning of engagement events and consultation meetings for all other components and the synthesis of findings and outcomes from the other components as they relate to the Official Plan policy framework, to ultimately inform the County's Official Plan Amendment (OPA).

#### **DELIVERABLES**

##### **Engagement**

- Engagement Strategy
- Eight (8) Steering Committee Meetings
- Four (4) Technical Advisory Committee Meetings
- Four (4) Stakeholder Workshops
- Three (3) Joint Council Workshops
- Seven (7) County Council Meetings
- Five (5) Meetings with the Province
- Three (3) Public Information Centre

##### **Planning**

- Background Report (Phase 1)
- Discussion Paper (Phase 4)
- Official Plan Amendment to update the County Official Plan (Phase 5)
  - Review and update key policy areas based on PPS, Provincial Plans, MCR work, and emerging planning trends
  - Implement Source Protection Plan policies
  - Implement policy updates to other Provincial Plans at the County level (Niagara Escarpment Plan, Greenbelt Plan, Oak Ridges Moraine Conservation Plan)

## **FOCUS AREA // GROWTH MANAGEMENT**

### **2 GROWTH MANAGEMENT**

This MCR process is centred around the need for appropriately managing growth, which is conducted primarily through the Land Needs Assessment (LNA) and related strategies. The project and supporting studies will evaluate alternative scenarios for growth to determine the amount of land needed in the County (considering the amount of growth accommodated within the built-boundary through intensification, and growth within the designated greenfield areas, and any required settlement area expansions) to accommodate the forecasts in Schedule 3 of the Growth Plan; the Study Team will need to rely on further studies, to justify the location of any proposed settlement area expansions, which will require further coordination and work on behalf of the local municipalities. This assessment and the supporting studies will inform the policies of the County's new Official Plan by addressing the key land use planning issues and opportunities facing the County and member municipalities and establish innovative and contextual growth management policies.

Based on WSP's work on preparing the first County Official Plan, it is anticipated that through this MCR process, settlement area expansions may need to be assessed and appropriately justified for the Urban Settlement Areas of Shelburne (west side lands) and the urban area of Grand Valley. Additional population and employment growth may also be allocated to the Town of Orangeville. It is recognized that existing servicing constraints have resulted in an 'unallocated' population and employment growth forecast to the Urban Settlement Areas, as such the MCR process will need to coordinate closely with these local municipalities in identifying servicing solutions to address these constraints, in order to plan for and allocate the Growth Plan forecasts to the 2041 planning horizon. Based on existing policy and guidance documents, we anticipate that additional technical studies will be required in support of any recommended Urban Settlement Area expansions.

#### **DELIVERABLES**

- Alternative Targets Justification Memo (Phase 3)
  - This is an iterative process that will be initiated at the outset of the MCR. Appropriate alternative targets will require consultation with the Province and other stakeholder groups, and evaluation through different growth scenarios.
- Land Needs Assessment Report and associated mapping (Phase 3)
- Urban Structure Delineation and Implementation Report (Phase 4)

- Land Needs Strategies and associated mapping (Phase 4), which consist of:
  - Intensification Strategy;
  - Housing Strategy; and,
  - Employment Strategy.

## **FOCUS AREA // INTEGRATED INFRASTRUCTURE PLANNING**

### **3 WATER / WASTEWATER**

The 2017 Growth Plan requires that infrastructure be planned in a manner that is integrated with the planning process for managing growth. This includes ensuring sufficient infrastructure and public service facilities capacity is available or planned in appropriate locations (e.g., settlement expansion areas, designated greenfield areas, intensification areas, strategic growth areas, etc.) to accommodate forecasted growth. The County is not directly responsible for the provision of municipal services, and as such, it is recognized that coordination with the local municipalities will be required to assess municipal services, available capacities, and system constraints, to identify servicing solutions to accommodate the forecasted growth.

The proposed scope of work is to review servicing opportunities and constraints for the County, including a high-level review and assessment of existing and proposed infrastructure throughout the County, utilizing the servicing plans and designs completed by the settlement areas, as well as on-going infrastructure initiatives. It is anticipated that the local municipalities will need to complete any required Municipal Class Environmental Assessments (EA), which is an approved process under the Ontario *Environmental Assessment Act*. It is intended that this work will be coordinated through the County MCR process, as well as the EA process for the County Transportation Master Plan, which will be undertaken as part of the MCR project.

#### **DELIVERABLES**

- Infrastructure Assessment and Implementation Report (Phase 4)
  - Consolidate and summarize the infrastructure initiatives completed by the settlement areas and recommended servicing improvements, which are required to support the County's allocation of forecasted growth to the Urban Settlement Areas

### **4 FISCAL IMPACT ASSESSMENT**

The 2017 Growth Plan requires infrastructure planning to service future growth in ways that are fiscally sustainable and linked to decisions about how these systems



are paid for and administered. As such, there is a need to assess the fiscal impacts of growth scenarios when evaluating options.

This scope of work includes a fiscal impact assessment solely for the County; local municipalities will be required to provide input on their fiscal impacts to inform the County's analysis.

#### **DELIVERABLES**

- Fiscal Impact Analysis (Phase 4)
  - Evaluate revenue and cost sources
  - Evaluate quantitative cash-flow models for various land use scenarios to determine the fiscal impact of development within the growth area

### **5 TRANSPORTATION**

The 2017 Growth Plan, refers to the adequate provision of community facilities, infrastructure, and the need for transportation demand management approaches beyond Official Plan policies. The Transportation Master Plan (TMP) is being prepared to address the 2017 Growth Plan policies regarding transportation planning. This work will be prepared in accordance with the requirements of Phases 1 and 2 of the Municipal Class Environmental Assessment (EA) process, in coordination with the local municipal infrastructure EA's.

#### **DELIVERABLES**

- Transportation Master Plan (Phase 4)
  - Road Improvements Strategy and Alternatives Assessment
  - Updated County Active Transportation (AT) Strategy
  - Transit Strategy
  - Transportation Demand Management Strategy and Supporting Policies

### **6 COMMUNITY ENERGY PLAN**

The 2017 Growth Plan recognizes and supports the role of municipal policy in providing leadership and innovation to integrate infrastructure, supporting a culture of conservation, and addressing climate change. As the Greater Golden Horseshoe (GGH) grows, so will the overall demand for water, energy, air, and land. The ongoing availability of these natural resources is essential for the sustainability of all communities.

The County has applied for funding from FCM's Municipalities for Climate Innovation Program (MCIP) Climate Change Staff Grant to implement specific municipal initiatives focused on GHG emissions reduction or climate change



adaptation. As a first milestone, the County joined the Partners for Climate Protection (PCP) and completed a Corporate GHG Inventory. Other proposed actions include: completing corporate GHG inventories with each municipality; setting GHG reduction targets for each municipality and for the County; and, completing a community-wide GHG inventory and setting reduction targets.

This plan will set policy direction for the County for a long-term approach to energy use management that will increase awareness, reduce consumption and emissions, and encourage the use of innovative technology and energy systems. This work will be informed by the Land Needs Assessment; as such, it will not commence until Phase 3, at which time there will be supporting information on growth outlooks to commence this work. Furthermore, this work will incorporate the work that the County is undertaking in regard to climate change initiatives. This work will form the basis of the Community Energy Plan when assessing energy and emission baselines.

#### **DELIVERABLES**

- Community Energy Plan (Phase 4)
  - Finalize the assessment of various energy conservation strategies by identifying opportunities for energy efficiency, district energy generation, renewable energy systems, and alternative energy systems
  - Reflect considerations of the long-term goal of low-carbon communities
  - Identify high level impacts and rationale for specific energy conservation strategies and timelines for implementation
  - Identify how the County can support local economic development and community objectives related to energy and greenhouse gas emissions through policy recommendations

### **7 PUBLIC SERVICE FACILITIES**

The requirement for integrated infrastructure planning extends to ensuring sufficient public service facilities capacity is available or planned in appropriate locations to accommodate forecasted growth (i.e., government services, social assistance, programs, etc.). Furthermore, the 2017 Growth Plan requires municipalities to collaborate and consult with service planning, funding, and delivery sectors to facilitate the co-ordination and planning of community hubs and other public service facilities.

#### **DELIVERABLES**

- Community Services Master Plan (Phase 4)

- Facilitate integration of land use planning with planning and investment in public service facilities, including integrated service delivery through community hubs
- Three key areas, being: programs and service providers; diversity and inclusion; and, connecting communities and neighbourhoods

## **FOCUS AREA // ENVIRONMENTAL PLANNING**

### **8 NATURAL HERITAGE SYSTEM**

A Natural Heritage System Strategy (NHSS) is needed for Dufferin County to acknowledge and integrate the natural areas and establish complementary land use planning implementation guidance for the long-term sustainability of its natural heritage system and communities. The NHS for Dufferin County will be based on the Regional NHS for the Growth Plan for the Greater Golden Horseshoe (MNR 2018) which is currently in effect, and will refine and map key natural heritage resources in the County, as well as provide direction on implementation for the long-term sustainability of a County-wide Natural Heritage System. This work will begin at the outset of the MCR process.

#### **DELIVERABLES**

- County Natural Heritage System and Implementation Plan (Phase 2)
  - Implement and update/refine the Provincial Natural Heritage System Strategy and associated policies
  - Establish complimentary policies and land use planning guidelines for the long-term protection and sustainability of the County's Natural Heritage System
  - Consider implementation of the NHS through land use planning policies and requirements, and supporting schedules to implement the NHS

### **9 AGRICULTURAL SYSTEM**

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is promoting a systems approach for agricultural land planning, referred to as the "Agricultural Systems approach". This approach recognizes that agricultural production is connected to critical agri-food infrastructure, consisting of services and assets required to transport, process, market and distribute food products. The Province developed an agricultural land base map for the Greater Golden Horseshoe (GGH) that may be refined by municipalities in consultation with OMAFRA and the Ministry of Municipal Affairs (MMA) through the MCR process.

## **DELIVERABLES**

- County Agricultural System and Implementation Plan (Phase 2)
  - Implement and update/refine the Provincial Agricultural Systems mapping and associated policies

## **10 WATER RESOURCES**

The 2017 Growth Plan directs that municipal policy and decision-making, particularly in regards to growth management and infrastructure planning, must be informed by watershed planning. Furthermore, policies in the Growth Plan, Oak Ridges Moraine Conservation Plan, and Greenbelt Plan require that upper and single tier municipalities, in partnership with Conservation Authorities, as appropriate, shall ensure that watershed planning is undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement or restoration of the quality and quantity of water within a watershed. These policies include direction for:

- identification of a water resource system across the Greater Golden Horseshoe;
- strengthened requirements for watershed planning and subwatershed plans to inform land use planning and infrastructure decision-making; and,
- requirements for water, wastewater, and stormwater master planning to be informed by watershed planning, among other requirements.

## **DELIVERABLES**

- Watershed Planning Terms of Reference (Phase 1)
  - Due to these layers of complexity, proposing to determine an appropriate scope of work for the most effective and informed approach to undertake the required watershed planning process will be established based on consultation with the Province, County, Conservation Authorities, and the local municipalities.
  - Will result in a Watershed Planning Deliverable within Phase 4 of the MCR.

# • Municipal Planning Services Ltd. •

## MEMORANDUM

**To:** Ms. Christine Thomas, Growth Policy Planning and Analysis  
**Copy:** Council for the Township of Melancthon and CAO  
**From:** Chris D. Jones MCIP, RPP  
**Date:** November 29, 2018  
**Re:** Comments on the Agricultural System – Township of Melancthon

---

Further to my attendance at the consultation session held on October 15, 2018 with respect to the Agricultural and Natural Heritage System Mapping for the new Provincial Growth Plan, the following additional comments are provided on behalf of the Township of Melancthon:

1. The Township of Melancthon views itself as having strong cultural and economic ties to the agricultural community.
2. The Township's new Official Plan, approved by the Ministry in 2015, articulated the value of agriculture and established, in consultation with OMAFRA, an Agricultural designation comprised of prime agricultural areas in accordance with Section 2.3 of the PPS.
3. The new Official Plan is consistent with Provincial Policy and has provided effective guidance since its approval in responding to proposals for non-agricultural uses, which have been increasing in number given the high rates of new growth in the neighbouring settlements of Shelburne and Dundalk.
4. The new Growth Plan, with an effective date of July 1, 2017, contained policies related to the "Agricultural System" but did not contain a schedule illustrating the "Agricultural System".
5. The requisite "Agricultural System" schedule was made effective on February 9, 2018, seven months after the new Growth Plan came into effect. This schedule identifies the Township, in its entirety, as a prime agricultural area.
6. The release of the "Agricultural System" schedule was accompanied by a 48-page OMAFRA document entitled "Implementation Procedures for the Agricultural System in Ontario's Greater Golden Horseshoe".
7. The "Agricultural System" has resulted in the unilateral removal of the Rural land use designation and policies from the Township's Official Plan, which prior to the enactment of the Agricultural System, accounted for approximately 30% of the Township's land base.
8. The implication of the removal of the rural land use designation in the Township of Melancthon is that a rural municipality with a land area of 310 square kilometres and a projected growth rate (under the 2015 County Official Plan) of less than 1% per year is no

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• Municipal Planning Services Ltd. •

Chris D. Jones BES, MCIP, RPP  
51 Churchill Drive, Unit 1  
Barrie, Ontario  
(705) 725-8133

PLAN# 9  
DEC 20 2018

longer able to utilize Sections 1.1.4 and 1.1.5 of the PPS (Rural Areas and Rural Lands) in the administration of its planning program.

