



TOWNSHIP OF MELANCTHON

A G E N D A

Thursday, August 15, 2019 - 5:00 p.m.

1. **Motion to appoint an Acting Head of Council in the absence of Mayor White**
2. **Call to Order**
3. **Announcements**
4. **Additions/Deletions/Approval of Agenda**
5. **Declaration of Pecuniary Interest and the General Nature Thereof**
6. **Approval of Draft Minutes - July 18, 2019**
7. **Business Arising from Minutes**
7. **Point of Privilege or Personal Privilege**
9. **Public Question Period** (Please visit our website under Agenda & Minutes for information on Public Question Period)
10. **Public Works**
 1. Accounts
 2. Recommendations from the Roads Sub-Committee Meeting held on August 13, 2019 (if any)
 3. Other
11. **Planning**
 1. Applications to Permit
 2. Other
12. **Police Services Board**
 1. FTE Officer shared with Mulmur Township - Update (if any)
 2. Other
13. **Correspondence**

***Board & Committee Minutes**

1. North Dufferin Community Centre - July 11, 2019

*** Items for Information Purposes**

1. Email from Jennifer Willoughby regarding By-law Enforcement Services
2. NVCA Media Release - Healthy Waters Program gets \$25,000 backing from WWF's Loblaw Water Fund
3. Town of Halton Hills Motion Regarding Reducing Litter and Waste in our Communities
4. Dufferin County Council in Brief - July 11, 2019
5. Ministry of Municipal Affairs and Housing Provincial Policy Statement Review - Draft Policies
6. WDGPH Letter to Municipalities re Alcohol Policy
7. Report from Shara Bagnell, County of Dufferin Health and Safety Advisor - 2018 Health and Safety Review
8. AMO Communications - Attorney General Launches Consultation on Municipal Liability and Insurance Costs
9. Township of Mulmur Public Meeting for Proposed Zoning By-law Amendment
10. Update from Watson & Associates Economists Ltd regarding Bill 108 Regulations
11. Town of Shelburne Planning Applications - 218 Greenwood Street
12. Town of Shelburne Planning Applications - 443 Main Street West

*** Items for Council Action**

1. Township of Melancthon Hiring Policy
2. Email request from Sara Wick, Climate Change Coordinator, regarding Electrical Vehicle charging station
3. NEC request for comments - 625435 15th Sideroad

14. General Business

1. Accounts
2. Unfinished Business
 1. Councillor Mercer, Notice of Motion - *Town of Mono letter regarding Highway Traffic Act Set Fines including a Resolution passed on May 14, 2019*

15. Delegations

1. 5:20 p.m. - Public Meeting - Downey Zoning By-law Amendment
2. 5:30 p.m. - Nancy Neale, Watson and Associates - Passage of Development Charges By-law

16. Closed Session

17. Third Reading of By-laws

18. Notice of Motion

19. Confirmation By-law

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

21. On Sites

22. Correspondence on File at the Clerk's Office

APPLICATIONS TO PERMIT FOR APPROVAL
Aug 15, 2019 COUNCIL MEETING

PROPERTY OWNER	PROPERTY DESCRIPTION	TYPE OF STRUCTURE	DOLLAR VALUE	D.C.'s	COMMENTS
Maria Oliveira Applicant: Eldar Sabljakovic	156367 Hwy 10 Part Lot 295-298, Concession 1 NE	double sided billboard	\$5,500	YES	approved at July 18 council
Mohammad Qureshi	057272 8th Line SW Part Lot 14, Concession 9 SW	dwelling	\$300,000	NO	
Levi Frey Applicant: Aaron Bauman	318497 8th Line NE Lot 31, Concession 9 NE	bin for cattle bedding	\$10,000	NO	
Carol Fluney	Part Lot 297, Concession 1 SW	Replace front and back deck	\$9,775	NO	
Soloman Martin Applicant: Solmar Farms	764220 240 Sideroad Pt Lot 26, Concession 9 NE	cement pad for grain bin	\$10,000	NO	
George Martin Applicant: Simon Martin	358112 10th Line NE Lot 27, Concession 10 NE	Skid Loader Storage	\$8,000	NO	

PLAN#1
AUG 15 2019



**NORTH DUFFERIN COMMUNITY CENTRE BOARD OF
MANAGEMENT
MINUTES
THURSDAY, JULY 11, 2019 – 7:00 P.M.
NORTH DUFFERIN COMMUNITY CENTRE**



The North Dufferin Community Centre Board of Management known as "The Board" held its meeting on the 11th day of July, 2019 at 7:00 p.m., in the Norduff Room at The North Dufferin Community Centre. Those present:

Those present:

Chester Tupling, Chair, Mulmur
Bert Tupling, Vice-Chair, Melancthon
Dave Besley, Deputy Mayor, Melancthon
Keith Lowry, Mulmur
Patricia Clark, Councillor, Mulmur
Debbie Fawcett, Melancthon
Donna Funston, NDCC Secretary, Melancthon

Regrets:

Clayton Rowbotham, Melancthon
Nancy Noble, Mulmur
James Woods, Facility Manager

#1 Call to Order by Chair

Chair Tupling called the meeting to order at 7:14 p.m.

#2 Additions/Deletions/Approval of Agenda

-Moved by Fawcett, Seconded by Besley the Agenda be approved as circulated. Carried.

#3 Declaration of Pecuniary Interest or Conflict of Interest

None.

#4 Approval of Draft Minutes

-Moved by Lowry, Seconded by Clark, that the minutes of the North Dufferin Community Centre Board of Management held on June 13, 2019 be approved as circulated. Carried.

#5 Business Arising from the Minutes

None

#6 Facility Manager's Report

James Woods was not in attendance, these items were deferred until the August 8, 2019 meeting.

-Moved by Lowry, Seconded by Fawcett, Be it resolved that the NDCC B of M request the Councils undertake the replacement costs for the antiquated (1965) water heater and the failing main arena door (1965) at the NDCC. Anticipated savings may approach 2/3 of the current hydro costs (300 gallons vs 100 gallons; 365 vs 200 days) for the water heater. Savings from the closing of a 10' X 2" gap at the door are not easily quantifiable.

We propose that the resulting efficiencies would enable Council to access the provincial "efficiency" funds, but Council may choose whatever avenue meets municipal priorities & needs. Carried.

Board directs Donna to send the motion to Heather and Tracey to be included in the Mulmur Agenda package. Each Council Member on the Board is to speak to their Councils regarding the efficiency fund grant money.

#7 General Business

1. Financial
 1. Accounts
 2. YTD vs. Budget comparison
 3. Outstanding Accounts Receivables
2. Strawberry Supper Update
3. Beef BBQ Update
4. Other
5. Unfinished Business
 1. Part-time position
 2. NDCC Financial Statements Year Ended 2018 for approval
 3. Vendors having tables at fundraising events
 4. Feasibility Plan – Township Support Update and Community Development and Planning Committee Update
 5. Possible Activities Available at the Arena

#1.1 -Moved by Clark, Seconded by Lowry, Be it resolved that the accounts in the amount of \$962.42 be approved to be paid. Carried.

#1.2 Discussion around YTD figures. Member Clark reports that insurance costs have increased by more than \$1,000 for 2019 and that \$6,600 is going to be added to hydro costs. Half of the \$6,600 will be added in the first six months and the other half will be added in the final six months. Member Clark, on behalf of Mulmur, suggests some policies be drawn up by the Board and that the Board should be creating its own timesheet for Arena staff.

- #1.3 Board directed Donna to ask Heather questions concerning some of the outstanding accounts receivables.
- #2 Member Fawcett reports the Strawberry Supper was very successful again this year, the turnout was great and she estimates the profit to be similar to last year. Member Fawcett is hoping to have financials prepared by Mulmur for the August 8, 2019 meeting. Member Clark discussed garbage versus recycling bins, she notes at the Strawberry Supper garbage and recycling did not seem to be getting separated. Member Clark makes a request for the Beef BBQ to have bins labelled with diagrams so everyone knows exactly where to put each item. Member Fawcett agreed to label bins accordingly for the Beef BBQ to help maximize recycling.
- #3 Chair Tupling reports posters have been put up around town and on the Melancthon and Mulmur websites. Janice has confirmed Greg Holmes will be playing again this year and most of the volunteers are organized but could still use a few more volunteers. 50/50 tickets and sales have been organized aswell. Board directs Donna to email Tracey Atkinson and request she send the Beef BBQ poster out on their confidential email list. Also, to request Denise Holmes send the poster out on the Melancthon mail chimp.
- #5.1 Board directs Donna to have Heather email her the part-time position notice and that it be placed on both Township websites as well as advertised in the Dundalk Herald, Shelburne Free Press and Creemore Echo papers. Also to have the notice placed on the Dufferin County Employment website as soon as possible.
- #5.2 -Moved by Tupling, Seconded by Besley, be it resolved that the NDCC Board of Management approve the Financial Statements For The Year Ended December 31, 2018 prepared by RLB Chartered Professional Accountants. Carried.
- #5.3 Defer to August meeting.
- #5.4 Member Besley and Member Clark report that Melancthon and Mulmur have approved the preparing of a RFP in regards to a recreational study or survey. Draft of the RFP will hopefully be done for the NDCC August 8, 2019 meeting for the Board to review. The Board will need to make sure it includes information they want to receive with respect to recreational activities that the public would like to have available at the Arena. It is also reported that this is a long process and will be well into 2020 before the final report is received.
- #5.5 Discussion around some possible activities and having them included in the RFP.

#8 Information

-Moved by Besley, Seconded by Tupling Item 8.1 be received as information. Carried.

#9 Delegation

-None

#10 Notice of Motion

-None

#11 Confirmation Motion

-Moved by Lowry, Seconded by Clark be it resolved that: all actions of the Members and Officers of the North Dufferin Community Centre Board of Management with respect to every matter addressed and or adopted by the Board on the above date are hereby adopted, ratified and confirmed; and each motion, resolution and other actions taken by the Board Members and Officers at the meeting held on the above date are hereby adopted, ratified and confirmed. Carried.

#12 Adjournment

-Moved by Clark, Seconded by Lowry that we adjourn the North Dufferin Community Centre Board of Management meeting at 8:23 p.m. to meet again on Thursday August 8, 2019 at 7:00 p.m. at the North Dufferin Community Centre or at the call of the Chair. Carried.

CHAIR

SECRETARY

Donna Funston

To: Denise Holmes
Subject: RE: By-law Enforcement Services

From: Jennifer Willoughby <jwilloughby@shelburne.ca>
Date: August 6, 2019 at 4:32:06 PM EDT
To: Jennifer Willoughby <jwilloughby@shelburne.ca>
Cc: Carey Holmes <cholmes@shelburne.ca>, Denyse Morrissey <dmorrissey@shelburne.ca>, Bylaw Shelburne <bylaw@shelburne.ca>
Subject: By-law Enforcement Services

Good Afternoon

Our Council recently directed staff to research and report back regarding the provision of pro-active versus re-active By-law Enforcement. We are currently facing challenges in managing the volume of our own by-law enforcement needs.

If the Town was to adopt a more pro-active approach in any area of by-law enforcement we would be facing very limited staffing resources. We would then not be able to provide your municipality with by-law enforcement services in the future depending on the decision of Council. The expected timing of the staff report is September/October 2019.

The agreement we have entered into with your municipality notes that "This agreement may be terminated by the Town or Township by Council resolution."

I wanted to give you advance notice that our agreement might be terminated in the near future and likely effective December 31, 2019.

Thank You

Jennifer Willoughby, Clerk | Phone: 519-925-2600 ext 223 | Fax: 519-925-6134 |
jwilloughby@shelburne.ca
Town of Shelburne | 203 Main Street East, Shelburne ON L9V 3K7 | www.shelburne.ca

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Nottawasaga Valley
Conservation Authority

MEDIA RELEASE

FOR IMMEDIATE RELEASE

NVCA's Healthy Waters Program gets \$25,000 backing from WWF's Loblaw Water Fund

UTOPIA, Ontario (July 23, 2019) – For the second year in a row, the World Wildlife Fund's (WWF Canada) Loblaw Water Fund awarded the Nottawasaga Valley Conservation Authority (NVCA)'s Healthy Waters Program with \$25,000 to improve water quality and provide habitat for wildlife.

"This funding allows landowners, farmers and volunteers to help restore our streams and rivers through our Healthy Waters Program," says Shannon Stephens, NVCA's Healthy Waters Program Coordinator. "Last year's toxic algae bloom in Lamont creek, low oxygen 'dead zones' in Willow Creek, and high bacteria and nutrient levels in our streams demonstrate the critical need to continue this work."

The new trees will help improve drinking water quality and provide habitat for wildlife. Farmers will see better sustainability and profitability on their farms and recreation enthusiasts have cleaner places to swim and fish in.

"The Nottawasaga rivers will be a little cleaner thanks to the WWF's Loblaw Water Fund," added Ms. Stephens. "In the Nottawasaga Valley watershed, 95% of the land is privately owned. The support and environmental stewardship of private landowners and volunteers is crucial to the environment in our watershed."

The new funds will cover 30-100 percent of the cost of stewardship projects, to a maximum of \$10,000. Eligible water quality projects include:

- Tree planting and habitat restoration
- Clean water diversion from livestock yards
- Livestock exclusion fencing from streams and wetlands
- Planting streamside buffers between cropland and streams
- Retrofitting farm tiles with controlled drainage boxes
- Well decommissioning

For more information on applying for funding or volunteering with the Healthy Waters Program, visit www.nvca.on.ca or contact NVCA at 705-424-1479.

For more information about the WWF's Loblaw Water Fund, visit wwf.ca.

Nottawasaga Valley Conservation Authority
8195 8th Line, Utopia, ON L0M 1T0
T: 705-424-1479 F: 705-424-2115
admin@nvca.on.ca • nvca.on.ca

A member of Conservation Ontario

INFO#2
AUG 15 2019



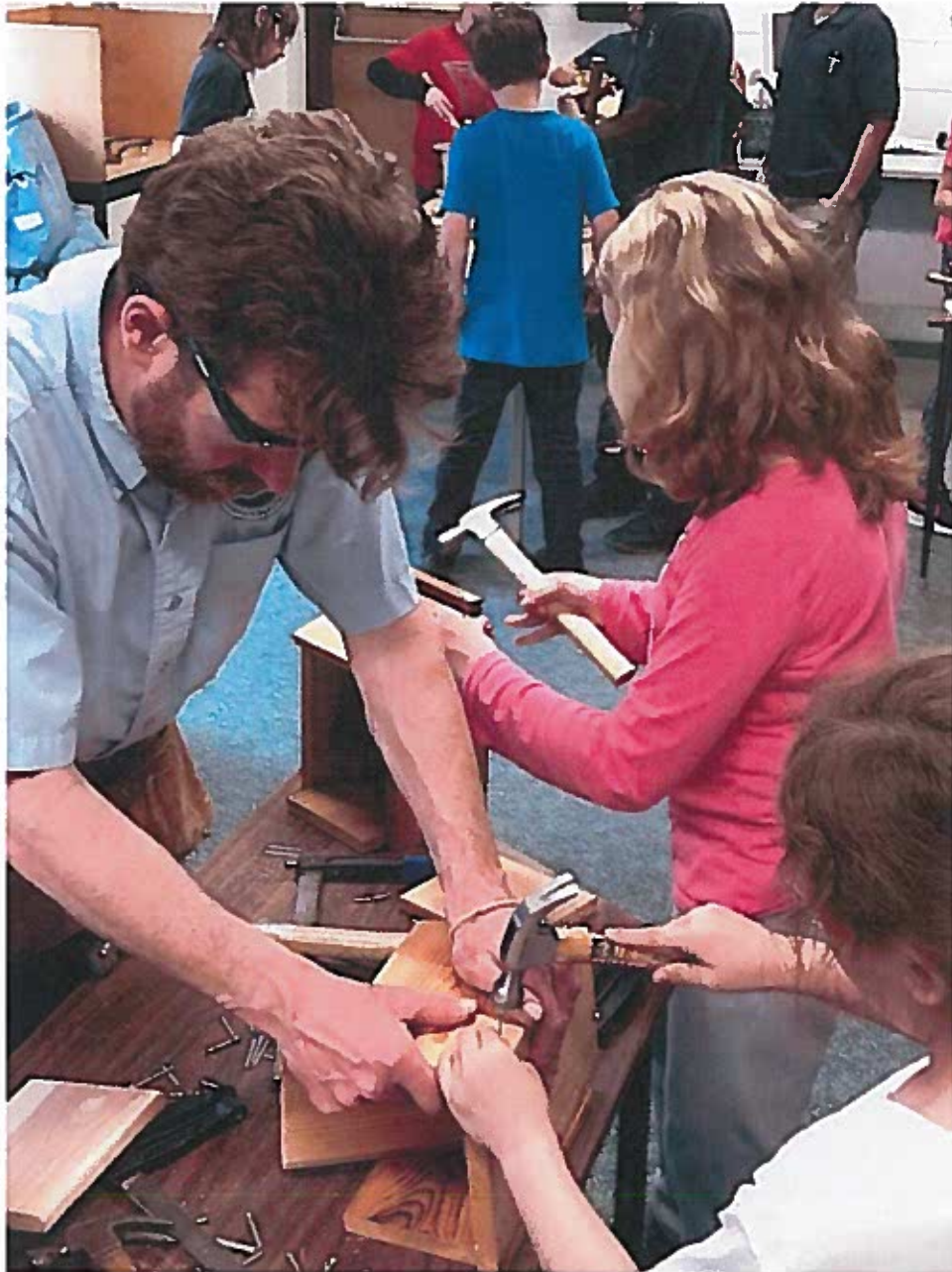
Nottawasaga Valley Conservation Authority

- 30 -

About NVCA: The Nottawasaga Valley Conservation Authority is a public agency dedicated to the preservation of a healthy environment through specialized programs to protect, conserve and enhance our water, wetlands, forests and lands.

About Wildlife Fund Canada's (WWF) Loblaw Water Fund: The WWF Loblaw Water Fund is designed to help improve the health of freshwater ecosystems across Canada, including lakes, rivers, streams, wetlands and surrounding riparian zones, and to reduce the threats they face. The fund provides grants to registered charitable organizations and not-for-profits working on projects that aim to conserve, protect or restore freshwater and riparian habitats and the species living within them.

Media contact: Maria Leung, Communications Coordinator 705-424-1479 ext.254, mleung@nvca.on.ca







THE CORPORATION
OF
THE TOWN OF HALTON HILLS

Moved by: Clark Somerville Date: July 8, 2019
Councillor Clark Somerville

Seconded by: James F. Fogel Resolution No.: _____

WHEREAS the Province of Ontario, through the Ministry of the Environment, Conservation and Parks, has posted a discussion paper entitled "Reducing Litter and Waste in our Communities";

AN WHEREAS producer responsibility has not been adequately addressed by the Province of Ontario;

AND WHEREAS a successful deposit/return program for single use plastic, aluminum and metal drink containers has been in existence in other Provinces in Canada including Newfoundland, Nova Scotia and British Columbia;

AND WHEREAS these successful program have eliminated many of these containers from the natural environment;

THEREFORE BE IT RESOLVED that the Council of the Town of Halton Hills call upon the Province of Ontario, through the discussion paper entitled "Reducing Litter and Waste in our Communities", to review and implement a deposit/return program for all single use plastic, aluminum and metal drink containers;

AND FURTHER THAT that the Province of Ontario review current producer requirements and look for extended producer responsibility for all packaging;

AND FURTHER THAT a copy of this motion be sent to the Premier of Ontario; the Minister of the Environment, Conservation and Parks; the Minister of Municipal Affairs; the Association of Municipalities of Ontario; the Region of Halton and all municipalities in the Province of Ontario.

Rick Bonnette
Mayor Rick Bonnette

Denise Holmes

From: Dufferin County <clerk@dufferincounty.ca>
Sent: Monday, July 15, 2019 2:06 PM
To: dholmes@melancthontownship.ca
Subject: Council In Brief - July 11, 2019

Dufferin County's Official E-Newsletter

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Dufferin county

COUNCIL IN BRIEF

For July 11, 2019

The following highlights from the July 11, 2019 Dufferin County Council Meeting are provided for general information purposes. [For the full agenda and minutes, please visit our website by clicking here.](#)

Upcoming Meetings

There is no regular Council meeting in August.

The next Committee meetings will be held on Thursday, August 22, 2019 in Orangeville at 55 Zina Street in the Sutton Room:

Infrastructure & Environmental Services Committee – 1:00 pm

General Government Services Committee – 3:00 pm

Community Services/Dufferin Oaks Committee – 6:30 pm

2019 Bill Hill Scholarship Recipients

The County is excited to announce the recipients of the Bill Hill Scholarship:

- Science & Technology: Breanne Murray
- Business & Social Sciences: Jasmine Joaquin
- Arts: Paula Turnbull

Mr. Hill's family was in attendance to help present the scholarships.



Congratulations Tom!

Congratulations to Dufferin County's Chief Paramedic, Tom Reid, on receiving the Dr. David Scott Award from Headwaters Health Care Centre. The award is presented to an individual or organization that has made a positive impact on the quality of health care and well-being through their service to the community, leadership, advocacy of health care initiatives and services, or promotion of services between the community and Headwaters Health Care Centre.



Pictured left to right: Deputy Chief Paul DePrinse, Chief Tom Reid, Deputy Chief Gary Staples

International Overdose Awareness Day

The Warden proclaimed August 30, 2019 as "Overdose Awareness Day" in the County of Dufferin. Tom Reid, Chief Paramedic, accompanied by members of the Drug Overdose Awareness Committee, Kristy Fearon, Family Transition Place, and Carly Tithecott, Wellington-Dufferin-Guelph Public Health, accepted the proclamation.



Everyone is invited to attend this year's Overdose Awareness Event on Tuesday, August 27, 2019 from 5:30 pm - 7:30 pm at the Edelbrock Centre, 30 Centre St, Orangeville.



**Please join the
Dufferin Overdose
Awareness
Committee for this
year's Overdose
Awareness Event.**

**Tuesday, August 27, 2019
5:30-7:30 p.m.
Edelbrock Centre
30 Centre St, Orangeville**

#END OVERDOSE

The Dufferin Overdose Awareness Committee is a collaboration of
concerned people and service providers in Dufferin and Caledon

Find us on 

Headwaters Health Care Centre



Ms. Stacey Daub, President & CEO of Headwaters Health Care Centre, presented an update on the recent happenings at Headwaters Health Care Centre, including their Five Year Strategic Plan and hospital renovation plans.

Marsville Charity Toll Road

The Marsville Lions Club will be operating their Annual Charity Toll Road on County Road 3 at 13th Line in East Garafraxa on Monday, September 2, 2019 from 1:00 pm to 4:00 pm.