9. I have reviewed the OMAFRA implementation guidelines that relate to the issue of refinement of the Agricultural System as authorized under Section 4.2.6.9 of the Growth Plan. In my opinion, the refinement criteria are narrow and will not allow any portion of the rural land use designation to be re-established in the Township.
10. There is a "system" of land use in the Township that has been established over the last 150 years. This "system" is by and large dominated by agriculture, but also includes a number of small rural businesses that are compatible with and supportive of agri-business. Many of these rural uses would not be an appropriate or compatible use in adjacent settlement areas. Notwithstanding, the reality of the proposed "Agricultural System" means that existing, compatible rural land uses will become non-conforming uses and would be restricted from opportunities to re-invest and diversify as described in Section 3.2.1.8 of the OMAFRA Implementation Guidelines, *"Should the non-agricultural uses be proposed to change or be expanded, prime agricultural area policies would apply."*
11. As a final comment I find it odd that Section 4.2.6 of the Growth Plan (Agricultural System) does not reference Section 2.3 (Agriculture) of the PPS as the minimum policy standard/requirement that must be met to ensure consistency with the Growth Plan. This approach is in contrast to other sections of the Growth Plan such as Sections 4.2.2.6 and 4.2.8.6, which clarify the relationship of Growth Plan policies to PPS policies.

In closing, the unilateral decision to designate the Township of Melancthon in its entirety as a "prime agricultural area" will not, in my opinion, serve to protect or enhance the sustainability of the agricultural community in the Township or Dufferin County. By its nature the agricultural community, socially and economically, interfaces with a broader "system" of uses than "agricultural-related uses" and "on-farm diversified uses".

Respectfully Submitted,



Chris Jones MCIP, RPP

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## Denise Holmes

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**From:** Chris Jones <chris\_mplanningservices@rogers.com>  
**Sent:** Thursday, December 13, 2018 1:58 PM  
**To:** Denise Holmes; Wendy Atkinson  
**Subject:** Bill 66  
**Attachments:** Untitled attachment 00004.htm; Bill 66 (excerpt).pdf; Untitled attachment 00007.htm; MPS logo.pdf; Untitled attachment 00010.htm

I've just taken a quick look at the draft Bill 66 and have attached the salient excerpt as it pertains to an amendment to the Planning Act.

If I'm reading it correctly it would allow a municipality to pass a ZBA to authorize a land use regardless of PPS or the Growth Plan.

You could add this to the agenda next week fyi if you like.

The Bill has only been given 1st reading, but I suspect it will move along.

CJ

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**SCHEDULE 10**  
**MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**  
**PLANNING ACT**

**1 The *Planning Act* is amended by adding the following section:**

**Open-for-business planning by-law**

**34.1 (1)** A local municipality may pass a by-law to which this section applies (hereinafter referred to as an open-for-business planning by-law) that,

- (a) involves the exercise of the municipality's powers under section 34; and
- (b) may impose one or more of the conditions specified in subsection (8) on the use of land or the erection, location or use of buildings or structures.

**Conditions**

**(2)** A local municipality shall not pass an open-for-business planning by-law unless the following conditions are satisfied:

- 1. The municipality has received approval in writing by the Minister to pass an open-for-business planning by-law.
- 2. The prescribed criteria, if any, have been met.

**Request by municipality**

**(3)** The approval by the Minister referred to in paragraph 1 of subsection (2) must have been requested by the municipality by resolution, and the request must have been accompanied by the prescribed information.

**Approval subject to conditions**

**(4)** The approval by the Minister referred to in paragraph 1 of subsection (2) is subject to such conditions as the Minister may provide.

**Purposes of open-for-business planning by-law**

**(5)** An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose.

**Non-application of listed provisions**

**(6)** The following provisions do not apply to an open-for-business planning by-law:

- 1. Subsection 3 (5).
- 2. Section 24.
- 3. Subsections 34 (10.0.0.1) to (34).
- 4. Section 36.
- 5. Section 37.
- 6. Section 39 of the *Clean Water Act, 2006*.
- 7. Section 20 of the *Great Lakes Protection Act, 2015*.
- 8. Section 7 of the *Greenbelt Act, 2005*.
- 9. Section 6 of the *Lake Simcoe Protection Act, 2008*.
- 10. Subsection 31.1 (4) of the *Metrolinx Act, 2006*.
- 11. Section 7 of the *Oak Ridges Moraine Conservation Act, 2001*.
- 12. Section 13 of the *Ontario Planning and Development Act, 1994*.
- 13. Subsection 14 (1) of the *Places to Grow Act, 2005*.
- 14. Section 12 of the *Resource Recovery and Circular Economy Act, 2016*.
- 15. Any prescribed provision.

**Application of site plan control**

**(7)** Section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of land that is subject to an open-for-business planning by-law. However, those sections do apply if the by-law has been amended, other than in circumstances where the amendment relates only to a condition imposed in accordance with subsection (8).

### Conditions that may be imposed

(8) One or more of the following conditions may be imposed in accordance with clause (1) (b):

1. A requirement that any use of land or the erection, location or use of buildings or structures be undertaken in accordance with,
  - i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
  - ii. drawings showing plan, elevation and cross-section views for any building to be erected, which drawings are sufficient to display,
    - A. the massing and conceptual design of the proposed building,
    - B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,
    - C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, and
    - D. facilities designed to have regard for accessibility for persons with disabilities.
2. Any condition that can be imposed by a municipality under subsection 41 (7).
3. Any condition that can be imposed by an upper-tier municipality under subsection 41 (8).
4. Any requirement that is reasonable for and related to the appropriate use of the land and that the municipality considers necessary for the protection of public health and safety.
5. A requirement that the owner of the land to which the by-law applies enter into one or more agreements with the municipality respecting one or more conditions imposed under this subsection.

### Same

(9) The following matters are not subject to a condition imposed under paragraph 1 of subsection (8) with respect to a building:

1. The colour, texture and type of materials, window detail, construction details, architectural detail and interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-paragraph 1 ii C of subsection (8).
3. The manner of construction and construction standards.

### Same

(10) If an agreement is entered into in accordance with a requirement imposed under paragraph 5 of subsection (8),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

### Notice

(11) No notice or hearing is required prior to the passing of an open-for-business planning by-law, but the municipality shall give notice of the by-law,

- (a) within three days of the passing thereof to the Minister in the prescribed manner; and
- (b) within 30 days of the passing thereof to any persons or public bodies the municipality considers proper in such manner as the municipality considers proper.

### Coming into force of by-law

(12) An open-for-business planning by-law comes into force on,

- (a) the 20th day after it is passed, even if that day is a holiday; or
- (b) such later day as may be specified by the Minister, if the Minister notifies the municipality of that day in writing before the day on which the by-law would otherwise come into force.

### Minister may modify, revoke

(13) The Minister may by order modify or revoke an open-for-business planning by-law at any time before it comes into force.

**Denise Holmes**

---

**From:** AMO Communications <communicate@amo.on.ca>  
**Sent:** Friday, December 14, 2018 9:40 AM  
**To:** dholmes@melancthontownship.ca  
**Subject:** AMO Policy Update - Cannabis Shortage Will Limit Number of Stores

December 14, 2018

## **Cannabis Shortage Will Limit Number of Stores**

### **To the Immediate Attention of Members of Council, Clerks and CAOs:**

Due to a national shortage in cannabis supply, the Ontario government has decided to take a Phased Approach for the number of retail stores and locations in the province. AMO understands this cap will remain in place at least until the supply shortage is addressed.

The Alcohol and Gaming Commission of Ontario (AGCO), the Province's cannabis regulator, will only award 25 store licenses in the initial phase of private recreational cannabis retail starting April 1, 2019. They will be taking applications from potential store operators from January 7-9, 2019. AGCO operator licenses will be decided by lottery that will be overseen by a third-party fairness monitor. Please see AGCO News Release.

Municipal governments still have until January 22, 2019 to decide whether to allow cannabis retail stores in their communities. Municipal governments that have not opted out by January 22, 2019 are deemed to allow cannabis sales in their communities.

All inquiries should be directed to the Alcohol and Gaming Commission of Ontario or the Ministry of the Attorney General. Contact information is at the end of each news release.

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## **Ontario Takes a Phased Approach to Cannabis Retail Licensing Due to National Supply Shortages**

December 13, 2018 7:30 P.M.

Today, the Honourable Caroline Mulroney, Attorney General and the Honourable Vic Fedeli, Minister of Finance, released the following statement on changes being made to the licensing process for recreational retail cannabis stores in Ontario:

"It is the federal government's responsibility to oversee cannabis production and to provide a viable alternative to the illegal market by ensuring there is sufficient supply to meet consumer demand. Yet, we continue to see severe supply shortages across the country in legal, licensed recreational cannabis stores.

For example, Alberta stopped issuing any new retail cannabis licences after only receiving 20 per cent of the stock it ordered from federally licensed producers, and in Quebec retail operating hours have been reduced to four days a week. In addition, the shortage of supply has restricted online sales in many jurisdictions.

This is a national issue that demands an immediate response from Justin Trudeau and the federal government. The Government of Ontario has brought this to the federal government's attention repeatedly. At a recent meeting of federal, provincial and territorial Finance Ministers in Ottawa, Minister Fedeli, along with Finance Ministers from several other provinces and territories, raised the issue of a severe shortage of supply across the country with Federal Finance Minister Bill Morneau.

Taking into consideration the required investments for a prospective Ontario private legal retailer, we cannot in good conscience issue an unlimited number of licences to businesses in the face of such shortages and the federal government's failure to provide certainty around future supply.

That is why today we are announcing that Ontario will be taking steps to ensure that private cannabis retail stores open in phases. In the initial phase up to 25 licences will be issued so operators can open for business on April 1, 2019 and stay open.

To ensure a fair and transparent process, the Alcohol and Gaming Commission of Ontario (AGCO) will implement a lottery system to determine who is eligible for the initial licences to legally operate a store in Ontario. All interested parties will be able to submit an expression of interest form online to the AGCO from January 7 to January 9, 2019. The expressions of interest will be put into a lottery pool for a draw. The draw will be conducted on January 11, 2019, with the results to be posted on the AGCO's website within 24 hours.

The lottery process will be overseen by a third-party fairness monitor to ensure equality and transparency in the treatment of the expressions of interest, as well as an appropriate distribution of stores in each region of the province, which is set out in the regulation. Further details on the lottery system will be available on the AGCO website.

The OCS continues to work closely with federally licensed producers to monitor the availability of supply and to secure supply for Ontario, including through regular product calls and frequent visits to producer facilities. The lottery is going to be a temporary model for issuing private retail licences. When Ontario has determined that the federal government has provided for enough reliable supply, Ontario will communicate next steps for additional private retail stores.

Our government refuses to compromise the viability of Ontario businesses. Private retailers need certainty from the federal government that there will be a reliable supply of cannabis to support their business and combat the illegal market.

We will continue to urge the federal government to take immediate action to ensure licensed producers ramp up production in order to meet the anticipated market demand for recreational cannabis."

---

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## Government announces changes to the allocation of cannabis retail licensing

The Government of Ontario has announced changes to the allocation of cannabis retail licensing. [Read the full text of the government's announcement.](#)

As the government has indicated, given the shortage of legal cannabis supply from federally licensed producers, it has changed the approach to how private retail stores will be allocated. Due to this limited supply, the government will allow private cannabis retail stores to open in phases, by providing authority for the AGCO to license up to 25 stores in the initial phase.

The government has made a new regulation under the *Cannabis Licence Act, 2018* that allows a lottery system to be implemented to determine who will be able to apply for one of the 25 initial stores. The AGCO will run the lottery and it will be overseen by a third-party fairness monitor. People who wish to participate in the lottery will do so by submitting Expressions of Interest, online, from January 7-9, 2019. As a result, the AGCO will not begin accepting applications for cannabis retail licences and authorizations on December 17, as had previously been announced.

As a next step, the AGCO will be moving ahead to retain the services of a third-party fairness monitor and will provide them with the rules of the lottery. At that point, we will publish the lottery rules to our website and send out a notification, through this channel, as soon they are available. We will also plan a webinar to clearly explain the lottery rules and procedures. The webinar will be scheduled for the first week of January. We will provide further details on the date and how to register for that webinar as soon as they are confirmed.



[View online](#) - [www.agco.ca](http://www.agco.ca) - [Unsubscribe](#)



**From:** AMO Communications <communicate@amo.on.ca>  
**Sent:** Thursday, November 29, 2018 6:30 PM  
**To:** dholmes@melancthontownship.ca  
**Subject:** AMO Policy Update - Ontario Government Releases New Environment Plan for Consultation

November 29, 2018

## **Ontario Government Releases New Environment Plan for Consultation**

The Honourable Rod Phillips, Minister of Environment, Conservation and Parks has released Ontario's new Environment Plan for a 60-day consultation on the Environmental Registry. The new plan, a broad and wide-ranging framework for action on land, air and water quality across the province sets out new climate change action and climate resilience targets for the province. The government will conduct more focused consultations on individual plan objectives and actions in 2019. This update provides municipal officials with an overview of the plan's main objectives and possible actions that could affect municipal governments. AMO will be reviewing the plan in detail and responding to the government through the consultations.