Vacancy Tax Rebate Program

Council adopted a report from the Treasurer to amend the Vacant Unit Tax Rebates program commencing in the year 2020. Staff will be engaging the Dufferin business community and each member municipality to receive their input. Once all responses come back, the input will be review reviewed and Council will need to pass the necessary resolution to specify the proposed changes to be approved by the Province.

Employment Services Transformation

In February 2019, the provincial government announced its plan to transform Ontario's employment services by introducing a new model to manage the employment services system to more effectively meeting the needs of job seekers, employers and communities. This will result in a transformation of employment services by integrating the three employment programs: Employment Ontario, Ontario Works and Ontario Disability Support Program into a one system. Council approved, in principle, to submit an expression of interest to pilot as a Service System Manager with the County of Simcoe, County of Wellington and Region of Waterloo.

Housing Needs of Older Adults in the Community



Housing was identified as a priority by Dufferin County's Older Adults Advisory Group. Brenda Wager, Administrator of Dufferin Oaks, noted focus has been placed on alternative housing options such as long term care or accessing care to support older adults to age in place. Affordable or subsidized housing remains a key need for older adults. While Retirement Homes remain an option, affordability may be a barrier for a large number of older adults who are on a fixed income. A more in depth review of accommodation options will be completed, with continued engagement with the established Older Adults Advisory Group, that will address which models may best meet the needs of Dufferin County's older adult population in order to ensure the right care is accessible at the right time.

Older Adults Advisory Group

Warden White thanked the members of the Older Adults Advisory Group for their contributions towards Dufferin County's Age-Friendly Needs Assessment.



County Operations & Shared Services/ Resources Review

Council approved a review of what services are provided, how they are provided and by whom is critical to ensure financial sustainability and public value into the future. Council approved staff engage a consultant(s) through an RFP (Request for Proposal) process to complete the work.

The review would include three distinct yet overlapping areas of focus: Internal County operations, Community/Human services and shared municipal services/resources (with some or all Dufferin municipalities).

An Ad Hoc Shared Services/Resources Steering Committee with one political representative from each participating local municipality as well as a Joint Working Group including the CAOs of each participating municipality and other staff as required for specific services, will be established to coordinate and assess the progress of the Shared Services/Resources.

South Western Fibre Integration Technology (SWIFT) Update



Procurement for projects in Norfolk, Wellington & Lambton (3 pilot projects approved to date) is expected to start in July 2019 with construction expected in 2020. Phase 2 has a cash flow shortfall of \$6 million. SWIFT is seeking members to guarantee short-term credit. Remaining projects will be approved based on success of pilots.

***The complete agenda and minutes from the July 11,
2019 County Council meeting will be available on the
County website.***

***The next County Council meeting is September 12,
2019 at 7:00 pm - 51 Zina Street, Orangeville, ON***

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**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M5G 2E5
Tél. : 416 585-7000



July 22, 2019

Dear Head of Council:

RE: Provincial Policy Statement Review – Draft Policies

I am writing today to announce that my ministry is launching a consultation on proposed policy changes to the **Provincial Policy Statement (PPS)**. The PPS is an important part of Ontario's land use planning system, setting out the provincial land use policy direction.

Municipalities play a key role in implementing these policies through local official plans, zoning by-laws and other planning decisions. The Planning Act requires that decisions on land use planning matters be "consistent with" the Provincial Policy Statement policies.

The government is consulting on draft policy changes to:

- Encourage the development of an increased mix and supply of housing
- Protect the environment and public safety
- Reduce barriers and costs for development and provide greater predictability
- Support rural, northern and Indigenous communities
- Support the economy and job creation

The proposed PPS policy changes support the implementation of **More Homes, More Choice: Ontario's Housing Supply Action Plan**. The Action Plan includes a series of distinct but coordinated initiatives to address housing supply, including a review of the Provincial Policy Statement. The proposed PPS changes work together with other recent changes to the land use planning system – including to the Planning Act through **Bill 108, More Homes, More Choice Act, 2019** (once proclaimed) and **A Place to Grow: Growth Plan for the Greater Golden Horseshoe**.

For more information about the consultation, please visit <http://www.mah.gov.on.ca/Page215.aspx> where you will find:

- A link to the posting on the Environment Registry of Ontario (ERO #019-0279), including the proposed Provincial Policy Statement and questions to consider
- Information on how to provide comments

The consultation is open for 90 days and closes on October 21, 2019.

.../2

WFO #5
AUG 15 2019

I look forward to hearing your ideas on the proposed changes to the Provincial Policy Statement.

If you have any questions about the consultation, please contact the ministry at planningconsultation@ontario.ca or by calling 1-877-711-8208.

Sincerely,

A handwritten signature in black ink that reads "Steve Clark". The signature is written in a cursive, flowing style.

Steve Clark
Minister

c: Planning Head and/or Clerks



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Provincial Policy Statement

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The Provincial Policy Statement (PPS) is a consolidated statement of the government's policies on land use planning. It applies province-wide and provides provincial policy direction on key land use planning issues that affect communities, such as:

- the efficient use and management of land and infrastructure
- ensuring the provision of sufficient housing to meet changing needs, including affordable housing
- protecting the environment and resources including farmland, natural resources (e.g., wetlands and woodlands) and water
- ensuring opportunities for economic development and job creation
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs
- protecting people, property and community resources by directing development away from natural or human-made hazards – such as flood prone areas

The PPS is issued under section 3 of the Planning Act and all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Municipalities are the primary decision-makers for local communities and implement provincial policies through municipal official plans and planning related decisions.

- Provincial Policy Statement, 2014
- Provincial Policy Statement, 2005
- Provincial Policy Statement (1996, amended in 1997)

Increasing housing supply, supporting jobs and streamlining development approvals are top priorities for the government. On May 2, 2019, the government released **More Homes, More Choice: Ontario's Housing Supply Action Plan**. The Action Plan includes a series of distinct, but coordinated initiatives to address housing supply, including a commitment to review the Provincial Policy Statement.

Consultation: Proposed Provincial Policy Statement Changes

The proposed Provincial Policy Statement changes work together with other recent changes to the land use planning system – including changes to the *Planning Act* through Bill 108, *More Homes, More Choice Act, 2019* (once proclaimed) and **A Place to Grow: Growth Plan for the Greater Golden Horseshoe** - to support overall goals related to increasing housing, supporting jobs and reducing red tape.

The government is seeking feedback on proposed changes to the Provincial Policy Statement. At this time, we are proposing policy changes to:

- encourage the development of an increased mix and supply of housing
- protect the environment and public safety
- reduce barriers and costs for development and provide greater predictability
- support rural, northern and Indigenous communities
- support the economy and jobs
- maintain protections for the Greenbelt

Read the proposed PPS policies.

How to Participate

Your feedback is important to us. Please submit written comments by:

- Emailing us at planningconsultation@ontario.ca
- Submitting comments or questions on the Environmental Registry of Ontario (ERO) in response to posting #019-0279
- Writing us at:
Provincial Policy Statement Review
Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay St., 13th Floor
Toronto, ON M5G 2E5

The deadline for written comments is **October 21, 2019**.

Please note: All comments and submissions received will become part of the public record and could be released.

Any collection of personal information is in accordance with subsection 39(2) of the *Freedom of Information and Protection of Privacy Act*. It is collected under the authority of the *Ministry of Municipal Affairs and Housing Act* for the purpose of obtaining input on this initiative. If you have any questions about the collection, use and disclosure of this information please contact:
Ministry of Municipal Affairs and Housing
Senior Information and Privacy Advisor
777 Bay Street, 17th Floor
Toronto, ON. M5G 2E5
(416) 585-7094

- Provincial Policy Statement, 2014
- Provincial Policy Statement, 2005
- Provincial Policy Statement (1996, amended in 1997)



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- LAST MODIFIED: MONDAY, JULY 22, 2019

Denise Holmes

From: Sylvia Muir <Sylvia.Muir@wdgpublichealth.ca>
Sent: Thursday, July 18, 2019 1:48 PM
To: dholmes@melanctontownship.ca
Subject: WDGPH Letter to Municipalities re Alcohol Policy
Attachments: WDGPH Letter of Support to Melancthon re Alcohol Policy - July 17, 2019.pdf; Alcohol Policy Review Full Report - Final - corrected.pdf; Alcohol Policy Executive Summary - Municipal - printer.pdf

Good afternoon.

Please see attached letter of July 17, 2019 with respect to the above-noted matter, for your consideration.

Have a wonderful afternoon.

Regards,

Sylvia Muir
Executive Assistant
Wellington-Dufferin-Guelph Public Health
160 Chancellors Way, Guelph, ON N1G 0E1
T: 519-822-2715 x4330 | 1-800-265-7293 x4330
sylvia.muir@wdgpublichealth.ca
www.wdgpublichealth.ca

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July 17, 2019

DELIVERED VIA E-MAIL

Ms. Denise Holmes, CAO
Township of Melancthon

Dear Ms. Holmes:

Re: Public Health Support to Municipalities to Strengthen Alcohol Policy Apart from Municipally Owned Land

Wellington-Dufferin-Guelph Public Health (WDGPH) would like to offer support to municipalities to help prevent alcohol-related harms and their costs to our communities.

As you may be aware, the Government of Ontario has introduced a number of measures that will liberalize access to and consumption of alcohol. These include:

- Permitting the sale of alcohol in corner stores, big box stores and a greater number of grocery stores;
- Extending the hours at which licensed establishments such as bars and restaurants may serve alcohol;
- Reducing taxes and minimum prices associated with alcohol products; and
- Permitting consumption of alcohol at tailgating events and municipally-designated public spaces.

According to a recent national report on Canadian Substance Use Costs and Harms, alcohol costs society more than any other substance (including: tobacco, opioids and cannabis). These costs are felt across health care, productivity, criminal justice and other realms. Certainly, these costs are felt at the local level in policing and by-law costs to deal with nuisance, violence and other alcohol-related issues; ambulance and health care costs for injuries and other acute health issues; social service funding for family issues arising from alcohol; and community clean up costs associated with alcohol.

There are two (2) ways to strengthen local policies to help prevent alcohol-related harms:

1) Municipal Alcohol Policy (MAPs) for the sale and use of alcohol on municipal property.

In 2016, WDGPH met with many local municipalities to create, review and strengthen their MAPs as a first step towards reducing alcohol related harms. WDGPH would like to continue to provide this service as MAPs come up for review over time at each municipality.

.../2

2) Policy levers to regulate the sale of alcohol off municipal property.

In 2017, WDGPH partnered with two (2) other health units to hire a municipal planning consultant to review municipal policy levers to reduce alcohol-related risk and harm apart from municipal property and to assess their feasibility for Ontario municipalities. Recommendations and specific action items for public health units and municipalities were provided in the final report, Alcohol Policy Review: Opportunities for Ontario Municipalities. They include policy levers such as by-laws around zoning and licensing and enforcement measures. A brief review of this document was highlighted in a WDGPH Board of Health Report
BH.01.FEB0619.R06 – Alcohol Policy: Options for Municipalities which went to the March 6, 2019 WDGPH Board of Health meeting.

WDGPH has staff members that are well-versed in local health policy and can support municipalities on issues such as alcohol, cannabis, tobacco and the built environment. Please consider involving WDGPH to discuss these issues or when municipal plans or policies that may impact health are being reviewed.

If you are interested in receiving support from WDGPH around alcohol and other policies, please contact Amy Estill, Manager of Health Promotion at amy.estill@wdgpublichealth.ca or call 1-800-265-7293 x 4218 and provide her with the contact information of the appropriate person to connect with at your municipality.