Through today's announcement, the government proposes to revise Ontario's greenhouse gas (GHG) emissions reduction target by 30 per cent from 2005 levels by 2030. This target is aligned with reductions under the United Nations Paris Accord but allows greater emissions than the current target adopted by the previous government. The Province re-commits to investing \$5 billion additional funding in transit across Ontario and to working with federal and municipal governments to invest the \$7 billion Green Infrastructure stream in the Investing in Canada Infrastructure Plan in areas such as transit, wastewater and stormwater infrastructure.

The new strategy is separated into four main categories containing a wide range of proposed actions. Depending upon local needs and circumstances, municipal governments could be affected a number of initiatives. The four parts of the proposed plan are:

### **Addressing Climate Change**

- Actions to increase climate resilience for people and communities include:
  - Carrying out a provincial climate impact assessment including vulnerability for key sectors such as energy, transport, water and agriculture;
  - Providing better information tools to homeowners to understand and take action to protect against climate change impacts;
  - Helping communities apply climate science in decision making to improve resilience;
  - Modernizing the Ontario Building Code to protect new buildings and homes against extreme weather;

- Reviewing the Municipal Disaster Recovery Assistance program to incorporate climate resilience upgrades to damaged infrastructure; and
  - Review land use planning policies for climate resilience and helping communities adapt to changing weather conditions and improve stormwater management.
- This section also lays out actions to reduce GHG emissions by 30 per cent from 2005 levels by 2030 in line with the Paris Accord by:
  - Regulating Ontario's largest emitters to reduce GHGs. The regulated standards will include an assessment of trade-exposed industries and allow appropriate exemptions;
  - Create a four year \$400 million Ontario Carbon Trust fund to help pay for innovative technologies and GHG reductions;
  - The Ontario Carbon Trust could be combined with the \$420 million federal Low Carbon Leadership Fund allowing up to \$820 million to provide incentives to reduce carbon emissions;
  - Conserving energy and water in homes and buildings through better information on energy and water consumption
    - Expand the "Green Button" initiative for electricity and natural gas and voluntary support for water utilities;
    - Encourage the display of home energy information on real estate listings;
    - Increase renewable content in gasoline to 15 per cent by 2025;
    - Require natural gas utilities to offer voluntary renewable natural gas options for consumers;
    - Support smart grid and energy storage technologies;
    - Work with municipal governments to develop climate and energy plan initiatives to support climate resilience and low carbon transformation; and
    - Remove regulatory barriers to private sector low carbon refueling and compressed natural gas stations for trucks.

## **Reducing Litter and Waste in Our Communities and Keeping our Land and Soil Clean**

- Commitment to move Ontario's existing waste diversion programs to full producer responsibility to provide relief for taxpayers and make producers of packaging and products more efficient by better connecting them with the markets that recycle what they produce;
- Provide municipal governments and the communities they represent with say in landfill siting approvals;
- Cut regulatory red tape and modernize environmental approvals to support sustainable end markets for waste and new infrastructure;
- Expansion of green bin collection systems in large cities and relevant businesses;
- Develop a proposal to ban food waste from landfill;
- Reduce plastic waste through development of a national strategy; seeking federal commitment to implement standards that address recyclability and labelling for plastic products and packaging and ensuring the Great Lakes and other inland waters are included in international agreements that deal with plastic waste in the environment;
- Provide clear rules for compostable products and packaging by working with municipal governments and private composting facilities to build a consensus around requirements for

emerging compostable materials and consider making producers responsible for the end of life management of these materials;

- Establish an official day focused on cleanup of litter across Ontario;
- Explore opportunities to recover the value of resources in waste through chemical recycling or thermal treatment;
- Work with municipal governments and producers to provide more consistency across the province regarding what items can and cannot be accepted in the Blue Box;
- Revise Brownfields regulation and record of site condition to reduce barriers to redevelop contaminated lands;
- Make it easier to reuse excess soils;
- Work with municipalities to reduce illegal dumping, including of excess soils; and
- Improve management of hauled sewage.

### **Protecting Our Air, Lakes and Rivers**

- Local air quality monitoring and action plans to address regional concerns;
- Reducing road salt infiltrating Ontario's lakes and rivers through best management practices and reducing phosphorous;
- Increasing transparency of monitoring and reporting of sewage overflows from municipal wastewater systems and considering improvements to stormwater and wastewater financing and investment;
- Action on invasive species;
- Addressing water taking policies to protect groundwater and prioritizing uses; and
- Increasing water use tracking and reporting.

### **Conserving Land and Greenspace**

- Work with municipal governments and communities to ensure Conservation Authorities focus on protecting people and property from flooding;
- Modernize Environmental Assessments (EA) to avoid duplications, streamline and reduce delays while better recognizing other planning processes

Municipal officials are encouraged to review the plan for individual impacts and opportunities in their government operations. Members may wish to provide their comments directly on the province's new Environment Plan through the EBR by January 28, 2019. AMO will be assessing the areas of the plan in greater detail and will report to members on any significant developments.

### **AMO Contact:**

Craig Reid, Senior Advisor, [creid@amo.on.ca](mailto:creid@amo.on.ca), 416-971-9856 ext. 334

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## Wendy Atkinson

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**From:** OCLIF, Documents (MOF) <OCLIF.Documents@ontario.ca>  
**Sent:** Monday, November 26, 2018 6:55 PM  
**To:** watkinson@melancthontownship.ca  
**Cc:** Hensel, Janice (MMAH)  
**Subject:** Re: Ontario Cannabis Legalization Implementation Fund - First Payment  
**Attachments:** Minister's Letter to Municipalities.pdf; Deputy Minister's Letter to Treasurers.pdf; Ontario Cannabis Legalization Implementation Fund - Melancthon Tp - 2219.pdf

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Dear Treasurer,

On November 20, 2018, the Minister of Finance sent a letter to Heads of Council (elect) regarding funding for all municipalities through the Ontario Cannabis Legalization Implementation Fund ("Fund"). A copy of the Minister's letter is attached.

This fund will provide \$40 million in funding over two years to municipalities across Ontario to help with the implementation costs of recreational cannabis legalization.

Also attached are:

- Letter from the Deputy Minister of Finance, outlining the terms and conditions of receiving money under the Fund.
- Your municipality's allocation notice for the 2018-19 first payment.

The first payment will be provided in January 2019 in the amount set out in the attached notice.

If you have any questions, please contact:

Cannabis Retail Implementation Project  
Ministry of Finance  
Email: [OCLIF@ontario.ca](mailto:OCLIF@ontario.ca)

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November 20, 2018

Dear Head of Council (elect):

Recently, Ontario's Government for the People moved to a new cannabis retail model to meet our key priorities of combatting the illegal market and keeping our children and communities safe.

Today, the Province is beginning the fulfillment of its commitment to provide \$40 million in funding over two years to municipalities to help with the implementation costs of recreational cannabis legalization.

The Ontario Cannabis Legalization Implementation Fund (OCLIF) will be distributed as follows:

- In early January, the first payment of \$15 million will be made to all municipalities on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This will enable all municipalities to proceed with their planned legalization activities.
- A second payment of \$15 million will then be distributed following the deadline for municipalities to opt-out under the *Cannabis Licence Act*, which is January 22, 2019.
  - Municipalities that have not opted-out as of January 22, 2019 will receive funding on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This funding will support initial costs related to hosting retail storefronts.
  - Municipalities that have opted-out will receive only a second \$5,000 each.
- The Province is setting aside \$10 million of the municipal funding to address costs from unforeseen circumstances related to the legalization of recreational cannabis, and priority will be given to municipalities that have not opted-out. Further details will be provided at a later date.

.../cont'd



- Finally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the Province will provide 50 per cent of the surplus only to municipalities that have not opted-out as of January 22, 2019.

Our government is committed to respecting taxpayers and their hard-earned money. We believe municipalities have an obligation to do likewise.

As such, municipalities must use this funding to address the costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include:

- increased enforcement (e.g. police, public health and by-law enforcement, court administration, litigation);
- increased response to public inquiries (e.g. 311 calls, correspondence);
- increased paramedic services;
- increased fire services; and
- by-law / policy development (e.g. police, public health, workplace safety policy).

Lower-tier and upper-tier municipalities will receive a 50/50 split of the allocation. The household numbers will be split between the upper- and lower-tier, and the allocation calculated accordingly. Decisions to adjust the split in allocation and transfer funding can be made at the local level as needed. Upper-tier municipalities will receive funding in relation to opt-out decisions made by the lower-tier municipality.

The Deputy Minister of Finance will write to your Treasurer with further details on the administration of this funding and attach each municipality's specific allocation notice.

To assess the impact of the funding, the Association of Municipalities of Ontario and the City of Toronto have been asked to work with the Ministry of Finance to establish a process by which a sample group of municipalities can assess the use and impact of these funds. More information on this process will be provided at a later date.

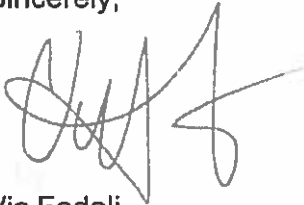
Our government is committed to building a retail system for cannabis sales that will help eliminate the illegal market and is safe and reliable with rules that keep cannabis out of the hands of children and youth, while keeping our roads safe. Complementary to this municipal funding, the Province continues to do the following:

.../cont'd

- Increase the capacity of law enforcement to help detect drug impaired driving through training. The Province has also created a specialized legal team to support drug impaired driving prosecutions, increased capacity at the province's Centre of Forensic Sciences, and has created a Cannabis Intelligence Coordination Centre.
- Support local boards of health (public health units) by providing a suite of tools and resources for enforcement of the *Smoke-Free Ontario Act, 2017*, which includes rules for smoking and vaping of cannabis.
- Conduct an integrated public awareness campaign to communicate the rules and regulations for recreational cannabis and educate Ontarians about the health and safety measures in place to protect them.

We appreciate the efforts of municipalities in the implementation of the federal government's legalization of cannabis and look forward to continuing to work together.

Sincerely,



Vic Fedeli  
Minister of Finance

c: The Honourable Caroline Mulroney, Attorney General  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Paul Boniferno, Deputy Attorney General  
Greg Orencsak, Deputy Minister of Finance  
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing  
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of Attorney General  
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project, Ministry of Finance  
Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning Policy Division, Ministry of Municipal Affairs and Housing  
Dan Miles, Chief of Staff

Ministry of Finance	Ministère des Finances
Office of the Deputy Minister	Bureau du sous-ministre
Frost Building South, 7th Floor	Édifice Frost Sud 7e étage,
7 Queen's Park Crescent	7 Queen's Park Crescent
Toronto, ON M7A 1Y7	Toronto, ON M7A 1Y7
Tel (416) 325-0420	Tél 416-325-0420
Fax (416) 325-1595	(416) 325-1595



November 26, 2018

Dear Treasurer:

**Re: Ontario Cannabis Legalization Implementation Fund**

In his November 20, 2018 letter to Heads of Council (elect), the Minister of Finance announced funding for all municipalities through the Ontario Cannabis Legalization Implementation Fund ("Fund"). This Fund will provide \$40 million in funding over two years to municipalities across Ontario to help with the implementation costs of recreational cannabis legalization.

This letter sets out the terms and conditions of receiving money under the Fund.

**1. First Payment of Funds**

For the first payment in January, the Province will distribute \$15 million of the Fund between all municipalities based on the following:

- 2018 MPAC Household numbers
- 50/50 split in household numbers between lower- and upper-tier municipalities
- Adjustments to provide at least \$5,000 to each municipality

Municipalities will receive a first payment in the amount set out in the attached allocation notice.

**2. Second Payment of Funds**

For the second payment, the Province will distribute \$15 million of the Fund between all municipalities based on the following:

- If a municipality has not opted-out of hosting private retail stores in accordance with *Cannabis Licence Act*, it will receive funding based on the 2018 MPAC household numbers, adjusted so that at least \$5,000 is provided to each municipality.

.../cont'd

- If a municipality has opted-out of hosting private retail stores in accordance with the *Cannabis Licence Act*, it will receive a maximum amount of \$5,000. Please note that if a municipality opts-out by January 22, 2019, and opts back in at a later date, that municipality will not be eligible for additional funding.

Municipalities will receive a second payment based on the above criteria. The Province will send an allocation notice to municipalities setting out the amount of the second payment by March 2019.

The amount of the Fund allocated to each municipality in Ontario will be posted at [www.fin.gov.on.ca/en/budget/oclif/](http://www.fin.gov.on.ca/en/budget/oclif/) in December.

### **3. Use of Funds**

Municipalities must use the money they receive from the Fund solely for the purpose of paying for implementation costs directly related to the legalization of cannabis.

Examples of permitted costs include:

- Increased enforcement (e.g., police, public health and by-law enforcement, court administration, litigation)
- Increased response to public inquiries (e.g., 311 calls, correspondence)
- Increased paramedic services
- Increased fire services
- By-law / policy development (e.g., police, public health, workplace safety policy)

Municipalities must not use the money they receive from the Fund to pay for:

- Costs that have been, or will be, funded or reimbursed by any other government body, or third party
- Costs not related to cannabis legalization

### **4. Transfer of Funds Within Upper-Tier and Lower-Tier Municipalities**

Upper-tier municipalities and lower-tier municipalities may transfer any money that they receive from the Fund between each other. Despite any transfer of money that may occur under this section, municipalities remain responsible for ensuring compliance with the terms and conditions of this letter with respect to the transferred money.