Sincerely,

Original Signed and On File

Dr. Nicola Mercer
Medical Officer of Health and CEO

Attachments (Alcohol Policy Review: Opportunity for Ontario Municipalities + Executive Summary)

A photograph of a bartender in a dark shirt pouring beer from a tap into a glass. The background shows a bar with several other taps and bottles. The image is overlaid with a dark green semi-transparent rectangle.

Alcohol Policy Review: Opportunities for Ontario Municipalities

Developed for the Wellington-Dufferin-Guelph Health Unit,
Durham Region Health Department and
Thunder Bay District Health Unit
2018

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With contributions by the following:

- Sheena Albanese, Health Promotion Planner, Thunder Bay District Health Unit
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- Melissa Hutchison, Program Manager, Durham Region Health Department
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CONTENTS

Executive Summary	1	Hours of Sale Limitations.....	36
Introduction.....	8	Feasibility for Ontario Municipalities	37
Methodology.....	9	Recommended Actions	37
Background.....	10	Engagement Questions for Municipalities	37
Policy Drivers for Alcohol		Pricing Strategies	38
Policy Development	11	Feasibility for Ontario Municipalities	40
Provincial Legislation Controlling the Production		Recommended Actions	40
and Consumption of Alcohol.....	12	Engagement Questions for Municipalities	40
Ontario Municipal Act, 2001.....	12	Marketing.....	41
The Planning Act.....	13	Feasibility for Ontario Municipalities	43
The Liquor Control Act	15	Recommended Actions	43
The Liquor License Act.....	15	Engagement Questions for Municipalities	43
Licensing and Enforcement Controls.....	16	Information Sharing.....	44
The Alcohol and Gaming Commission		Feasibility for Ontario Municipalities	45
of Ontario.....	16	Recommended Actions	46
Municipalities	17	Engagement Questions for Municipalities	46
Law Enforcement Agencies	19	Appendix A: Methodology.....	47
Municipal Licensing Requirements	19	Project Scoping.....	47
Enforcement.....	22	Review of Guidance Documents	47
Feasibility for Ontario Municipalities	23	Review Ontario's Legislative Environment	47
Recommended Actions	24	Research Regarding Municipal	
Engagement Questions for Municipalities	24	Policies/Practices.....	47
Regulating Physical Access through Density and		Appendix B: AGCO Data Inventory	49
Location Restrictions	25	Appendix C: City of Barrie Liquor License Online	
Off-Premise Licensed Establishments.....	26	Application	50
On-premise Licensed Establishments	29	End Notes	59
Feasibility for Ontario Municipalities	33		
Recommended Actions	33		
Engagement Questions for Municipalities	35		

EXECUTIVE SUMMARY

Municipal governments, public health units and community stakeholders across Ontario are taking important steps to improve the health of their citizens through health policy development, recognizing that where we live, work and play influences our choices and chances for health. One such policy area that has important implications for community health and well-being is alcohol policy. Many municipalities already address alcohol-related risk and harm on municipally-owned property through Municipal Alcohol Policies (MAPs). This report takes the discussion a step further, assessing the feasibility of other policy levers such as zoning, by-laws and licensing to reduce risk and harm from alcohol. It is hoped that the findings and recommendations offered in this report will support municipal leaders, public health practitioners and other community stakeholders in their policy development efforts.

A locally driven collaborative project completed in 2015, *Addressing Alcohol Consumption and Alcohol-Related Harms at the Local Level*, identified the importance of collaboration among community stakeholders, law enforcement, and other community groups to modify the drinking environment. The report emphasized the importance of partnerships, particularly those involving municipal governments, as vital in achieving many of the public policy recommendations contained in the report. However, only 50% of surveyed public health unit respondents cited that municipal governments were actively involved in addressing alcohol-related harms. When asked to identify which community partners should be engaged in alcohol-related harm strategies, 75% of respondents cited non-health government bodies and local agencies.

In 2016, Liem Strategic Integration Inc. was retained by the Wellington-Dufferin-Guelph Public Health, Durham Region Health Department, and the Thunder Bay District Health Unit to conduct an alcohol policy feasibility review for municipalities and public health units.

The purpose of the report is to identify local policy options across Canada and/or internationally intended to reduce alcohol-related risk and harm at the community level, and to assess their feasibility for Ontario municipalities.

The report identifies the opportunities and limitations facing Ontario municipalities within the context of the Ontario Municipal Act and other provincial legislation to advance policies and actions that affect access to and availability of alcohol. Recommended interventions are identified for Ontario municipalities, health units, and other applicable community partners to consider in advancing the policy discussion.

A summary table is presented on the following page that summarizes alcohol policy options or interventions identified in the scan and their feasibility for Ontario municipalities.

Interventions that are shaded green represent actions that are under the jurisdiction of an upper or lower tier municipality, and have established precedence among Ontario municipalities.

Interventions that are shaded orange are feasible, however limited in scope based on matters under the jurisdiction of an upper or lower tier municipality. A subset of feasible interventions (shaded orange) also reflect those that have been undertaken by municipalities in other Canadian provinces, but do not have precedence in Ontario.

Interventions shaded red exist outside of the municipality's authority and have no precedence in Ontario.

TOPIC AREA	INTERVENTION (POLICY OR ACTION)	IMPLEMENTATION FEASIBILITY
Licensing and Enforcement	• Establish licensing by-laws that grant liquor licenses to businesses primarily serving food and beverages.	Green
	• Create a new business license category for supermarket retailers selling alcohol (may be feasible, but no precedence in Ontario).	Orange
	• Grant business licenses to businesses.	Green
	• Impose conditions for issuance of business licenses (only for matters under the municipality's jurisdictional authority).	Orange
	• Close a premise if there are activities that constitute a public nuisance (garbage, noise, traffic, or unusual traffic patterns).	Green
	• Establish requirements for applicants to enter into a site plan agreement.	Green
	• Enforce site plan agreement provisions.	Green
	• Provide compliance letters as per the Building Code Act, 1992, Fire Protection and Prevention Act, and Health Protection and Promotion Act.	Green
	• Conduct inspections (for matters to assess compliance with applicable municipal by-laws and building or property standards).	Orange
	• Establish a process for issuing clearance certificates and approvals (i.e., liquor license questionnaire, application circulation procedures).	Green
	• Request that the AGCO not issue liquor licenses without allowing the municipality an opportunity to undertake a formal review process.	Green
	• Participate in a task force to investigate establishments.	Green
	• Prohibit the sale of Vintners Quality Alliance (VQA) wine and/or fruit wine at any or all Farmers' Markets within their jurisdiction.	Green
	• Report infractions or violations to the AGCO or law enforcement authorities.	Green
	• Suspend liquor licenses and close liquor licensed establishments (primary responsibility of the AGCO).	Red
	• Taking the appropriate corrective enforcement actions (responsibility of the AGCO which may include suspensions, business closures, and fines).	Red

TOPIC AREA	INTERVENTION (POLICY OR ACTION)	IMPLEMENTATION FEASIBILITY
Regulating Physical Access Through Density and Location Restrictions	• Establish site-specific zoning to control the locations of on and off-premise establishments.	
	• Establish zoning that restricts where licensed outdoor patios can be located.	
	• Zoning that regulates hours of operation of licensed establishments and the hours that alcohol can be served (limited to outdoor patio by-laws).	
	• Zoning regulating sale of alcohol in grocery stores (legally feasible, however no precedence yet established in Ontario).	
	• Pass an interim control by-law limiting the development of entertainment facilities and patios to restrict the location and density of on and off-premise establishments.	
	• Pass a moratorium to limit the number of business licenses for late night entertainment and night club establishments.	
	• Establish limits regarding the number of liquor licensed establishments by neighbourhood.	
	• Location restrictions to protect sensitive land uses, such as schools and parks, and to address clustering by establishing minimum distance requirements between alcohol outlets (may be feasible, but no precedence yet established by Ontario municipalities).	
Hours of Sale Limitations	• Restrict hours of service on outdoor patios.	
	• Impose conditions that limit the hours of sale for Vintners Quality Alliance (VQA) wines and fruit wines at Farmers' Markets that are located on municipal lands.	
	• Establish a probationary period for newly licensed establishments imposing earlier closing times (may be feasible, but no precedence yet established by Ontario municipalities).	
	• Establish an hours of service policy as part of a condition for licensed establishments including lengthening the time between last call and closing hours and prohibiting new patrons within one hour of closing time (may be feasible, but no precedence yet established by Ontario municipalities).	

TOPIC AREA	INTERVENTION (POLICY OR ACTION)	IMPLEMENTATION FEASIBILITY
Pricing Strategies	• Determine pricing policies.	Red
	• Impose alcohol taxes (only permissible for City of Toronto as per the Municipal Act).	
	• Establish minimum prices on alcoholic beverages served on municipal lands or at municipal facilities, established through a Municipal Alcohol Policy.	Dark Green
	• Establish a minimum price for alcoholic beverages as a condition of granting a business license (may be feasible, but no precedence yet established by Ontario municipalities).	Orange
	• Participate in advocacy efforts to strengthen provincial regulations in controlling access and affordability to alcohol.	Dark Green
Marketing	• Establish policies controlling the promotion of alcoholic beverages on municipally-owned lands or facilities.	Dark Green
	• Limit alcohol marketing on private premises and/or public facilities and spaces owned by other levels of government.	Red

The report's findings highlight the importance of establishing a collaborative effort in advancing changes to the Ontario Municipal Act that would provide additional authority for municipalities to prevent alcohol-related harms. The following summarizes the report's recommendations for municipalities and the public health sector in their efforts to advance policies and actions.

Topic Area	Recommendation
Licensing and Enforcement	Municipalities
	<ul style="list-style-type: none"> • Update and/or revise municipal by-laws that strengthen the protection of public safety and property standards. Consideration may be given to examine public concerns (nuisances, property standards violations) in geographic areas with a higher number of liquor licensed establishments and nuisances. • Continue to establish business license conditions through a municipal by-law on the basis of protecting public interests and minimizing nuisances, where warranted. • Create a new business license category that includes supermarket retailers licensed to sell alcohol. This establishes specific requirements for the application to go through a rezoning process, including a public hearing. • Continue to work with enforcement authorities (AGCO, police) during an application process on the basis of protecting public interest. • Where warranted, develop conditions for liquor license establishments addressing municipal jurisdictional matters (e.g., signage with contact information for public complaints, restricting patio hours of operation, restricting amplified music in outdoor spaces, installing security cameras, and ensuring the enclosure of garbage receptacles).
	Public Health Units
	<ul style="list-style-type: none"> • Report potential liquor license infractions to the AGCO and local law enforcement officials when observed/documented during routine inspections at licensed premises. • Where applicable, participate in a task force with the local municipality and local law enforcement officials.