.../cont'd

## **5. Funding Assessment**

To assess the impact of this funding, the Province has requested that the Association of Municipalities of Ontario and the City of Toronto work with the Ministry of Finance to establish a process by which a sample group of municipalities will provide information on use of funds and impact of funding. More information will be available as this process is developed.

If municipalities are asked to provide information on the use of the money received under the Fund and impact of such funding, they must provide the information requested, in a timely manner. As such, municipalities must keep and maintain all records relating to money received from the Fund.

In addition, the Province or any authorized representative or identified independent auditor, may request to review the records or conduct an audit in respect of the expenditure of money a municipality has received from the Fund.

If you have any further questions, please contact:

Cannabis Retail Implementation Project  
Ministry of Finance  
Email: OCLIF@ontario.ca

Yours sincerely,



Greg Orensak  
Deputy Minister

Attachment

- c. Paul Boniferno, Deputy Attorney General  
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing  
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project  
Allan Doheny, Assistant Deputy Minister, Provincial-Local Finance Division  
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of  
Attorney General

Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning  
Policy Division, Ministry of Municipal Affairs and Housing  
Pat Vanini, Executive Director, Association of Municipalities of Ontario

**Ontario Cannabis Legalization Implementation Fund  
2018-19 First Payment - Allocation Notice**



**Township of Melancthon  
County of Dufferin**

2219

The Ontario Cannabis Legalization Implementation Fund (OCLIF) is provided to municipalities to help with the implementation costs of recreational cannabis legalization.

<b>Funding Allocation</b>	<b>\$5,000</b>
<b>A Funding Amount based on Number of Households (<math>A1 \times A2 + 100</math>)</b>	<b>\$1,492</b>
1. Number of Households	1,170
2. Funding Amount per 100 Households	\$127.50
<b>B Minimum Municipal Funding Allocation</b>	<b>\$5,000</b>
<b>C Funding Allocation (maximum of A and B)</b>	<b>\$5,000</b>

**Notes and Data Sources**

A - funding amount is rounded up to the nearest dollar.

A1 - household figures are based on the 2018 returned roll provided by the Municipal Property Assessment Corporation (MPAC).

A2 - represents the funding amount per 100 households for lower-tier municipalities.

B - represents the minimum funding allocation to municipalities.



## Denise Holmes

---

**From:** Minister (MMAH) <minister.mah@ontario.ca>  
**Sent:** Friday, November 30, 2018 10:41 AM  
**To:** dholmes@melancthontownship.ca  
**Subject:** un message du ministre Steve Clark

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M5G 2E5  
Tel.: 416 585-7000  
Fax: 416 585-6470

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto (Ontario) M5G 2E5  
Tél. : 416 585-7000  
Téléc. : 416 585-6470



Ontario

November 30, 2018

Darren White  
Mayor  
Township of Melancthon  
[dholmes@melancthontownship.ca](mailto:dholmes@melancthontownship.ca)

Dear Mayor White and Council:

Please accept my congratulations on your success in the recent municipal elections. I want to thank you for your decision to serve the public, and I look forward to working with you in the years ahead.

As a former mayor, I know firsthand that municipal government is closest to the people and delivers important services every day. I also know your constituents expect local government to be effective and responsive, and you expect the same in the provincial-municipal relationship.

At the AMO conference this year, I was proud to sign a renewed Memorandum of Understanding one year before it expired. The MOU signals our government's commitment to consult when introducing measures that affect municipalities.

There is much work ahead of us. Our government is working hard to remove red tape that stands in the way of job creation and development in communities across the province. We will be working together to increase housing supply and find efficiencies by reducing the reporting burden you face when dealing with the province. Our goal is to ensure that local governments are working well and supporting future economic prosperity.

As we work together to serve the people of our great province, I want to hear about the challenges you face. I know that local representatives understand their communities and that you can help us ensure that local government is working harder, smarter and more efficiently. Best wishes to you and to council for success over the next four years.

Sincerely,



Steve Clark  
Minister

---

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To: [dholmes@melancthontownship.ca](mailto:dholmes@melancthontownship.ca)

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## Denise Holmes

---

**From:** Caza, Charlotte (MMAH) <Charlotte.Caza@ontario.ca>  
**Sent:** Monday, November 19, 2018 11:35 AM  
**To:** watkinson@melancthontownship.ca  
**Cc:** Denise Holmes  
**Subject:** 2017 Financial Information Return Data Review - Township of Melancthon  
**Attachments:** FITC18\_Melancthon Tp.pdf

Good morning:

The Ministry of Municipal Affairs and Housing reviews each municipality's financial health through the use of key financial indicators in relation to established provincial thresholds. Please find attached the financial indicator template that has been calculated using your 2017 FIR data.

The Ministry reviews the indicators from time-to-time, to make sure they provide useful information, and you will notice that there have been a few changes in the report this year.

The changes this year are relatively minor and are intended to represent improvements in the value of the calculations (making them more representative of overall financial situation) and make them easier for municipal staff and councils to understand.

The Debt Servicing indicator (Debt Servicing Cost as a % of Total Operating Revenue) has been changed to Debt Servicing Cost as a % of Total Revenue in order to recognize all revenues available to the municipality.

Net Financial Assets or Net Debt is now labelled as a % of Own Purpose Taxation, User Fees and Service Charges (previously Own Purpose Taxation plus User Fees). This is just a name change, the data sources remain the same.

The indicator previously named "Cash and Cash Equivalents as a % of Current Liabilities" has been changed to "Cash Ratio". The formula for this indicator remains the same; however it is now displayed as a ratio as opposed to a percentage. The thresholds for this indicator have also been updated to:

- Low = >0.5:1
- Moderate= 0.5:1 to 0.25:1
- High = <0.25:1

The names of the Asset Consumption and Operating Surplus Ratios have been changed to recognize that they are displayed as percentages, not ratios. They are now displayed as:

- Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)
- Annual Surplus/(Deficit) as a % of Own Purpose Taxation, User Fees and Service Charges (Operating Surplus Ratio)

The formulas (SLC references and calculations) have been added to the report for all indicators.

Financial indicators are an important but incomplete measure of municipal financial health.

This year, one of the indicators for the Township of Melancthon exceeds the threshold for "low" level of risk":

- "Total Taxes Receivable less Allowance for Uncollectibles as a % of Total Taxes Levied" – Moderate Level of Risk

Please do not hesitate to contact me should you wish to discuss further.

Regards,

**Charlotte Caza**

Municipal Advisor (Bilingual)

Municipal Services Office – Western

Ministry of Municipal Affairs and Housing

659 Exeter Road, 2<sup>nd</sup> Floor

London, ON, N6E 1L3

(519) 873-4690

1-800-265-4736

---

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To: [dholmes@melancthontownship.ca](mailto:dholmes@melancthontownship.ca)

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# FINANCIAL INDICATOR REVIEW

(Based on 2017 Financial Information Return)

## Melancthon Tp

Date Prepared:	15-Nov-18	2017 Households:	1,167	Median Household Income:	79,206
MSO Office:	Western	2017 Population:	3,008	Taxable Residential Assessment as a	
Prepared By:	Charlotte Caza	2018 MFCI Index:	1.7	% of Total Taxable Assessment:	75.0%
Tier:	L7			Own Purpose Taxation:	2,347,189

## SUSTAINABILITY INDICATORS

Indicator	Ranges	Actuals	South - LT - Counties - Rural		Level of Risk	
			Median	Average		
Total Taxes Receivable less Allowance for Uncollectibles as a % of Total Taxes Levied	Low: < 10% Mod: 10% to 15% High: > 15%	2013	17.1%	10.6%	11.6%	HIGH
		2014	15.8%	10.3%	11.3%	HIGH
		2015	15.1%	9.9%	10.6%	HIGH
		2016	15.2%	9.0%	10.2%	HIGH
		2017	12.6%	8.5%	9.5%	MODERATE
Net Financial Assets or Net Debt as % of Own Purpose Taxation, User Fees and Service Charges	Low: > -50% Mod: -50% to -100% High: < -100%	2013	51.4%	30.6%	31.6%	LOW
		2014	52.7%	32.2%	31.2%	LOW
		2015	43.8%	36.5%	34.2%	LOW
		2016	43.6%	43.7%	40.8%	LOW
		2017	66.6%	53.1%	45.7%	LOW
Total Reserves and Discretionary Reserve Funds as a % of Municipal Expenses	Low: > 20% Mod: 10% to 20% High: < 10%	2013	40.3%	50.7%	55.2%	LOW
		2014	33.6%	53.3%	57.9%	LOW
		2015	29.0%	55.8%	61.2%	LOW
		2016	32.4%	58.9%	65.2%	LOW
		2017	50.8%	62.0%	68.6%	LOW
Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)	Low: > 0.5:1 Mod: 0.5:1 to 0.25:1 High: < 0.25:1	2013	2.67:1	3.32:1	4.17:1	LOW
		2014	2.62:1	3.13:1	4.25:1	LOW
		2015	2.64:1	3.03:1	4.23:1	LOW
		2016	3.42:1	3.24:1	4.21:1	LOW
		2017	3.34:1	3.25:1	4.57:1	LOW

## FLEXIBILITY INDICATORS

Debt Servicing Cost as a % of Total Revenues	Low: < 5% Mod: 5% to 10% High: >10%	2013	3.3%	3.0%	3.9%	LOW
		2014	2.1%	3.0%	3.6%	LOW
		2015	1.9%	2.4%	3.5%	LOW
		2016	4.4%	2.6%	3.3%	LOW
		2017	2.5%	2.6%	3.0%	LOW
Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)	Low: < 50% Mod: 50% to 75% High: > 75%	2013	45.7%	39.8%	42.2%	LOW
		2014	45.5%	40.5%	43.2%	LOW
		2015	45.6%	41.8%	44.0%	LOW
		2016	45.0%	42.3%	44.6%	LOW
		2017	46.9%	43.6%	45.5%	LOW
Annual Surplus / (Deficit) as a % of Own Purpose Taxation, User Fees and Service Charges (Operating Surplus Ratio)	Low: > -1% Mod: -1% to -30% High: < -30%	2013	14.1%	5.5%	6.7%	LOW
		2014	34.6%	5.4%	6.6%	LOW
		2015	15.0%	8.4%	12.4%	LOW
		2016	6.0%	9.7%	12.2%	LOW
		2017	29.1%	13.5%	16.3%	LOW

The data and information contained in this document is for informational purposes only. It is not an opinion about a municipality and is not intended to be used on its own - it should be used in conjunction with other financial information and resources available. It may be used, for example, to support a variety of strategic and policy discussions.

# FINANCIAL INDICATOR REVIEW

(Based on 2017 Financial Information Return)

Melancthon Tp

## NOTES

*Financial Information Returns ("FIRs") are a standard set of year-end reports submitted by municipalities to the Province which capture certain financial information. On an annual basis, Ministry staff prepare certain financial indicators for each municipality, based on the information contained in the FIRs. It is important to remember that these financial indicators provide a snapshot at a particular moment in time and should not be considered in isolation, but supported with other relevant information sources. In keeping with our Financial Information Return review process and follow-up, Ministry staff may routinely contact and discuss this information with municipal officials.*

### Supplementary Indicators of Sustainability and Flexibility

The following is a summary, adapted from the Chartered Professional Accountants of Canada Statement of Recommended Practice (SORP) 4.

- A government (including a municipality) may choose to report supplementary information on financial condition, to expand on and help explain the government's financial statements.
- Supplementary assessment of a government's financial condition needs to consider the elements of sustainability and flexibility.
- Sustainability in this context may be seen as the degree to which a municipality can maintain its existing financial obligations both in respect of its service commitments to the public and financial commitments to creditors, employees and others without inappropriately increasing the debt or tax burden relative to the economy within which it operates.
- Sustainability is an important element to include in an assessment of financial condition because it may help to describe a government's ability to manage its financial and service commitments and debt burden. It may also help to describe the impact that the level of debt could have on service provision.
- Flexibility is the degree to which a government can change its debt or tax level on the economy within which it operates to meet its existing financial obligations both in respect of its service commitments to the public and financial commitments to creditors, employees and others.
- Flexibility provides insights into how a government manages its finances. Increasing taxation or user fees may reduce a municipality's flexibility to respond when adverse circumstances develop if the municipality approaches the limit that citizens and businesses are willing to bear.  
A municipality may temporarily use current borrowing, subject to the requirements set out in the Municipal Act to meet expenses and certain other amounts required in the year, until taxes are collected and other revenues are received. Municipal current borrowing cannot be carried over the long term or converted to long term borrowing except in very limited circumstances.
- For each element of financial condition, the report on indicators of financial condition should include municipality-specific indicators and municipality-related indicators. It may be useful to also include economy-wide information when discussing financial condition.

### Additional Notes on what Financial Indicators may indicate:

**Total Taxes Receivable less Allowance for Uncollectibles as a % of Total Taxes Levied** - How much of the taxes billed are not collected.

**Net Financial Assets or Net Debt as % of Own Purpose Taxation, User Fees and Service Charges** - How much tax and fee revenue is servicing debt?

**Reserves and Reserve Funds as a % of Municipal Expenses** - How much money is set aside for future needs / contingencies?

**Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)** - Measures the ability of the municipality to meet its current obligations with its current resources on hand.

**Debt Servicing Cost as a % of Total Revenues** - Indicates the extent to which past borrowing decisions may impact the current budget.

**Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)** - measures the age of a municipality's physical assets. It measures the extent to which depreciable assets have been consumed by comparing the amount of the assets that have been used up and their historical cost.

**Annual Surplus / (Deficit) as a % of Own Purpose Taxation, User Fees and Service Charges (Operating Surplus Ratio)** - Indicates the municipality's ability to cover its operational costs and have funds available for other purposes (i.e. reserves, debt repayment, etc.)

**The Northern and Rural Municipal Fiscal Circumstances Index (MFCI)** is used by the Ministry of Finance to calculate the "Northern and Rural Fiscal Circumstances Grant" aimed at northern as well as single and lower-tier rural municipalities. The index measures a municipality's fiscal circumstances. The MFCI is determined by six indicators: Weighted Assessment per Household, Median Household Income, Average Annual Change in Assessment (New Construction), Employment Rate, Ratio of Working Age to Dependent Population, and Per Cent of Population Above Low-Income Threshold. A lower MFCI corresponds to relatively positive fiscal circumstances, whereas a higher MFCI corresponds to more challenging fiscal circumstances. (Note: the MFCI index is only available for northern and rural municipalities)



# FINANCIAL INDICATOR REVIEW

(Based on 2017 Financial Information Return)

Melancthon Tp

## CALCULATIONS

Total Taxes Rec. less Allowance for Uncollectibles as % of Total Taxes Levied	$\text{SLC } 70 \text{ } 0699 \text{ } 01 / (\text{SLC } 26 \text{ } 9199 \text{ } 03 - \text{SLC } 72 \text{ } 2899 \text{ } 09)$
Net Financial Assets or Net Debt as % of Own Purpose Taxation, User Fees and Service Charges	$\text{SLC } 70 \text{ } 9945 \text{ } 01 / (\text{SLC } 10 \text{ } 0299 \text{ } 01 + \text{SLC } 10 \text{ } 1299 \text{ } 01)$
Total Reserves and Reserve Funds as a % of Municipal Expenses	$(\text{SLC } 60 \text{ } 2099 \text{ } 02 + \text{SLC } 60 \text{ } 2099 \text{ } 03) / (\text{SLC } 40 \text{ } 9910 \text{ } 11 - \text{SLC } 12 \text{ } 9910 \text{ } 03 - \text{SLC } 12 \text{ } 9910 \text{ } 07)$
Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)	$\text{SLC } 70 \text{ } 0299 \text{ } 01 / (\text{SLC } 70 \text{ } 2099 \text{ } 01 + \text{SLC } 70 \text{ } 2299 \text{ } 01)$
Debt Servicing Cost as a % of Total Revenues	$(\text{SLC } 74 \text{ } 3099 \text{ } 01 + \text{SLC } 74 \text{ } 3099 \text{ } 02) / \text{SLC } 10 \text{ } 9910 \text{ } 01$
Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)	$\text{SLC } 51 \text{ } 9910 \text{ } 10 / \text{SLC } 51 \text{ } 9910 \text{ } 06$
Annual Surplus / (Deficit) as a % of Own Purpose Taxation, User Fees and Service Charges (Operating Surplus Ratio)	$\text{SLC } 10 \text{ } 2099 \text{ } 01 / (\text{SLC } 10 \text{ } 0299 \text{ } 01 + \text{SLC } 10 \text{ } 1299 \text{ } 01)$



**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
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Tel.: 416 585-7000

**Ministère des  
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Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M5G 2E5  
Tél. : 416 585-7000



DEC 05 2018

RE: Municipal Reporting Burden

Dear Heads of Council,

As you have heard me say, reducing the provincial reporting burden affecting the municipal sector is a priority for the government. I addressed municipal concerns about the reporting burden at the Association of Municipalities of Ontario (AMO) conference in Ottawa this past summer. I have heard from municipalities that the province asks for too many reports, which impacts the ability of municipalities to focus on local priorities.

I have struck a team in my ministry to lead the reduction of the municipal reporting burden across government. In addition to reducing the number of reports, we must make sure any remaining information collected is necessary for the province's work. We must confirm the information requested is not duplicative, and that the reporting requirements for small municipalities are appropriate.

To address these goals, my ministry will be convening a cross-government working group to bring together ministries with municipal reporting requirements. This group will be tasked with reducing reporting and undertaking the work to meet the aforementioned commitments.

In addition to our cross-government working group, in 2018, my team will be convening a stakeholder working group of various municipal associations with a shared common interest in municipal reporting requirements.

I invite you to share your thoughts on what changes can be made to municipal reporting directly to my office, as well.

Thank you for your support.

A handwritten signature in dark ink, appearing to read "Steve Clark".

Steve Clark  
Minister, Ministry of Municipal Affairs and Housing

c: Laurie LeBlanc, Deputy Minister, MMAH

WFO#5  
DEC 7 0 2018



MUNICIPAL PROPERTY ASSESSMENT CORPORATION



December 3, 2018

Mayor Darren White  
Township of Melancthon  
157101 Highway 10  
Melancthon ON L9V 2E6

Dear Mayor White,

On behalf of the Municipal Property Assessment Corporation (MPAC), I would like to congratulate you on your re-election as Mayor of the Township of Melancthon.

Our role is to assess and classify all 5.3 million properties in Ontario in accordance with the [Assessment Act](#) and regulations set by the Ontario government. We work with you, our municipal partner, to provide quality products and services that support Assessment Roll predictability and stability.

Our goal is the continued delivery of impartial, transparent property assessments for Ontarians. We are professional assessment experts who understand local communities and are committed to providing customer-focused service.

Please find the enclosed resource, 'About MPAC and Ontario's Assessment System' that provides information to help you better understand our role in Ontario's property assessment and taxation system. You can also find a copy on our website – [www.mpac.ca/AboutMPAC](http://www.mpac.ca/AboutMPAC).

It also contains information regarding your local MPAC representatives from our Municipal and Stakeholder Relations department led by Vice President, Carla Y. Nell. These individuals will be your point of contact going forward.

You can expect to hear from our team to set up a meeting with your Council to discuss your local assessment base, answer questions and hear about local priorities to help us serve you better.

We take pride in working with you to support and strengthen your community.

Yours truly,



Dan Mathieson  
Chair, MPAC Board of Directors

Encl.

Copy: Amanda Macdougall, Regional Manager, Municipal and Stakeholder Relations

## WHAT IS MPAC?

### MPAC IS AN INDEPENDENT, NOT-FOR-PROFIT CORPORATION FUNDED BY ALL ONTARIO MUNICIPALITIES.

We're accountable to the Province, municipalities and property taxpayers through a 13-member Board of Directors.

### OUR ROLE IS TO ASSESS AND CLASSIFY ALL PROPERTIES IN ONTARIO.

We do this in compliance with the *Assessment Act* and regulations set by the Government of Ontario.

Our assessors are trained experts in the field of valuation and apply appraisal industry standards and best practices.

### MPAC'S PROVINCE-WIDE ASSESSMENT UPDATES OF PROPERTY VALUES HAVE MET INTERNATIONAL STANDARDS OF ACCURACY.

Our assessments and data are also used by banks, insurance companies and the real estate industry.

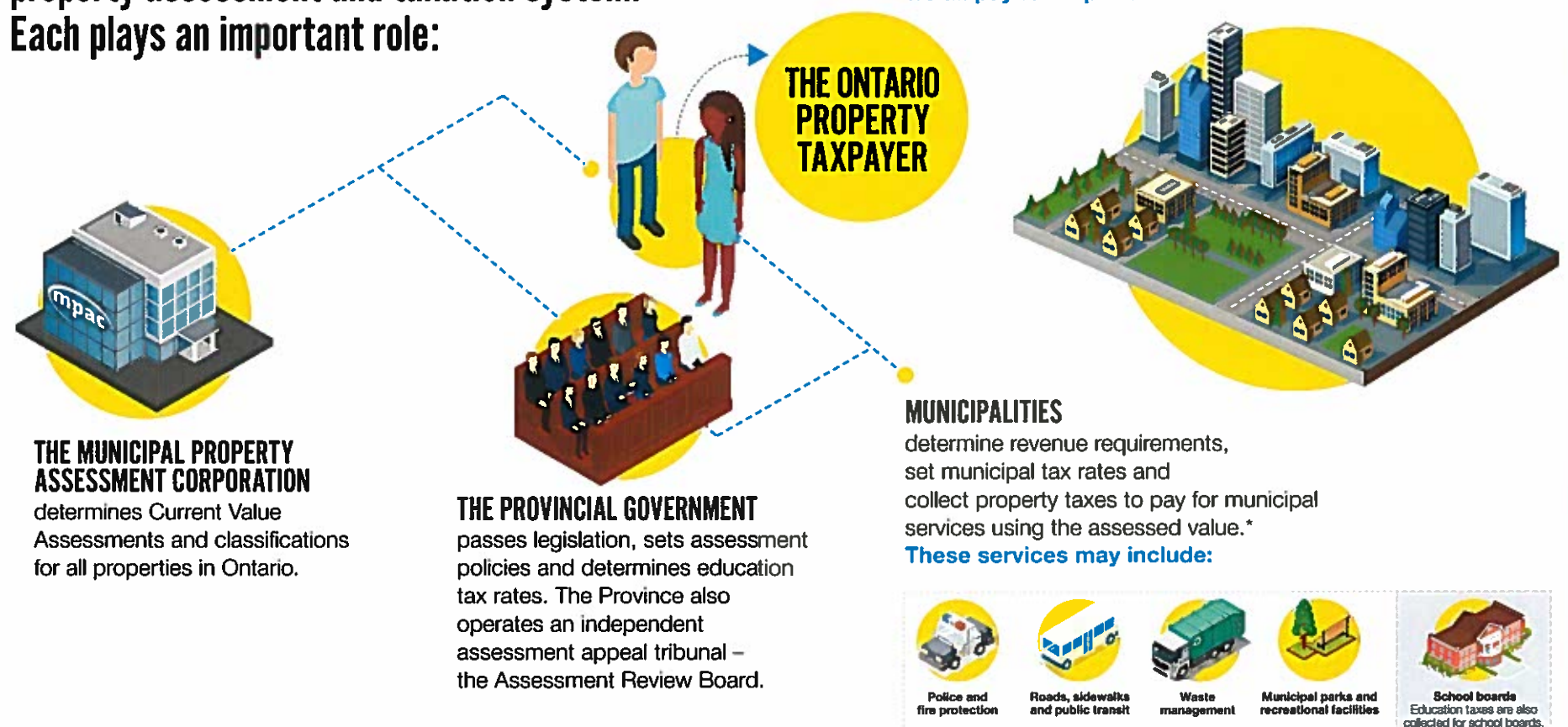
► **LEARN MORE AT [MPAC.CA](https://mpac.ca)**

OUR ASSESSORS ARE TRAINED EXPERTS IN THE FIELD OF VALUATION AND APPLY APPRAISAL INDUSTRY STANDARDS AND BEST PRACTICES.

ABOUT MPAC AND ONTARIO'S ASSESSMENT SYSTEM | 3

## ONTARIO'S PROPERTY ASSESSMENT SYSTEM

There are several main components in Ontario's property assessment and taxation system. Each plays an important role:



► **LEARN ABOUT THE RELATIONSHIP BETWEEN PROPERTY ASSESSMENT AND TAXATION AT [MPAC.CA/HOWASSESSMENTWORKS](https://mpac.ca/howassessmentworks)**

\* Provincial Land Tax and levies by local boards are collected in unincorporated areas and contribute toward important services.

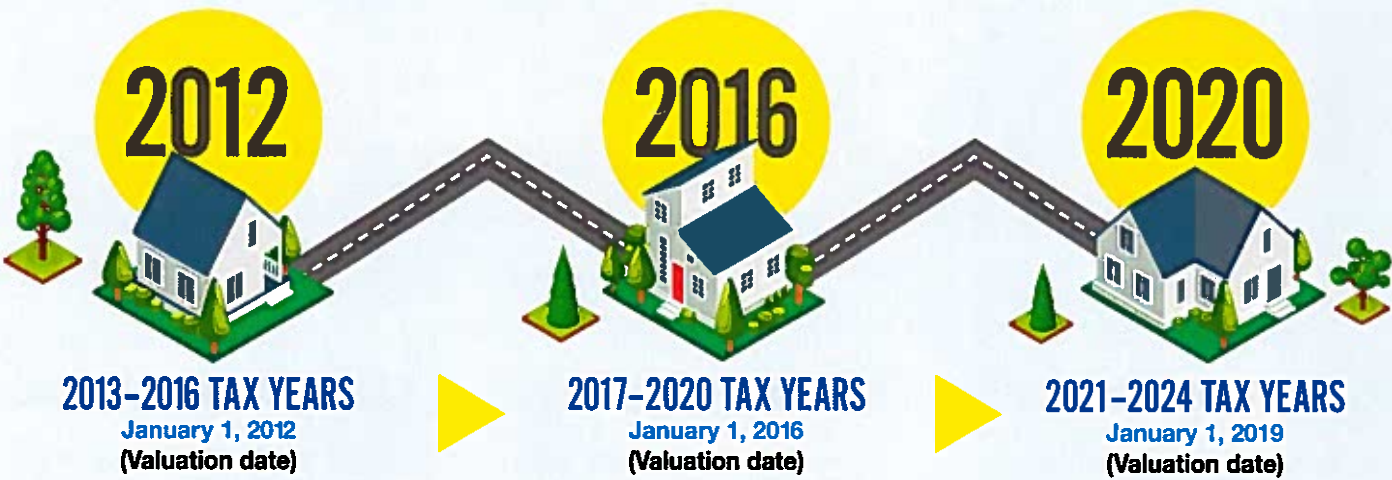
ABOUT MPAC AND ONTARIO'S ASSESSMENT SYSTEM | 4



# ASSESSMENT CYCLE

In Ontario, MPAC updates  
property assessments  
every four years.