Topic Area	Recommendation
Regulating Physical Access through Density and Location Restrictions	Municipalities <ul style="list-style-type: none"> • Update municipal zoning by-laws to establish a minimum floor area requirement that is at least greater than the provincial requirement for a grocery store to allow the sale of wine, beer, or cider. • Develop minimum separation distances between liquor license establishments. Undertake community engagement to identify whether separation distances are warranted in specific neighbourhoods to reduce public disturbances and to improve public safety and security. • Investigate the need for site specific zoning to limit the location of alcohol retailers and liquor licensed establishments.
	Public Health Units <ul style="list-style-type: none"> • Advocate for provincial policies that allow local jurisdictions the authority to block on premise and off-premise licenses and is exercised in areas where there is a higher degree of crime or higher socioeconomic disparity, similar to that established by the State of California.¹ • Advocate for provincial policies to develop a separation distance between alcohol retailers, including grocery stores selling alcohol, similar to that established by the British Columbia government. The AGCO does not impose any location restrictions in regards to maintaining proximity from other licensed retailers, but only identifies that “authorizations are to be distributed fairly across geographic regions” to promote even competition. • Advocate for provincial policies that encourage municipalities to establish restrictions to control alcohol retail density during a statutory review of provincial land use planning policies. • Participate in municipal strategic plans such as Tourism Plans, Arts and Culture Plans, Economic Development Plans, and Municipal Retail Market studies to provide feedback on municipal actions that affect retail services, business development, tourism, and culture. • Work with municipalities to identify priority neighbourhoods to limit alcohol retailers and licensed establishments. These areas would then need to be cross-referenced with licensed establishments and a review of restaurant-nightclubs. • Develop mapping to monitor the location of alcohol retail outlets and licensed establishments. On-going updates will be needed to map closures and new licensees. Data can be obtained from the AGCO and LCBO.
Hours of Sale Limitations	Municipalities <ul style="list-style-type: none"> • Municipalities who are interested in restricting hours of sale/service should issue site specific conditions when warranted (i.e., to address issues of public concern and nuisances) and where applicable.
	Public Health <ul style="list-style-type: none"> • Provide best practices research and supporting evidence to municipalities, where warranted, regarding risks and alcohol harms associated with hours of sale. • Participate in advocacy efforts to strengthen provincial regulations that provide municipalities with a greater authority to restrict hours of alcohol service.

Topic Area	Recommendation
Pricing Strategies	Municipalities
	<ul style="list-style-type: none"> • Participate in advocacy efforts to strengthen provincial regulations in controlling access and affordability to alcohol. • Explore the development of minimum pricing standards for alcoholic beverages as a condition of a business license application.
	Public Health
	<ul style="list-style-type: none"> • Continue to advocate for stronger alcohol pricing interventions to reduce alcohol-related harms.
Marketing	Municipalities
	<ul style="list-style-type: none"> • Develop policies that prohibit the promotion and sale of alcoholic beverages on municipally-owned lands or facilities, including public transit and associated amenities.
	Public Health
	<ul style="list-style-type: none"> • Continue to advocate to the Province for stronger policies to restrict alcohol marketing and advertising.
Information Sharing	Municipalities
	<ul style="list-style-type: none"> • Municipalities should seek available local data. Municipalities interested in accessing data from local police departments would need to refer to municipality or public health unit's legal counsel when seeking authorization.
	Public Health
	<ul style="list-style-type: none"> • Share the findings of the policy review with municipalities and encourage them to adopt a policy approach to reducing alcohol risk and harm. • Advocate to the provincial government for changes to access alcohol sales data from licensed establishments to support policy development.

INTRODUCTION

Municipal governments, public health units and community stakeholders across Ontario are taking important steps to improve the health of their citizens through health policy development, recognizing that where we live, work and play influences our choices and chances for health. One such policy area that has important implications for community health and well-being is alcohol policy. Many municipalities already address alcohol-related risk and harm on municipally-owned property through Municipal Alcohol Policies (MAPs). This report takes the discussion a step further, assessing the feasibility of other policy levers such as zoning, by-laws and licensing to reduce risk and harm from alcohol. It is hoped that the findings and recommendations offered here will support municipal leaders, public health practitioners and other community stakeholders in their policy development efforts.

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The report's findings highlight the importance of establishing a collaborative effort in advancing changes to the Ontario Municipal Act that would provide additional authority for municipalities to prevent alcohol-related harms.

METHODOLOGY

A review was undertaken of academic and grey literature to identify existing/promising municipal policies and practices to reduce alcohol-related harms. Various interviews were conducted with government officials to gather additional information and seek clarity regarding provincial and municipal policies, standards, guidelines and practices. A detailed methodology is presented in Appendix A of this report.

The assessment considers jurisdictional responsibilities of local governments in accordance with the Municipalities Act, the Planning Act, Liquor License Act, and other relevant legislation. The report identifies actions that can be taken by municipalities and public health units to advance policies and interventions in accordance with their respective roles in influencing the access and availability of alcohol retailers and licensed premises.

Within each section, questions are presented for public health departments to ask their respective municipalities in order to initiate conversations to advance public policies and actions. These questions help municipalities better understand and articulate their own services, practice areas, and initiatives that can help reduce the harms and costs associated with alcohol use.

For example, the following questions may provide a starting point to initiate discussion:

- Has your municipality historically participated in or invested in collaborative strategies to improve community health and safety?
- Is your municipality involved in partnerships or collaborative projects that establish awareness or support opportunities to address mental health and reduce harms from substance abuse, including alcohol misuse?

- Is your municipality supportive of approaches to reduce harms associated with substance misuse, including alcohol?
- To what extent can your municipality contribute or participate in harm reduction programs and initiatives?

This policy review study was completed under the guidance of Wellington-Dufferin-Guelph Public Health, Durham Region Health Department, and the Thunder Bay District Health Unit. Policy and practice areas of interest were identified by the health unit partners for investigation.

Consultation was not undertaken with municipal legal authorities nor legal counsel during the development of this report to inform potential actions. It is recommended that municipalities, public health units, and other community partners seek the advice of legal counsel when pursuing actions presented in this report.

“The greatest contribution to the health of the nation over the past 150 years was made, not by doctors or hospitals, but by local governments.”

– Dr. Jessie Parfit, public health physician and author of *The Health of a City*

BACKGROUND

There exists a strong basis demonstrating the need to reduce alcohol consumption and associated harms. Alcohol use is one of the three leading risk factors for global disease burden.² Alcohol consumption can result in a decrease in life expectancy by two years, and individuals who consume high levels¹ of alcohol experience a 1.2 times greater risk of early death than those who consume alcohol at lower levels.³ Alcohol use is also associated with Type 2 diabetes, adverse cardiovascular outcomes, and chronic diseases. Heavy alcohol consumption is highly correlated with cirrhosis of the liver. Alcohol is a carcinogen, increasing a person's risk of oral, pharynx, larynx, esophagus, colon, rectum, liver, and breast (female) cancer.⁴

Canadian health care costs directly related to alcohol consumption were estimated at \$3.3 billion in 2012 and total direct and indirect costs were estimated at \$14.6 billion.⁵ In addition to the above-identified health consequences, alcohol misuse is a detriment to others beyond the drinker, such as violence, domestic violence, child neglect, impaired driving, property damage, and absenteeism in the work place.⁶

In Ontario, 8 out of 10 adults consumed alcohol between 1998 and 2011.⁷ Moreover, daily drinking in Ontario increased from 5.3% in 2002 to 8.8% in 2015, particularly among women.⁸ Among reported drinkers, 14.6% of the adult population engaged in hazardous or harmful drinking.¹¹ Median drink consumption was significantly higher among adults living in rural areas, among the most educated, among the highest income group, and among Canadian-born residents.⁹



¹ "Unhealthy alcohol consumption" is not defined in *Seven More Years: The Impact of Smoking, Alcohol, Diet, Physical Activity and Stress on Mental Health and Life Expectancy in Ontario*. Binge drinking represents the highest risk level and is defined as > 5 drinks among men per day and > 4 drinks among women per day in a previous week, or weekly bingeing behaviour in a previous month. p.15.

¹¹ Hazardous/Harmful Drinking reflects a scoring of 8+ on the AUDIT screener, based on 10 items assessing alcohol intake and past 12 month alcohol-related harms. The AUDIT identifies hazardous alcohol use – an established pattern of drinking that increases the likelihood of future physical and mental health problems (e.g., liver disease) – as well as harmful consequences of that use – a pattern of drinking that is already causing damage to health (e.g., alcohol-related injuries, depression) and indications of dependence.

POLICY DRIVERS FOR ALCOHOL POLICY DEVELOPMENT

Over the last ten years, various publications have established the need for policies and strategies to reduce alcohol availability and consumption. These publications and guidance documents identified policies and practices for investigation as part of this municipal feasibility assessment. The publications are presented as follows:

- *Reducing Alcohol-Related Harm in Canada: Toward a Culture of Moderation, 2007* by Murray Finnerty, Michel Perron, and Beth Pieterse included 41 recommendations on the topics of health promotion, prevention, treatment, and enforcement.¹⁰
- *Effectiveness and Cost-Effectiveness of Policies and Programmes to Reduce the Harm Caused by Alcohol, 2009* by Peter Anderson, Dan Chisholm, and Daniela C. Fuhr reviewed the effectiveness of cost effective strategies to reduce harm.¹¹
- *Alcohol: No Ordinary Commodity – Research and Public Policy, 2010* by Thomas F. Babor et. al. presented evidence supporting seven alcohol policy areas: regulating the physical availability of alcohol; controlling affordability (through taxes and price controls); placing restrictions on marketing; developing drinking and driving prevention and countermeasures; modifying the drinking environment; developing education and persuasion strategies; and providing treatment and early intervention services.¹²
- *Global Strategy to Reduce the Harmful Use of Alcohol, 2010* by the World Health Organization identified policy recommendations addressing pricing, the physical availability of alcohol, drinking and driving, and other targeted interventions.¹³
- *Helping Municipal Governments Reduce Alcohol-Related Harms, 2010* by the Centre for Addictions Research of BC identified potential approaches for municipal governments and stakeholders to implement strategies.¹⁴
- *Making the Case: Tools for Supporting Local Alcohol Policy in Ontario, 2013* by Tamar Meyer, Monica Nunes, and Benjamin Rempel further examined policy approaches found in *Alcohol: No Ordinary Commodity – Research and Public Policy, 2010* and *Helping Municipal Governments Reduce Alcohol-Related Harms, 2010* to identify potential policy actions to be addressed by local governments. The local actions presented in *Making the Case: Tools for Supporting Local Alcohol Policy in Ontario, 2013* (pages 13-20) included physical availability restrictions through zoning regulations and licensing, maintaining venue closures, imposing pricing controls, advocacy, advertising restrictions, and education and awareness campaigns.ⁱⁱⁱ ¹⁵
- *Reducing Alcohol-Related Harms and Costs in Ontario: A Provincial Summary Report, 2013* by the Centre for Addiction and Mental Health documented alcohol policy initiatives undertaken across Canada and provided recommendations to stimulate change.¹⁶
- In 2014, *Addressing Alcohol Consumption and Alcohol-Related Harms at the Local Level* by The Alcohol Locally Driven Collaborative Project (LDCP) team established recommendations and key areas of advocacy for local actions using evidence.¹⁷ The recommendations were categorized into seven areas consistent with those cited in *Alcohol: No Ordinary Commodity – Research and Public Policy, 2011*.

ⁱⁱⁱ Policies influencing the availability, accessibility, and marketing of alcoholic beverage on municipally-owned lands and municipal facilities are outside the scope of this report.

PROVINCIAL LEGISLATION CONTROLLING THE PRODUCTION AND CONSUMPTION OF ALCOHOL

An understanding of Ontario's legislative environment is needed to determine whether municipalities have the ability to affect change in developing policies and/or implementing policies and regulations to reduce alcohol-related harms.