We continue to review  
properties in between  
Assessment Update years  
as properties are built,  
renovated, demolished  
and change use.



## PHASE-IN PROGRAM

Assessment Updates are phased in gradually over four years. Under the [phase-in provision in the *Assessment Act*, an increase in assessed value is introduced gradually. A decrease in assessed value is introduced immediately.

## PROPERTY PHASE-IN

Your property's value on January 1, 2019:	\$375,000
Your property's value on January 1, 2016:	\$345,000
Over this four-year period, your property value changed by:	\$30,000

Assuming property characteristics stay the same, the property assessment will increase by \$7,500 each year



2021	2022	2023	2024
\$352,500	\$360,000	\$367,500	\$375,000

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**Jon Hebden**

**Account Manager**

**[Jon.Hebden@mpac.ca](mailto:Jon.Hebden@mpac.ca)**

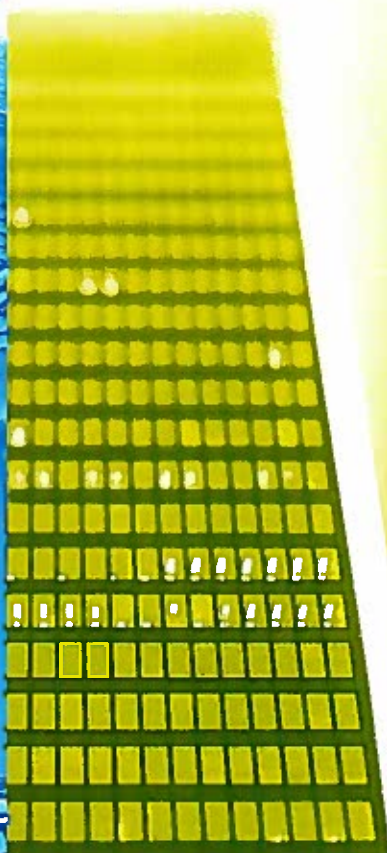
**226.317.0274**

**Amanda Macdougall**

**Regional Manager**

**[Amanda.Macdougall@mpac.ca](mailto:Amanda.Macdougall@mpac.ca)**

**226.317.0272**



**ABOUT MPAC AND ONTARIO'S ASSESSMENT SYSTEM**



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## **PRESS RELEASE**

County of Dufferin  
55 Zina Street  
Orangeville, ON L9W 1E5

*For Immediate Release: December 14, 2018*

### **Dufferin County Swears in New Council**

*Dufferin* – On Thursday evening, fourteen council members were sworn in as members of the Council for the County of Dufferin. County Council is comprised of the Mayors and, in most cases, the Deputy Mayors of each of Dufferin's municipalities. Municipalities with 2500 or more electors have two representatives on Council.

After the swearing in ceremony, Melancthon Mayor, Darren White, was acclaimed as the 2018/2019 Head of Council (Warden). This is White's second term as County Warden having previously held the position in 2017.

Council also appointed three chairs to head up the standing committees of County Council.

Mono Mayor Laura Ryan will oversee the Community Services and Dufferin Oaks Committee.

The General Government Services committee will be lead by Mono's Deputy Mayor, John Creelman.

Councillor Bob Currie, the Mayor of Amaranth, was selected as chair of the Infrastructure and Environment committee.

The remaining members of Dufferin County Council for 2018-2022 are: Councillor Steve Anderson, Deputy Mayor of Shelburne; Councillor Sandy Brown, Mayor of Orangeville; Councillor Guy Gardhouse, Mayor of East Garafraxa; Councillor Chris Gerrits, Deputy Mayor of Amaranth; Councillor Earl Hawkins, Deputy Mayor of Mulmur; Councillor Janet Horner, Mayor of Mulmur; Councillor Andy Macintosh, Deputy Mayor of Orangeville; Councillor Wade Mills, Mayor of Shelburne; Councillor Philip Rentsch, Deputy Mayor of Grand Valley and Councillor Steve Soloman, Mayor of Grand Valley.

County Council meetings are open to the public and held monthly on the second Thursday beginning at 7:00 pm. at 51 Zina Street, Orangeville.

INFO # 7  
DEC 20 2018





**Pictured from Left to Right are Councillors Guy Gardhouse, Wade Mills, Steve Anderson, Bob Currie, Sandy Brown, Laura Ryan, Chris Gerrits, Darren White, John Creelman, Andy Macintosh, Janet Horner, Steve Soloman, Philip Rentsch and Earl Hawkins.**

**-30-**

**For more information, please contact:**

Pam Hillock, Clerk and Director of Corporate Services  
[phillock@dufferincounty.ca](mailto:phillock@dufferincounty.ca)  
519.941.2816 ext. 2503

## Denise Holmes

---

**From:** Denise Holmes <dholmes@melancthontownship.ca>  
**Sent:** Wednesday, December 12, 2018 4:29 PM  
**To:** 'Denise Holmes'  
**Subject:** FW: Council Resolution re Voters' List for Municipal Elections

**From:** Cindy Filmore [mailto:cindy.filmore@townofkearney.ca]  
**Sent:** Friday, November 23, 2018 1:55 PM  
**Subject:** Council Resolution re Voters' List for Municipal Elections

Good afternoon,

In light of the recent municipal election, the Council of the Corporation of the Town of Kearney passed the following resolution in regard to the creation, maintenance and general quality of the Municipal Voters' List:

**Resolution #**  
**10.(d)(iii)/21/11/2018**

**WHEREAS** concern over the quality of the Municipal Voters' List is not a new phenomenon;  
**AND WHEREAS** in 2012, the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) published a "Voters' List Position Paper" and since that time has been advocating for transformational changes to the way that Ontario creates and maintains the Voters' List for municipal elections;  
**AND WHEREAS** the Preliminary List of Electors which forms the Voters' List in Ontario is supplied by data from the Municipal Property Assessment Corporation (MPAC);  
**AND WHEREAS** despite the incremental changes made by MPAC, MPAC has a limited ability to fix the currency and accuracy issues that impairs the current process and the Voters' List continues to be flawed with data inaccuracies and outdated information;  
**AND WHEREAS** a transformational solution to the way that the Voters' List is created and managed is required;  
**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Town of Kearney supports the re-establishment of the multi-stakeholder working group between the Ministry of Municipal Affairs, Ministry of Finance, AMCTO, MPAC and Elections Ontario in exploring and identifying ways to create and maintain the Voters' List for Municipal Elections;  
**AND FURTHER** Council requests an update be provided from this 'Voters' List Working Group' on the transformational solutions being discussed;  
**AND FURTHER** that this resolution be circulated to all Ontario Municipalities for their consideration and support.

**CARRIED**

We hope that this resolution will be of interest to your Municipality, and that you will support this endeavour moving forward.

Sincerely,

*Cindy Filmore*

Senior Office Assistant

Town of Kearney

Ph# (705) 636-7752

Fax (705) 636-0527

---

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To: [dholmes@melanethontownship.ca](mailto:dholmes@melanethontownship.ca)

Message Score: 1

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From: [cindy.filmore@townofkearney.ca](mailto:cindy.filmore@townofkearney.ca)

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## Denise Holmes

---

**From:** Trevor McAlmont [REDACTED]  
**Sent:** Sunday, December 2, 2018 10:15 AM  
**To:** dholmes@melancthontownship.ca; [REDACTED]  
**Subject:** Resident concerns of Bretton Estates  
**Attachments:** Residents of Bretton Estates .pdf

December 2, 2018

Denise B. Holmes, CAO/Clerk  
Township of Melancthon  
157101 Highway 10  
Melancthon, ON  
L9V 2E6

Hello

Please see the attached letter from the residents of Bretton Estates (Rutledge Heights and Highway 124).

Thank you,

Trevor McAlmont  
[REDACTED]

---

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From: [REDACTED]

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**December 2, 2018**

**Denise B. Holmes, CAO/Clerk  
Township of Melancthon  
157101 Highway 10  
Melancthon, ON  
L9V 2E6**

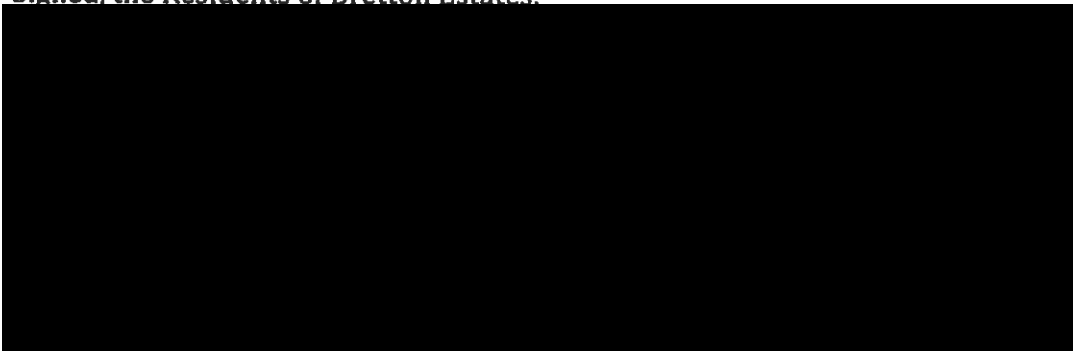
**Dear Ms. Holmes,**

We, the residents of Bretton Estates have been living here since 2012, when the first homes were built by Wayne Biles of Bretton Estates Custom Homes. From the beginning, there were major concerns regarding the building standards of the properties. From 2012 - 2017, many of the residents engaged in formal complaint processes with Tarion and the Township. In addition to major structural issues with the homes, there were also significant problems with the lots themselves, including the builder's use of topsoil that was not screened, friable nor free of stones and other debris. Also, the drainage ditches at street level all along Ashlea Lane and Rutledge Heights continue to be grassy, full of weeds and do not drain. This regularly leads to standing water issues.

Recently, it has come to our attention, that three of the new residents on Rutledge Heights (properties built in 2017 and 2018) are currently receiving support from the Township to re-grade their lots. This is a major concern to us as our lots were also graded well below building code standards, yet our pleas for help from the Town went unanswered. As a result, we were forced to pay for our lot re-grading at our own expense. We did not receive any support from the Town. We feel there needs to be compensation for the expenses we put out to correct our lots and grading. As residents of Melancthon and equal property taxpayers, we feel it is important to be equitable and to have a fair distribution of return. Our lots, which were the original properties, were built with far less focus on building standards than the newer properties. We expect to receive the same support as the new properties are receiving and we look forward to hearing your response.

Thank you,

Signed, the Residents of Bretton Estates:



## Denise Holmes

---

**From:** Peter Santos [REDACTED]  
**Sent:** Monday, December 3, 2018 1:26 PM  
**To:** dholmes@melancthontownship.ca  
**Subject:** Drainage charges

Hello Denise,

I was asked to send you an email. I am very upset by a bill for drainage I received.

During the summer, a company was contracted to improve the drainage system in the area.

Here lies the problem,

-I have a stream that starts in my lake and goes NE in my property along 240 Sideroad. During the summer , this company drove a large construction vehicle past my do not trespass signs onto my side of creek, knocked down a few trees and bushes.

- this creek does not drain any farm land and only effects my land, which is declared as CONSERVATION LAND. By pulling up mud from said creek, leaving all that mud there over toppled trees, more water is drawn from my lake. The water level was lowered by almost a foot! Furthermore, this lake had been stocked with fish on several occasions.

So this work has not helped but actually damaged the enjoyment of my property. I am then served with a bill for \$300 to pay for having this damage done to me.

I was told to contact Tom Pridham by the township, of RJ Burnside, and was told "his hands are tied, there is nothing he can do for me.

I emlore that you take it up with the board, to eliminate my property from any drain plan( dated 1982) and reverse this bill charge from my tax bill.

Thanks for your attention,

Peter Santos of  
[REDACTED]

From:

1

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## Denise Holmes

---

**From:** Tonya Wilson <TonyaW@w-u.on.ca>  
**Sent:** Tuesday, December 4, 2018 8:03 AM  
**To:** 'dholmes@melancthontownship.ca'  
**Cc:** Jocelyn Meekins  
**Subject:** Happy Holidays!

Good morning Denise,

Thank you for a great year working with Ward & Uptigrove Human Resources Solutions!

To recognize our appreciation for your business in 2018 we would like to provide a donation to an organization of your choosing on Melancthon's behalf. We appreciate and value our business relationship and look forward to a continued relationship in 2019 and beyond.

Please let me know which charity you would like your donation to support this year.

Happy Holidays!