ONTARIO MUNICIPAL ACT, 2001

Municipalities are governed by the Municipal Act to develop and enact legislation.^{iv} The Municipal Act enables municipalities to determine when new by-laws or amendments to existing by-laws are needed. The Municipal Act grants municipalities permissive powers to pass by-laws on the following matters:¹⁸

- governance structure of the municipality and its local boards
- financial management of the municipality and its local boards
- public assets of the municipality acquired for the purpose of exercising its authority under this or any other act
- economic, social and environmental well-being of the municipality
- health, safety and well-being of persons
- services that the municipality is authorized to provide
- protection of persons and property, including consumer protection
- animals
- structures, including fences and signs
- business licensing

The Municipal Act establishes limitations for municipalities. Municipalities cannot enact their own policies that would infringe on regulations established by the provincial or federal government. Municipalities can only develop policies and exercise powers for matters affecting their geographic boundaries. Municipalities who are under a two-tiered system (lower and upper tier) can only regulate services, policies and by-laws that are provided by their own sphere of jurisdiction.

Under the Municipal Act, municipalities in Ontario have within their jurisdictional authority the ability to establish municipal regulations through licensing, zoning, and by-laws that would protect health and safety, minimize nuisances, and protect consumers. The Municipal Act (1511) provides a municipality the authority to establish restrictions that imposes conditions for some specific types of businesses in order to receive a license or a renewed license.^v For example, the Municipal Act provides municipalities with the authority to establish restrictions for adult entertainment establishments (154.1) and payday loan establishments (154.1.1), including defining specific geographic areas where adult entertainment establishments may be allowed to operate, and limiting the number of establishments within a defined area (density controls).

^{iv} For two-tier governments (governments with a county or regional level as well as a local level), these powers are spheres of jurisdiction (areas where municipalities have authority) and not broad permissive powers. As such, they are subject to certain rules. Single-tier municipalities have all eleven broad permissive powers. Municipalities in two-tier systems have the first eight broad powers plus the spheres of jurisdiction.

^v Adult entertainment parlour means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations

The Municipal Act, 2001 was amended by the Municipal State Law Amendment Act, 2016 (Bill 130) in *Modernizing Ontario's Municipal Legislation Act*.¹⁹ In 2016, the province introduced legislative amendments to update the Municipal Planning Act, resulting in changes regarding matters addressing accountability and transparency, municipal financial sustainability, and responsive and flexible service delivery. The amendment did not expand additional business restrictions and density controls beyond adult entertainment establishments and payday loan establishments.

THE PLANNING ACT

The Planning Act establishes rules for land use planning. It provides a basis for municipalities to prepare official plans, planning policies, and tools to guide land use planning and development. It also guides municipalities in the preparation of official plans, which are prepared to establish policies that foster future land use planning. In addition, the Act provides a source for establishing a set of standards that municipalities can employ to regulate and control land uses, such as through zoning by-laws.

The Planning Act gives municipalities the authority to determine where liquor licensed establishments may be located. Part V, "Land Use Controls and Related Administration", identifies the role of zoning by-laws, which are used to restrict the use of land, regulate minimum and maximum areas, densities, and height of a proposed development. Section 34 of the Planning Act establishes municipalities' authority to regulate matters regarding land use and standards associated with land uses that include location, size, setback requirements, and parking. The employment of minimum separation distances serves as an opportunity to manage an overconcentration of specific land uses within a given geography and prompts challenges to its impacts on users as oppose to uses.

Section 38.1 provides authority of a local municipal council to pass an interim control by-law that prohibits the use of land, building, or structures in a given area. An interim control by-law "puts a temporary freeze on some land uses while the municipality is studying or reviewing its policies. The freeze can be imposed for only a year, with a maximum extension of another year. The Planning Act provides that an interim control by-law would remain in effect past the two-year period if the new zoning by-law which replaces the interim control by-law is appealed to the Ontario Municipal Board. The new by-law does not become law until the Ontario Municipal Board hears the appeal and makes a decision".²⁰ It is important to note that the role of planning is not to restrict land uses, but to permit uses. Diversifying a concentration of undesirable uses, such as licensed facilities or alcohol outlets, can be done through Official Plan policies and zoning by-laws by permitting and promoting a variety of land uses in a given geographic area. Efforts to limit the development of specific establishments can be accomplished through site-specific zoning. An example of site-specific zoning is discussed in this report.

Healthy Communities

Over the last several years, the Ontario planning profession has made considerable advancements towards supporting the development of healthy communities through Official Plan policies, design guidelines, zoning by-laws, and development standards. Current policy development efforts primarily focus on promoting and facilitating healthy eating and physical activity. These are interests that are also acknowledged in provincial planning policy directions in the *Provincial Planning Statement (2015)*.

There are no land use planning directions to create an environment that reduces alcohol-related harms. This allows leeway for municipalities to develop land use policies at their own discretion. The Hastings and Prince Edward Counties Health Unit's *Building Complete and Sustainable Communities: Healthy Policies for Official Plans (2012)* identified potential policy statements for inclusion in municipal Official Plans that identifies the importance of protecting community spaces used by vulnerable populations from incompatible uses that may cause adverse health impacts, such as alcohol retailers and establishments serving alcohol.

Associated implementation strategies cited in *Building Complete and Sustainable Communities: Healthy Policies for Official Plans (2012)* recommend that municipalities develop zoning by-laws with minimum separation distances between alcohol outlets, and/or specific land uses.



THE LIQUOR CONTROL ACT

The Liquor Control Act, R.S.O 1990, controls the sale and pricing of alcohol in Ontario. The Liquor Control Act controls the retailers who can retail beverage alcohol in Ontario.²¹ This act establishes minimum pricing regulations for all alcoholic beverages. The Liquor Control Act established the creation of the Liquor Control Board of Ontario.²²

THE LIQUOR LICENSE ACT

The Liquor License Act, R.S.O 1990, outlines laws regarding the sale and service of alcohol in Ontario. The act regulates the sale of alcohol in licensed establishments, as well as advertisements and promotions of alcohol. The Alcohol and Gaming Commission of Ontario (AGCO) is responsible for regulating the Liquor License Act pertaining to the sale and service of alcoholic beverages. The AGCO can grant liquor sales licenses, manufacturers' licenses, liquor delivery licenses, manufacturers' representatives licenses, ferment on premise facility licenses, and grant authorizations to sell Vintners Quality Alliance (VQA) wine and/or fruit wine at Farmers' Markets. The Liquor License Act provides upper or lower-tier municipal Council the authority to undertake the following with regards to controlling the availability of alcohol:²³

- Prohibit the possession of liquor on municipally owned or controlled recreational areas (section 35 (1)).
- Hold a vote regarding the authorization of the sale of liquor across the municipality's jurisdiction, including the development of government liquor stores throughout the municipality (section 53 (2)).
- Prohibit the sale of liquor in government stores (section 53(3)) in which 60% of electors vote in favour of prohibition.

- Revoke the sale of liquor in all licensed premises (section 53(4)) in which 60% of electors vote in favour of prohibition as of the 31st day of March in the following year.

Section 6(2) of the Liquor License Act specifies that a liquor license is not in the public interest if it does not meet resident interests. Residents can provide a written submission to the Registrar of the AGCO to determine if issuance of a license is in the public interest. A public meeting can be held to review the application prior to determining issuance of a license.



LICENSING AND ENFORCEMENT CONTROLS

Licensing is an effective approach in controlling physical access to on and off-premise establishments.²⁴ Evidence has also shown the benefits of multi-component approaches that include community mobilization, server training, and enforcement of licensing laws were effective in minimizing alcohol-related harms.²⁵ This section examines the role of municipalities in controlling access to alcohol through licensing and enforcement of private businesses. The AGCO and law enforcement agencies also have differing but equally important roles in regulating the physical availability of alcohol through licensing and enforcement. This section excludes the municipality's roles and responsibilities addressing the sale or service of alcohol at municipal facilities, which are established by policies and regulations under a Council approved Municipal Alcohol Policy.

Alcohol and Gaming Commission of Ontario (AGCO)

The AGCO regulates administers the Liquor License Act, Wine Content and Labelling Act, and limited sections of the Liquor Control Act.

Liquor Control Board of Ontario (LCBO)

The LCBO is a Crown corporation of the Ontario government that controls the sale of liquor for off-premise establishments through LCBO stores, Brewers Retail stores, and winery and distillery stores. The Liquor Control Act authorizes the LCBO to import and sell liquor.

THE ALCOHOL AND GAMING COMMISSION OF ONTARIO

In Ontario, the AGCO regulates the sale and service of alcoholic beverages and establishes the application process for applicants seeking to obtain a liquor sales license. When assessing liquor licence proposals, the Registrar of the AGCO performs a risk assessment review of each applicant licensee. The Registrar of the AGCO may impose conditions to mitigate any potential risks. The Registrar may require the applicant to complete a plan to address one or more potential risks, or may impose a condition such as a closing time that is earlier than the prescribed hours. Mitigation Plans that the Registrar of the AGCO may impose include: Safety and Security Plan, Compliance Plan, Nuisance Mitigation Plan, Patron Control Plan, and Management Control Plan.²⁶

The AGCO allows business owners to apply for a liquor sales license, regardless of whether they provide food, with the exception of home-based businesses.²⁷ Liquor sales licenses granted to on premise establishments such as bars, clubs, restaurants, etc., are categorized according to their risk level. The risk-based licensing regime assesses license applications and renewals in consideration of the applicant's risk to public interest. The AGCO has the authority to conduct reassessments during the lifetime of a license, triggered by changes in circumstances or conduct issues that may have come to the AGCO's attention.

Regulatory Modernization of the Ontario Beverage Industry

In 2014, a review was undertaken by the AGCO regarding its regulation of wine, beer, and spirits manufacturers, manufacturers' representatives, ferment-on-premise operators, and liquor delivery services. The regulatory review resulted in the following reforms, which have since been adopted:

- New manufacturers are required to go through a risk-based licensing approach to obtain manufacturing licenses.
- Additional license classifications were created for cideries and craft distilleries that are tailored and supported the growth of these businesses.
- Other retailers can apply for liquor licenses, including salons, barber shops, cafes, and movie theatres.
- Low-risk licenses will no longer be required to prepare and submit a detailed Application Form and Personal History Report for owners, officers, directors, major shareholders, and partners to obtain a renewal.
- Higher risk applicants (i.e., those with poor compliance histories) are subjected to more intensive licensing reviews.

¹²⁸ Alcohol and Gaming Commission of Ontario. (2014). Regulatory modernization in Ontario's beverage alcohol industry: Findings report.

MUNICIPALITIES

Municipalities have the power to grant business licenses under Section 151 of the Municipal Act. Through a licensing by-law, the municipality has the right to revoke or terminate a license. They may also impose conditions as a requirement of obtaining, continuing to hold, or renewing a license. This includes compliance with municipal land use control by-laws or other requirements under the Planning Act.

This municipal power provides them with the ability to exert indirect control on the sale of liquor. Municipalities can grant approval for on premise liquor licensed establishments as well as for alcohol retailers by issuing business licenses or granting site plan approval. Under the Municipal Act, municipalities can also suspend a business license if such a business poses an immediate danger to the health or safety of persons or properties (151.2). Municipalities may prohibit or regulate activities with respect to public nuisances or matters that could cause public nuisances, such as noise, vibration, odour, dust, and illumination (128.1). Nuisances can also include an increase in garbage, noise, traffic, or unusual traffic patterns, and activities that impact property values or result in an increase in harassment, intimidation, or graffiti. Municipalities have the authority to close a premises if there are activities that constitute a public nuisance (447.1). However, under Section 153(1) of the Municipal Act, the municipality cannot refuse to grant a license for a business solely based on the location of the business.

Municipalities play a supportive role in assisting the AGCO by providing compliance letters from the: (a) Building Department (as per the Building Code Act, 1992), (b) Fire Protection Officer or Fire Marshall (as per the Fire Protection and Prevention Act, 1997) and (c) Public Health Department (as per the Health Protection and Promotion Act) to affirm a liquor license applicant's abilities to meet applicable standards and by-laws. Inspections are conducted by fire services, building departments, and public

health departments to ensure that applicants comply with applicable by-laws and building or property standards.

The AGCO may impose conditions (as approved by the AGCO Board) when granting licensing to applicants in accordance with their risk based assessment process. The AGCO may include conditions that reduce the hours of operation and that require the provision of a safety and security plan,²⁸ but it cannot impose conditions on licenses for matters that are outside of the mandate of the Liquor License Act and the AGCO. Municipalities may impose conditions concerning matters under the municipality's jurisdictional authority. Acceptable conditions may include: installing notification signage to address arising concerns, restricting patio hours, restricting amplified music in outdoor spaces, installing security cameras, and ensuring the enclosure of garbage receptacles.^{29,30} Any issues with the liquor license application must be resolved before the AGCO issues the license.³¹

Municipal processes for issuing clearance certificates and approvals differ among municipalities. For example, a municipality may require applicants to complete municipal application forms as part of the approvals process. Others may conduct inspections by an architect, engineer, or planner to ensure that the applicant complies with property standards and zoning by-laws. The issuance of clearance certificates by public health departments and law enforcement may differ as well. In some municipalities (such as in the Town of Caledon), applicants are required to notify these parties, while in the City of Hamilton, the municipality forwards applications to public health and law enforcement to conduct their investigations and inspections.

In addition, a municipality may require applicants to enter into a site plan agreement. The agreement is a vehicle by which the municipality can impose provisions, such as restricting when alcohol can be served. However the provisions are unenforceable unless the municipality files a suit for breach of agreement, which may be costly to implement and consume human and financial resources. Enforcement responsibility then is passed on to local law enforcement (local police departments or the AGCO). For example the City of Hamilton's Licensing Department identified that any public complaints filed against on premise establishments concerning liquor license infractions is best enforced by the local police department and the AGCO.³²

Primary Use

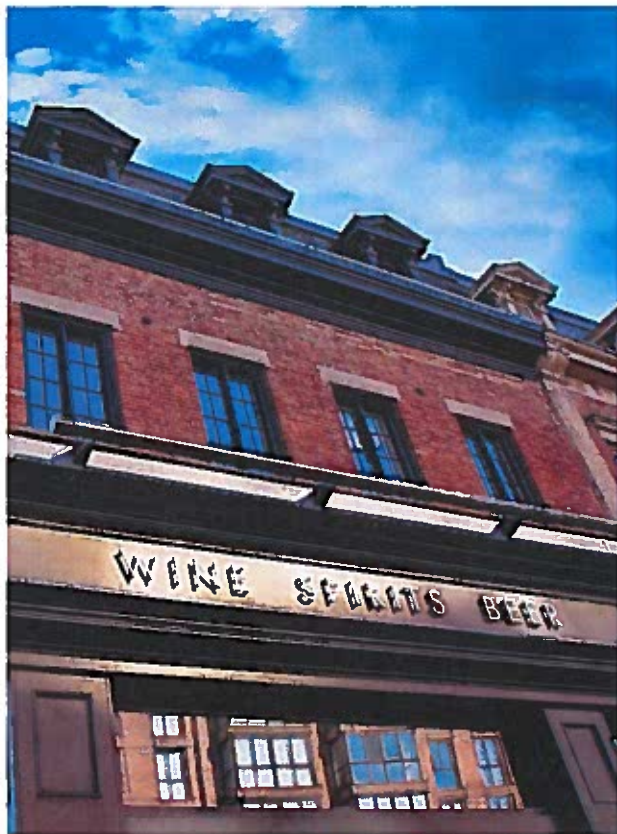
An amendment to the Liquor License Act (Regulation 719) allows retailers who do not primarily serve food or drinks to serve liquor. However, engagement with the AGCO identified that despite this change in regulation, few retailers apply for liquor licenses. Municipalities can establish licensing by-laws that grant liquor licenses to businesses primarily serving food and beverages. For example, in the City of Vaughan's By-Law and Compliance Department requires that a business must be licensed as an Eating Establishment in order to receive a signed Municipal Information Form. The City's Business License By-Law restricts the sale of liquor to only businesses which are established as eating establishments, and does not enable other businesses, such as salons, barber shops, etc., to serve liquor.

²⁸Alcohol and Gaming Commission of Ontario. (n.d). Info Bulletin No.26 - Highlights of Amendments to Regulation 719 of the Liquor Licence Act (Licences To Sell Liquor). <https://www.agco.ca/bulletin/2011/info-bulletin-no26-highlights-amendments-regulation-719-liquor-licence-act-licences>.

City of Vaughan. (n.d). Liquor License. <https://www.vaughan.ca/cityhall/departments/occ/Pages/Liquor-Licence.aspx>

LAW ENFORCEMENT AGENCIES

Enforcement activities can be conducted by the AGCO, the Ontario Provincial Police or local law enforcement agencies in accordance with enforcement of the Liquor License Act, the Criminal Code, Controlled Drugs and Substances Act and municipal by-laws to address issues such as public disturbance, nuisance issues, and violence.³³ Municipalities are responsible for enforcing their municipal by-laws, which can include control of nuisances and property standards.



MUNICIPAL LICENSING REQUIREMENTS

Municipalities in Ontario have within their jurisdiction the ability to request that the AGCO not issue liquor licenses within a municipality without allowing the municipality an opportunity to undertake a formal review process to determine conditions that would protect public interest. In 2012, the City of Hamilton created a comprehensive Liquor License Application Review Process. The review process requires the AGCO to notify the City about new applications or applications for renewing liquor licenses. Applicants would require signed compliance letters from the City Clerk, Zoning, Public Health Services, and Fire Prevention. An architect completes inspections to ensure that properties meet applicable property standards and by-laws.

The City of Barrie requires businesses to complete a liquor license questionnaire as part of the Liquor License Application that addresses social responsibility considerations.³⁴ The questionnaire includes questions regarding: floor area, use of interior and exterior spaces, seating capacity, distances to other establishments serving alcohol; distance to nearest residential use; hours of operation; on-site security staff; crowd management approaches; percentage of liquor sales to gross sales; and information regarding past infractions and convictions. An applicant's completed questionnaire is circulated to municipal departments and the Simcoe Muskoka District Health Unit. The application, including the questionnaire is then forwarded to the AGCO for review. Discussions held with the City of Barrie in 2017 identified that the municipality establishes limits regarding the number of business licenses issued for liquor licensed establishments at a neighbourhood level. Limits are established in accordance with community concerns regarding noise, security, and public disturbances.³⁵

According to the AGCO, a municipality must have strong grounds for objection to a liquor license application, provided that the application meets zoning by-law requirements. Commonly cited grounds for rejection include concerns regarding public safety and noise, fire code violation, and property standards concerns, which may emerge through the public review process.³⁶ Municipalities can issue additional conditions on licensed establishments through municipal by-laws demonstrating the requirement for businesses to maintain public safety and comply with property standards. For example, the City of Toronto has additional by-laws for cafes (Chapter 313-36) that prohibit outdoor music or amplified sound and reduced hours of operation (11:00 pm). In 2015, the City of Toronto initiated a review of its by-laws in regards to licensing. This includes expanding its definitions and clarifying licensing requirements, specifically in regards to restaurant and entertainment uses.

Sale of Liquor in Farmers Markets

Sales of Vintners Quality Alliance (VQA) wine, fruit wine, and ciders are permitted at Farmers' Markets in Ontario. Wineries and cideries must receive authorization for an occasional extension of its on-site winery retail store from the AGCO. Occasional extensions are only permitted to operate within Farmers' Markets as defined in Regulation 720. Municipalities can prohibit the sale of VQA wine and/or fruit wine at any or all Farmers' Markets within their jurisdiction at any time by providing a written objection to the AGCO.³⁷ If a municipality informs the AGCO that it is objecting to the sale of VQA wine and/or fruit wine at a specific Farmers' Market, the AGCO will notify the winery or cidery that it must immediately cease selling wine at that market. Municipalities may also impose conditions that limit the hours of sale for Farmers' Markets that are located on municipal lands.

Sale of Liquor in Grocery Stores

In 2013, the AGCO initiated a Regulatory Modernization in Ontario's Beverage Alcohol Industry to modernize its regulatory approach to the liquor industry. Recommendations include the sale of wine beer and cider in grocery stores.³⁸ As of June 2017, there are 130 grocery stores across Ontario authorized to sell beer and cider, including up to 70 that can sell wine. According to the provincial government, beer and cider will become available in up to 450 grocery stores, including up to 300 that will also sell wine (target date not specified).³⁹ LCBO express outlets will be introduced in large grocery stores.

In British Columbia, modernization of the B.C Liquor Policy Review in 2013 resulted in recommendations that would expand the sale of liquor to grocery stores (i.e., wine on shelves or store in store models) commencing April 1, 2015.⁴⁰ The sale of liquor in B.C grocery stores prompted some municipalities to amend their business by-law application processes and zoning by-laws to control the sale of liquor in grocery stores, including New Westminster, Burnaby, Coquitlam, and Richmond. In 2016, the City of Richmond amended its zoning by-law and developed a policy framework to establish consistency in evaluating and approving liquor license applications from grocery stores.⁴¹ The amendment requires grocery stores to enter into a rezoning process when seeking a license for a stand-alone liquor or wine store, or for the sale of liquor within the grocery store.⁴² The City of Richmond also established a larger minimum retail floor space requirement to ensure that the provision of liquor in grocery stores is directed to larger community shopping centres. As part of the zoning by-law amendment process, the municipality conducts a neighbourhood survey and seeks council input for applications for new or permanent changes to liquor licenses.⁴³

The Ontario government's decision to permit the sale of alcohol (beer, wine, and cider) on grocery store sales floors (i.e., integrated in existing shelves and at cash checkouts) may prompt similar revisions to business license processes similar to B.C. An environmental scan was undertaken as part of this research report to identify whether municipalities in Ontario have amended business license practices, classifications, or zoning by-laws to address the sale of liquor in grocery stores. No precedence was found among Ontario's municipalities.

“Policy controls strive to achieve a balance between business and economic interests, as well as the health and safety of the population.”
– *Ontario Public Health Association*



ENFORCEMENT

The AGCO's enforcement of the Liquor License Act includes public drunkenness, selling or serving of alcohol outside prescribed hours, disorderly behaviour, overcrowding, and selling or provision of alcohol to minors. Enforcement is primarily undertaken by AGCO officers or the police to ensure that establishments adhere to the Liquor License Act. Charges against a licensed establishment are adjudicated by the License Appeal Tribunal of Ontario and laid by law enforcement officials. The Registrar of the AGCO issues a Notice of Proposal to Review the License Application for licenses that are refused, revoked or suspended.⁴⁴ A charge can also be laid on the establishment with an offence under the Liquor License Act that arises out of the same circumstances.⁴⁵ This process then goes through the Ontario Court of Justice. A discussion with the AGCO in May 2017 explored additional approaches in enforcing infractions.