Tonya Wilson



P.O. Box 127  
145 Main Street East  
Listowel, Ontario N4W 3H2  
P: (519) 291-3040 ext 700  
F: (519) 291-1850  
E-mail [Tonyaw@w-u.on.ca](mailto:Tonyaw@w-u.on.ca)  
[www.wardanduptigrove.com](http://www.wardanduptigrove.com)



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**To:** [dholmes@melancthontownship.ca](mailto:dholmes@melancthontownship.ca)  
**From:** [tonyaw@w-u.on.ca](mailto:tonyaw@w-u.on.ca)

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## Denise Holmes

---

**From:** Kee, Kenneth (OPP) <Kenneth.Kee@opp.ca>  
**Sent:** Thursday, October 18, 2018 12:15 PM  
**To:** dholmes@melancthontownship.ca  
**Cc:** Randall, Nicol (OPP)  
**Subject:** Melancthon OPP contract renewal  
**Attachments:** Melancthon Contract DRAFT - 10 October 2018.pdf; Melancthon Contract Proposal DRAFT - 09October2018.pdf

Good afternoon Denise,

I understand that Sgt. Kulvir Deol had previously contacted you regarding the up-coming contract renewal process for your municipality. Going forward, I have been assigned to assist with this process. Additionally, I can confirm that I will be attending on January 17, 2019 to present to council. I have also requested that Dufferin OPP detachment commander S/Sgt. Nicol Randall attend with me.

Please find attached a contract proposal for the upcoming renewal of your municipality's OPP policing contract. I've also included the Agreement document for reference.

You will note a few yellow highlighted areas on the Agreement document. Once your municipality passes a by-law accepting the proposal, I will use the information from your by-law to finalize the agreement (ie: term selected for contract end date, by-law number and date).

***\*\*\*Please note that these are DRAFT documents for your reference during discussions in relation to the renewal of the contract. I will prepare the final package once I have the by-law information to fill in the remaining areas.\*\*\****

If your municipality's decision is to renew the contract, I will need 2 original by-laws, signed and sealed (with your corporate seal) to put the packages together for your signature.

While the preference is for everything to be finalized prior to expiry of the current contract (December 31, 2018), our Bureau will allow until the end of January 2019 for this to occur, and then the contract would be backdated to January 1, 2019.

The contract term can be 3, 4, 5 or 6 years (your decision). It is highly recommended that the term selected not expire during an election year.

If you have any questions or require more information, please don't hesitate to call or email me.

Have a great day.

Ken

**K.G. (Ken) KEE #9231**

**Sergeant**

**Municipal Policing Bureau Specialist**

**Ontario Provincial Police**

777 Memorial Avenue, 2<sup>nd</sup> Floor, Orillia, ON, L3V 7V3 | Office 705-329-6451 | Mobile 705-330-9164 |

[kenneth.kee@opp.ca](mailto:kenneth.kee@opp.ca)

---

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To: [dholmes@melancthontownship.ca](mailto:dholmes@melancthontownship.ca)  
From: [kenneth.kee@opp.ca](mailto:kenneth.kee@opp.ca)

Message Score: 1  
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High (60): Pass  
Medium (75): Pass  
Low (90): Pass

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The term of this Agreement, made in 2 originally executed copies, is from the 01st day of January 2019, to the 31st day of December 202X.

**AGREEMENT FOR THE PROVISION OF POLICE SERVICES  
UNDER SECTION 10 OF THE POLICE SERVICES ACT, R.S.O. 1990, c. P.15, as am.**

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE  
MINISTER OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES**

("Ontario")

**OF THE FIRST PART**

**AND:**

**THE CORPORATION OF THE TOWNSHIP OF MELANCTHON  
(the "Municipality")**

**OF THE SECOND PART**

**RECITALS:**

- (a) Under s. 4(1) of the *Police Services Act*, R.S.O. 1990, c. P.15, as am., the Municipality is required to provide adequate and effective police services in accordance with its needs;
- (b) Under s. 5 of the *Police Services Act*, the Municipality's responsibility for providing police services may be discharged by entering into an Agreement with the Solicitor General under s. 10 of the Act;
- (c) Pursuant to Order-in-Council 497/2004, the powers assigned to the Solicitor General in law, including those set out in the *Police Services Act*, have been transferred to the Minister of Community Safety and Correctional Services; therefore, all references to the Minister of Community Safety and Correctional Services shall be deemed to include the powers previously exercised by the Solicitor General;
- (d) The Municipality has expressed its intent to provide police services, in pursuance of its responsibilities under s. 5 of the *Police Services Act*, by means of this Agreement, as evidenced by by-law number XXXX, dated XXXX (attached as Schedule "A");
- (e) This Agreement reflects the intent of the parties to provide an adequate and effective level of police services for the Municipality as set out in the "Contract Policing Proposal," dated October 09, 2018 (attached as Schedule "B");

**NOW THEREFORE**, in consideration of the premises and covenants herein, the parties agree as follows:

1. The parties warrant that the recitals are true.

## **Definitions**

### **2. In this Agreement:**

- (a) "Annual Billing Statement" means a statement prepared by Ontario and submitted to the Municipality for review and approval which contains:
  - (i) the Municipality's policing costs for the year following the year in which the statement is prepared, based on an estimate of salary, benefits, overtime, shift premium, statutory holiday payouts, prisoner transportation, court security (if applicable), and accommodation/cleaning (if applicable); and
  - (ii) a year-end adjustment reconciling salary, benefits, overtime, shift premium, statutory holiday payouts, prisoner transportation, court security (if applicable), and accommodation/cleaning (if applicable) costs to those billed for the preceding year.
- (b) "Board" means Township of Melancthon Police Services Board.
- (c) "Commissioner" means the Commissioner of the O.P.P.
- (d) "Detachment Commander" means the O.P.P. officer in charge of Dufferin Detachment.

## **General Provisions**

- 3. Ontario shall provide adequate and effective police services in accordance with the needs of the Municipality in compliance with the terms and conditions of the Agreement. The Municipality shall pay Ontario for the police services provided under this Agreement in accordance with this Agreement.
- 4. The Commissioner shall ensure that the Detachment Commander responds appropriately to the Board's objectives and priorities for police services, developed after consultation with the Detachment Commander, pursuant to s. 10(9)(b) of the *Police Services Act*.
- 5. The Commissioner shall cause the Detachment Commander or his or her designate to report to the Board at mutually agreed upon intervals in accordance with the *Police Services Act* regarding the provision of police services in and for the Municipality. The O.P.P. will determine the information to be contained in the reports and the format in which they will be provided.
- 6. (a) For the purposes of s. 10(6) of the *Police Services Act*, the O.P.P. shall provide police services to the Municipality, including the enforcement of mutually agreed upon by-laws. The parties shall review this part of the agreement annually, with a view to revising or updating the list of by-laws requiring O.P.P. enforcement.

(b) Municipal Building Code violations overseen by the Municipality's Building Code inspector and those by-laws related to animal control will not form part of this Agreement.

7. The parties agree that sections 132 and 133 of the *Police Services Act* will be applied as if the Dufferin Detachment of the O.P.P. was a municipal police force, and as if the Detachment Commander was a Chief of Police.

#### **Service Levels**

8. (a) Ontario shall cause the Commissioner to assign police officers and other persons to duties relating to the police services in and for the Municipality so as to provide the municipality adequate and effective policing services.

(b) Where the Municipality receives dedicated enhancement positions, it shall be responsible for all costs associated with those dedicated resources. In the event that the Municipality decides to reduce the number of enhancement positions, it shall provide Ontario with at least one year's prior written notice and shall be responsible for all costs associated with such reduction.

#### **Liability of Ontario**

9. The O.P.P. shall be liable for any damages that may arise as a result of any negligent acts or omissions of its members in the performance of this Agreement.

#### **Provincial Services Usage**

10. The O.P.P. as legislated by the *Police Services Act*, must be capable of providing provincial level response that can be mobilized for emergencies, disaster or specialized needs. The O.P.P. may meet this requirement by deploying resources that normally would be assigned to the Detachment that serves the Municipality. The O.P.P. shall ensure that in the event resources are deployed to a situation requiring provincial level response, appropriate resources remain available to the Detachment to provide adequate and effective policing to the Municipality. The use of O.P.P. officers in cases where there is a provincial obligation to respond will be accounted for as part of the billing model.

#### **Equipment and Facilities**

11. Ontario shall supply or cause to be supplied all vehicles and equipment reasonably necessary and appropriate for the use of the O.P.P. in providing police services under this Agreement.
12. The parties will enter into negotiations concerning the provision and payment of appropriate buildings and rental agreements, including, but not limited to, location, leasehold improvements, and capital costs, where applicable.

### **Adequacy Standards Regulation**

13. The O.P.P. shall undertake and be responsible for ensuring that all mandatory standards of adequate and effective police services as required by *Ontario Regulation 3/99* under the *Police Services Act* are met and maintained.
14. The Detachment Commander shall provide the Board with reasonable documentation, as agreed upon between the Board and the O.P.P., to allow the Board to evaluate the services and satisfy itself that adequate and effective standards and policies are in place.
15. It shall be the responsibility of the Board to monitor the delivery of police services to ensure that the provisions of the *Ontario Regulation 3/99* under the *Police Services Act* are satisfied on an ongoing basis.

### **Cost of Police Services**

16. (a) On or before October 01<sup>st</sup> in each year, Ontario shall prepare and deliver to the Municipality for review and approval, the Annual Billing Statement for the following year, together with sufficient documentation and information reasonably necessary to explain and support the billing.  
  
(b) The Municipality shall review the Annual Billing Statement upon receipt and, within 90 days of such receipt, shall approve the Annual Billing Statement or deliver to Ontario a request to review the Annual Billing Statement.
17. (a) In the event that the Municipality fails to approve or request a review of the Annual Billing Statement within 90 days of receipt, the Municipality shall be deemed to have approved the Annual Billing Statement.  
  
(b) In the event that the Municipality requests a review of the Annual Billing Statement as provided in this paragraph, the Annual Billing Statement shall be approved, or amended and approved in accordance with Section 18.
18. Where the Municipality has delivered to Ontario a request to review the Annual Billing Statement, Ontario shall carry it out expeditiously, and Ontario shall cooperate to permit such a review to be carried out. If the parties are unable to agree on the Annual Billing Statement, either party may submit the matter to the dispute resolution mechanisms set out in paragraphs 22 and 23. In the event that the Municipality delivers a request to review to Ontario, the Annual Billing Statement shall be deemed to apply during the period of review.
19. The Municipality shall make monthly installment payments to Ontario due no later than 30 days following receipt by the Municipality of each monthly invoice, each one being one twelfth of the Annual Billing Statement for that year. Any amounts which have become due and owing shall bear interest at the rate set by the Minister of Finance from time to time.

20. Ontario shall keep all records, statements of account, invoices and any other such documents necessary to support the Annual Billing Statement, and all such records shall be kept for a period of seven years. Ontario shall permit the Municipality, upon notice to Ontario, to examine all such records and books of account and conduct a review of the Annual Billing Statement.
21. Upon the approval or deemed approval of the Annual Billing Statement, as provided in this Agreement, adjustments shall be made in the amounts paid by the Municipality by installment so that (i) the total amount paid in respect of the preceding year is equal to the amount shown on the approved Annual Billing Statement and (ii) the installments for the year following the year in which the statement is prepared are each equal to one twelfth of the approved Annual Billing Statement. Any amounts payable by one party to the other shall be paid to the appropriate party in the remaining monthly billings for the year following the year in which the statement is prepared.

#### **Dispute Resolution Mechanisms**

22. (a) The provisions of this paragraph apply in the event of a dispute between the Municipality and Ontario concerning financial and related issues arising out of the interpretation, application, administration, or alleged violation of this Agreement ("Financial Disputes") or between the Board and the O.P.P. concerning policing issues arising out of the interpretation, application, administration, or alleged violation of this Agreement ("Policing Disputes").
  - (b) In the event that a dispute arises, the Detachment Commander, or representative, and the Municipality or the Board, as the case may be, or their representative, shall meet within 30 days of such dispute arising, and use all best good faith efforts to resolve the dispute.
  - (c) If the dispute remains unresolved, the Regional Commander, or representative, and the Municipality or the Board, as the case may be, or representative, shall meet and use all best good faith efforts to resolve the dispute.
  - (d) If the dispute remains unresolved, the Commissioner, or Deputy Commissioner, and the Municipality or the Board, as the case may be, or representative, shall meet and use all best good faith efforts to resolve the dispute.
  - (e) If a Financial Dispute remains unresolved, the issue may be referred to mediation by either party, and each party shall use all good faith efforts to resolve the dispute.
23. (a) Financial Disputes that cannot be resolved through any of the methods described within paragraph 22, may be referred to and settled by binding arbitration. The provisions of the *Arbitration Act, 1991* shall apply to any such arbitration, unless otherwise indicated below:
  - (i) The language of the arbitration shall be English.

- (ii) The place of the arbitration shall be the Township of Melancthon
  - (iii) Each party agrees that the arbitration shall be conducted in a summary manner to ensure a full hearing in a cost effective and efficient manner.
  - (iv) Each party shall make prompt full disclosure to the other and, subject to the availability of an arbitrator the arbitration shall be commenced within 30 days of the conclusion of the meeting with the Commissioner, or the mediator, if applicable.
  - (v) Each party shall be responsible for its own legal expenses and for an equal share of the fees and expenses of the arbitration and any other related expenses. Section 54 of the *Arbitration Act* shall not apply; the arbitrator shall have no right to make an award relating to costs.
  - (vi) The parties shall have no right of appeal to a final decision of an arbitrator.
- (b) Policing Disputes shall not be subject to mediation or arbitration.
- (c) Neither party shall be entitled to proceed to mediation or arbitration until all of the meetings referred to in paragraphs 22 have been held, and each party undertakes to exert all best good faith efforts to resolve the dispute in those meetings.
- (d) Mediations or arbitrations of disputes conducted under this Agreement shall remain closed to the public. All parties to any dispute shall keep all details, admissions or communications made in the course of the dispute resolution process strictly confidential, nor shall such information be admissible in any legal proceeding, except as follows:
- (i) on consent of all parties;
  - (ii) as may be ordered by a court of competent jurisdiction;
  - (iii) the final decision of the arbitrator may be released.
- (e) Each of the meetings outlined in paragraph 22 shall be commenced no earlier than 15 days, and concluded no more than 30 days, from the conclusion of the prior stage unless the parties otherwise agree.
- (f) Notwithstanding any of the above provisions, nothing in this Agreement shall be construed so as to give the Municipality or the Board the right to alter any policy of the O.P.P. or the Ministry. Nothing in this Agreement shall be construed so as to give the Municipality or the Board, the right to supercede or vary the duties and obligations of the Solicitor General pursuant to s. 3(2) of the *Police Services Act*, or of the Commissioner pursuant to s. 17 and s. 41 of the *Police Services Act*, and further, the rights of the Municipality and the Board pursuant to the Agreement are subject to the Municipality's obligations under s. 4 of the *Police Services Act*.



### **Detachment Commander Selection**

24. The Detachment Commander shall be selected from a short-listed pool of candidates as determined by the OPP in accordance with its relevant provincial policies. Following the formulation of the short-list, a joint committee consisting of Board members and persons nominated by the Commissioner, shall select the successful candidate in accordance with the process set out in the OPP's provincial policies.

### **Notice**

25. Any notice, statement, invoice or account to be delivered or given by any of the below listed groups to any other of them shall be delivered to such groups using the delivery methods as listed below. Any notice, statement, invoice or account sent by mail shall be deemed to be received on the third day following the date of mailing unless shown to the contrary, and if sent by fax or by email, it shall be deemed to be received on the date it was sent. Any group may change its contact information by giving notice provided herein:
- (a) by mail to Ontario addressed to: The Minister of Community Safety and Correctional Services, 25 Grosvenor Street, 11<sup>th</sup> Floor, Toronto, Ontario, M7A 1Y6, or by fax to (416) 325-6067.
  - (b) by mail to the Commissioner addressed to: The Commissioner, Ontario Provincial Police, 777 Memorial Avenue, Orillia, Ontario, L3V 7V3, to the attention of the Manager, Municipal Policing Bureau, by fax to (705) 330-4191, or by email to [opp.municipalpolicing@opp.ca](mailto:opp.municipalpolicing@opp.ca)
  - (c) by mail to the Municipality addressed to: The Mayor, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6, or by fax to (519) 925-1110
  - (d) by mail to the Board addressed to: The Township of Melancthon Police Services Board, 157101 Highway 10, Melancthon, Ontario, L9V 2E6, or by fax to (519) 925-1110

### **Commencement and Termination of Agreement**

26. Notwithstanding the date upon which this Agreement is signed, the term of this Agreement shall commence on the 01st day of January 2019, and shall conclude on the 31st day of December 202X.
27. Either party to this Agreement may terminate this Agreement upon one year written notice of termination to the other party, in which case this Agreement shall terminate one year following the delivery of such notice. Should a notice to terminate be given, the Municipality shall continue to be obligated to pay for the cost of providing police services under this contract to, and including the date of such termination and Ontario shall continue to be responsible to provide the services outlined in this Agreement.
28. Should the Municipality's designated responsibility to provide policing under the *Police Services Act* be changed, either by statute or government interpretation, the Municipality maintains its right upon being so informed to give written notice of its intention to terminate this Agreement forthwith.

### **Entire Agreement**

29. This Agreement and the schedules attached constitute the entire Agreement between the parties, and there are no representations, warranties, collateral agreements or conditions affecting this Agreement or the relationship of the parties or supported hereby other than as expressed herein in writing. Any amendment to this Agreement must be in writing, duly executed by the parties.

IN WITNESS WHEREOF, the Municipality has affixed its Corporate Seal attested by the signature of its duly authorized signing officers, and the Deputy Minister of Community Safety, Ministry of Community Safety and Correctional Services has personally signed this Agreement to be effective as of the date set out herein.

**FOR ONTARIO**

\_\_\_\_\_  
Deputy Minister of Community Safety

**FOR THE MUNICIPALITY**

Township of Melancthon

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Date signed by the Municipality \_\_\_\_\_

**SCHEDULE "A"**

**BY-LAW OF THE MUNICIPAL COUNCIL**

## **SCHEDULE “B”**

### **PROPOSAL FOR POLICE SERVICES**



# ***The Township of Melancthon***

## ***Contract Policing Proposal***

Prepared by: Sergeant Kenneth Kee  
Ontario Provincial Police  
Municipal Policing Bureau

Date: October 09, 2018

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## Executive Summary

The Ontario Provincial Police (OPP) has over 100 years of experience in providing effective community-based policing and protection throughout Ontario. The OPP has provided municipal police services under contract for over 70 years and currently maintains contracts with over 140 communities across Ontario.

The Township of Melancthon requested a contract proposal for OPP municipal policing. This proposal is based on the OPP Billing Model, with the Township paying an amount equal to the sum of its allocated portion of the OPP's total municipal policing Base and Calls for Service costs, as well as the costs for Overtime, Prisoner Transportation, Court Security, and Accommodation/Cleaning Services as applicable. Where a municipality chooses to receive police services from the OPP pursuant to a contract, the OPP will provide the level of police services required to provide adequate and effective policing, including providing the services set out in Regulation 3/99, Adequacy and Effectiveness of Police Services under the *Police Services Act*.

This proposal reflects the integrated policing concept, incorporating a police services contract for the Township of Melancthon with OPP highway patrol services and provincial responsibilities under one administration. The Dufferin OPP Detachment will remain as the Administration/Operations Centre. The resources will be deployed to the municipality from this facility.

The Dufferin OPP Detachment Commander will be responsible to oversee all aspects of service delivery. The detachment management including Staff Sergeant(s) and Sergeant / Platoon Leaders as applicable will provide assistance and supervision to members of the Dufferin Detachment.

It is the intent to maintain all existing community service programs and community policing committees, in consultation with the Police Services Board.

Any new community service program considered may be implemented after consultation with the Township of Melancthon Council, the Township's Police Services Board and the Dufferin OPP Detachment Commander.

When a municipality chooses to receive police services from the OPP under contract, the OPP will ensure that the municipality receives adequate and effective police services in accordance with the *Police Services Act* and Regulations. The shared infrastructure of the OPP broadens local access to resources, expertise, solutions, training and management without duplicating services. The Township of Melancthon will continue to benefit as additional staff are readily available from within the Dufferin OPP Detachment as well as neighboring detachments and regions, should the need arise.

The Township of Melancthon will be required to maintain a Police Services Board, as mandated by Section 10 of the *Police Services Act* that will generally determine objectives and priorities for police services within the community, after consultation with the Detachment Commander. The Commissioner is committed to ensuring that the Detachment Commander of the Dufferin OPP Detachment responds appropriately to the Board's advice and priorities in a manner consistent with the Board's identified concerns, expectations and needs.

It is long-standing OPP policy and practice to be accountable to the communities we serve. The Commander of the Dufferin OPP Detachment, or designee, will report to the Police Services Board on a regular basis, as per the direction of the Board. The OPP is experienced in being accountable to the municipalities we serve. With over 100 contracts currently in place and future contracts pending, there is great emphasis placed on OPP accountability to Police Services Boards.

The OPP is required to provide provincial level emergency response that can be mobilized in times of emergency, disaster or a specialized investigative need. The OPP meets such emergent needs, on an on-call, as-needed basis, by deploying small numbers of officers from multiple locations and assignments, both provincial and municipal. During such times, the OPP is responsible to ensure that appropriate resources remain in place to make certain the municipality receives adequate and effective police services in accordance with the *Police Services Act* and Regulations. The use of OPP officers in cases where there is a provincial obligation to respond will be accounted for as part of the billing model.

If the Township of Melancthon chooses to accept an OPP contract for its policing service, the Dufferin OPP Detachment Commander will assign resources, focusing on meeting the Township's unique policing needs.

**Value for the Township of Melancthon:**

- Assurance of adequacy and effectiveness of police services;
- Dedication to resolving community issues through local involvement and community policing committees;
- Availability of additional staffing support from neighbouring detachments, regional headquarters and general headquarters;
- Work with the Detachment Commander in determining the local policing priorities and objectives through the Township's Police Services Board; and
- Access to a comprehensive infrastructure and specialized services

The estimated policing cost for 2019 associated to this proposal as presented in the Annual Billing Statement is **\$404,847**. This amount is reflective of the most current cost estimates under the OPP Billing Model, exclusive of the year-end adjustments.

The year-end adjustment for the year 2017 totalling **\$-18,124** is listed separately from the 2019 estimated cost, but forms part of the Grand Total Billing as shown near the bottom of the Annual Billing Statement.

**Not included in this proposal are:**

- The cost of maintaining the Police Services Board
- Any applicable revenues accruing to the municipality as a result of police activity



## OPP 2019 Annual Billing Statement

### Melancthon Tp

Estimated cost for the period January 1 to December 31, 2019

Please refer to [www.opp.ca](http://www.opp.ca) for 2019 Municipal Policing Billing General Information summary for further details.

			<b>Cost per Property \$</b>	<b>Total Cost \$</b>
<b>Base Service</b>	<b>Property Counts</b>			
	Household	1,170		
	Commercial and Industrial	70		
	<b>Total Properties</b>	<b>1,240</b>	<b>189.54</b>	<b>235,030</b>
<b>Calls for Service</b>				
	Total all municipalities	156,778,914		
	Municipal portion	0.0906%	114.55	142,036
<b>Overtime</b>			15.23	18,891
<b>Prisoner Transportation</b>	(per property cost)		2.27	2,815
<b>Accommodation/Cleaning Services</b>	(per property cost)		4.90	6,076
<b>Total 2019 Estimated Cost</b>			<b>326.49</b>	<b>404,847</b>
<b>Year Over Year Variance (estimate for the year is not subject to phase-in adjustment)</b>				
<b>2018 Estimated Cost per Property</b>			325.34	
<b>2019 Estimated Cost per Property (see above)</b>			326.49	
<b>Cost per Property Variance</b>	(Increase)		1.15	
<b>2017 Year-End Adjustment</b>				(18,124)
<b>Grand Total Billing for 2019</b>				<b>386,723</b>
<b>2019 Monthly Billing Amount</b>				<b>32,227</b>

## **OPP Contacts**

**Please forward any questions or concerns to Staff Sergeant Nicol Randall, Detachment Commander, Dufferin Detachment, or Sergeant Kenneth Kee, Municipal Policing Specialist, Municipal Policing Bureau, OPP General Headquarters.**

**Staff Sergeant Nicol Randall (519) 925-3838**

**Sergeant Kenneth Kee (705) 329-6451**



*The Corporation of*  
**THE TOWNSHIP OF MELANCTHON**  
157101 Hwy. 10, Melancthon, ON, L9V 2E6

Telephone - (519) 925-5525

Fax No. - (519) 925-1110

Website: [www.melancthontownship.ca](http://www.melancthontownship.ca)

Email: [info@melancthontownship.ca](mailto:info@melancthontownship.ca)

## **REPORT TO COUNCIL**

**TO: MAYOR WHITE AND MEMBERS OF COUNCIL**

**FROM: DENISE HOLMES, CAO/CLERK**

**DATE: DECEMBER 13, 2018**

**SUBJECT: RETURN OF DEPOSIT TO ALVIN AND SARAH BAUMAN, LOTS 214-216, CONCESSION 2 N.E.**

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### **RECOMMENDATION**

Be it resolved that: The security deposit of \$5,000.00 be returned to Alvin and Sarah Bauman, as the existing house on Lots 214-216, Concession 2 N.E. been demolished.

### **STRATEGIC PLAN ALIGNMENT**

N/A

### **PURPOSE**

The purpose of this Report is to provide information to Council on why the deposit of \$5,000.00 is being returned to Alvin and Sarah Bauman.

### **BACKGROUND AND DISCUSSION**

On March 16, 2018, both Alvin and Sarah Bauman entered into an Agreement with the Township of Melancthon to retain the existing dwelling on Lots 214-216, Concession 2 N.E. to live in while constructing a new dwelling. A \$5,000.00 deposit was left as security that the existing house would be demolished when the new home was built. On December 6, 2018, Mr. Bauman informed the Township via email that the old house had been demolished and he would like the deposit returned.

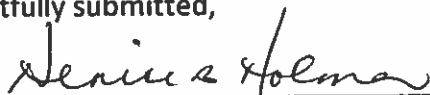
ACT #6

DEC 20 2018

**FINANCIAL**

N/A

Respectfully submitted,

A handwritten signature in cursive script, reading "Denise B. Holmes", written over a horizontal line.

Denise B. Holmes, AMCT, CAO/CLERK