The discussion identified that public health inspectors may also report liquor infractions observed during food and tobacco inspections to the AGCO. In addition, public safety concerns cited by law enforcement (police) are an effective ground for rejection during an application process on the basis of protecting public interest.⁴⁶ The City of Hamilton's Liquor License Application Review Process circulates applications to the police where comments are provided based on their police data and past investigations. Comments and concerns regarding applicants are identified by the police and sent directly to the AGCO for their review. Municipalities generally do not have access to police incidence reports, as information is restricted pending on-going investigations. During the review period, municipalities may seek to access incident reports prior to reviewing applications for licenses. Municipalities will need to legally access incidence reports with their local police departments to obtain data.⁴⁷

Enforcement Programs

In 2014, the pilot project Open Ontario Compliance Initiative was undertaken in London, which included collaboration among three levels of government, as well as the local health unit. Project partners included the Ministry of Community Safety and Correctional Services, the AGCO, the City of London, and the Middlesex-London Public Health Unit. The project included information sharing and risk-based compliance inspections. The Open Ontario Compliance Initiative focused compliance inspections on higher-risk businesses, including bars, restaurants, and convenience stores.

¹⁰⁰ Stobo, L. & Pavletic, D. (2013). Open Ontario compliance initiative: London pilot project. CIPHI Ontario Annual Conference, Middlesex-London Health Unit.



FEASIBILITY FOR ONTARIO MUNICIPALITIES

Opportunities

Based on the preceding analysis, municipalities have within their jurisdiction the authority to undertake the following licensing and enforcement measures to control the access and availability of alcohol:

- Establish licensing by-laws that grant liquor licenses to businesses primarily serving food and beverages
- Grant, revoke, suspend, or terminate a business license if such a business poses an immediate danger to the health or safety of persons or properties (as per Section 151 of the Municipal Act)
- Impose conditions concerning matters under the municipality's jurisdictional authority (signage with contact information for public complaints, restricting patio hours of operation, restricting amplified music in outdoor spaces, installing security cameras, and ensuring the enclosure of garbage receptacles)
- Establish requirements for applicants to enter into a site plan agreement to ensure compliance with local land use by-laws under the Planning Act (enforcing the provisions may also be a municipal responsibility unless it is passed on to local law enforcement)
- Close a premise if there are activities that constitute a public nuisance (garbage, noise, traffic, or unusual traffic patterns)
- Provide compliance letters as per the Building Code Act, 1992, Fire Protection and Prevention Act, and Health Protection and Promotion Act) to affirm a liquor license applicant's abilities to meet applicable standards and by-laws
- Conduct inspections (fire services, building departments, and public health departments) to ensure that applicants comply with applicable by-laws and building or property standards.
- Establish a process for issuing clearance certificates and approvals (i.e., liquor license questionnaire, application circulation procedures)

- Request that the AGCO not issue liquor licenses within a municipality without allowing the municipality an opportunity to undertake a formal review process to determine conditions that would protect public interest
- Prohibit the sale of VQA wine and/or fruit wine at any or all Farmers' Markets within their jurisdiction
- Participate in a task force to investigate establishments

Challenges

While opportunities are available for municipalities to control the access and availability of alcohol through licensing and enforcement, there may be challenges that affect implementation, as follows.

Strong grounds must be cited by municipalities when objecting to a liquor license application.⁴⁸ A decision to suspend a license or close a business would be determined based on the licensee's violation of municipal by-laws such as a noise by-law, licensing, or property standards. The AGCO has the primary authority to suspend liquor licenses and close liquor licensed establishments. Municipalities and health units are encouraged to report infractions or violations to the AGCO or law enforcement authorities. Enforcement authorities are responsible for taking the appropriate corrective action (which may include suspensions, business closures, and fines).

The Ontario government's decision-making process in authorizing the sale of beer, wine, and cider at grocery stores focuses on "ensuring fair competition and distribution", which includes independent and large grocers alike; and applies an unspecified "geographic and concentration restriction" to ensure that most licenses are not issued to any single grocer.⁴⁹ The creation of a new business license category may be of interest for municipalities wishing to limit supermarket retailers selling alcohol, which may warrant engagement with internal and external stakeholders to determine local need and feasibility.

RECOMMENDED ACTIONS

Municipalities

- Update and/or revise municipal by-laws that strengthen the protection of public safety and property standards. Consideration may be given to examine public concerns (nuisances, property standards violations) in geographic areas with a higher number of liquor licensed establishments and nuisances.
- Continue to establish business license conditions through a municipal by-law on the basis of protecting public interests and minimizing nuisances, where warranted.
- Create a new business license category that includes supermarket retailers licensed to sell alcohol. This establishes specific requirements for the application to go through a rezoning process, including a public hearing.
- Continue to work with enforcement authorities (AGCO, police) during an application process on the basis of protecting public interest.
- Where warranted, develop conditions for liquor license establishments addressing municipal jurisdictional matters (e.g., signage with contact information for public complaints, restricting patio hours of operation, restricting amplified music in outdoor spaces, installing security cameras, and ensuring the enclosure of garbage receptacles).

Public Health Units

- Report potential liquor license infractions to the AGCO and local law enforcement officials when observed/documented during routine inspections at licensed premises.
- Where applicable, participate in a task force with the local municipality and local law enforcement officials.

ENGAGEMENT QUESTIONS FOR MUNICIPALITIES

- What is your municipality's role in granting business licenses to establishments that serve alcohol?
- What process is in place for establishments interested in obtaining liquor licenses in your municipality?
- Does your municipality impose conditions for establishments seeking to acquire liquor licenses?
- What policies and by-laws exist in your municipalities to address community nuisance issues? How are these issues currently being addressed? Who (internal departments and external agencies) are involved in addressing these issues?
- Does your municipality experience concerns with regards to liquor licensing and alcohol-related concerns for licensed establishments (restaurants, bars and entertainment venues)?
- What community nuisance issues does your municipality experience with licensed establishments?
- How does your municipality deal with establishments that receive nuisance complaints and/or contravene municipal by-laws? What follow-up actions are undertaken with the establishments to address the issues?
- Are coordinated inspection and enforcement initiatives being undertaken in your municipality?

REGULATING PHYSICAL ACCESS THROUGH DENSITY AND LOCATION RESTRICTIONS

Limiting the availability of alcohol by controlling its physical availability is an effective approach to managing alcohol-related harm.⁵⁰ Regulating the density of alcohol outlets has been proven to lower alcohol consumption and reduce alcohol-related injuries, assaults, public disorders, and violence at the population level.^{51, 52, 53} McInney et al. (2009) identified that violent crimes increase exponentially when alcohol establishments exceed twenty-five units per postal code.⁵⁴

A recent study from Peel Region examined the density of on premise establishments, such as restaurants, bars, pubs, social clubs, and hotels in comparison to EMS ambulance calls per 1000 residents over age nineteen. The study found a correlation between EMS ambulance calls for injuries, particularly trauma, associated with density of licensed establishments.⁵⁵ Dissemination areas with a higher density of on premise licensed establishments have a higher risk of EMS ambulance calls by a factor of seven.⁵⁶ For example, dissemination areas with more than eleven licensed alcohol establishments reported the highest number of medical-related EMS calls (859) and trauma-related EMS calls (381) per 1000 population, compared to other areas with a lower density of licensed establishments. The study found that trauma is particularly an issue among licensed outlets where there is a tobacco vendor at the same location. The findings identify the importance of establishing zoning regulations that limit the number of licensed establishments in dissemination areas with a higher density of licensed establishments.⁵⁷

The AGCO's requirement for applications of an on premise liquor license to comply with municipal by-laws, including zoning by-laws/requirements, provides merit for municipalities to establish zoning regulations as per their powers of authority under the Ontario Municipal Act and the Planning Act.⁵⁸ Zoning by-laws are appropriate in determining the appropriate location of specific land uses and retail establishments. Compliance with municipal zoning by-laws is also required for off-premise retail store authorizations and the sale of VQA wine and/or fruit wine at farmers' markets.⁵⁹

Site Specific Zoning and Exceptions

Lands may be subject to a Zone Exception, or Site Specific Zoning, that includes a set of site-specific permissions, exceptions, and regulations that may be different from a parent zone. This may include different sets of regulations that limit, permit, or prohibit uses that only apply to specific lands. Such lands are denoted in Zoning Schedules (maps) delineating the properties subject to the exceptions or site-specific regulations.

OFF-PREMISE LICENSED ESTABLISHMENTS

This section examines municipal approaches to regulating the density of off-premise licensed retailers – establishments that sell alcohol for consumption off-site. Off-premise alcohol retailers in Ontario include Agency Stores, LCBO outlets, Brewers Retail, farmers' markets, ferment on premise outlets, off-site wineries, on-site wineries, on-site breweries and distilleries, and some grocery stores.⁶⁰

Land use controls to regulate the density of off-premise outlets is a practice undertaken in countries around the world. In California, where the state government does not have the capacity to regulate and manage the distribution and operation of retail alcohol outlets, local municipalities control where alcohol outlets can be located through zoning, which informs licensing decisions by the California Alcohol Beverage Control Department. This department has an “undue concentration” law, which does not exist in the Ontario legislative environment. This law allows local jurisdictions the authority to block a license for a bar or alcohol outlets and is exercised in areas where there is a higher degree of crime or socioeconomic disparity.⁶¹

Municipalities have the ability to use land use planning tools to control where alcohol outlets can be located.^{62,63} Regulating the density of off-premise retailers can be approached through the establishment of separation distances, site-specific zoning, and interim control by-laws, which are all regulated through municipal zoning by-laws. These land use planning tools are discussed in this section. Municipalities are also required to consult with the public prior to determining land use planning decisions as per the Planning Act.

Minimum separation distances between alcohol retailers to control alcohol retail density are well-practiced in municipalities in Alberta, Saskatchewan, and British Columbia. For example, in Alberta,

the City of Calgary's zoning by-law establishes a minimum distance of 300 m and 500 m between alcohol retailers, while the City of Edmonton has a separation distance of 500 m. The City of Surrey in B.C. adopted a separation distance by-law that does not allow primary license holders to be located within 1.6 km of one another.⁶⁴ In the Northern Saskatchewan Administration District*, retail stores selling alcohol are restricted by a 40km separation distance from one another.⁶⁵

In Alberta, interest to introduce a separation distance requirement between liquor stores was initiated at the request of the Alberta Liquor Store Association (ALSA), who was interested in maintaining a responsible alcohol retail environment. Separation distance requirement between liquor stores (500 m) was developed to limit further proliferation of liquor stores along established commercial shopping corridors following the privatization of alcohol outlets, which resulted in an increase in the number and density of alcohol outlets in some neighbourhoods.⁶⁶

Minimum separation distances can also be established to separate the distance between retailers and specific land uses—such as parks, schools, and recreation facilities. In Surrey, development applications for on premise establishments and off-premise retail outlets, including ferment on premises retailers, are subject to municipal review that considers social and health impacts. This includes a review of the proposed location and its proximity to residential lands, schools, parks, and playgrounds. The development application is reviewed to identify whether buffers and setbacks have been incorporated into the site plan to separate the proposed use from sensitive land uses as well as existing liquor licensed establishments. For example, Surrey has a separation distance by-law that does not allow primary license holders to be located within 1.6 km of one another. Specific consultation is needed with adjacent school districts to identify potential concerns regarding the application.⁶⁷ In Spruce Grove, Alberta, the

*A previous version of this report misstated the location of this restriction as being applicable to the province of Saskatchewan. The restriction applies to the Northern Saskatchewan Administration District.

city's zoning by-law establishes a smaller separation distance of 100 m between alcohol establishments and community/recreation facilities, including public parks, and public or private educational facilities.

In western Canada, zoning by-laws are used to regulate the sale of alcohol within grocery stores. The sale of alcohol in grocery stores is permitted in British Columbia and regulated by the Provincial Liquor Control and Licensing Branch. British Columbia established provincial policy that does not permit a new or relocated licensed retail store (including a grocery store wishing to sell liquor) to be located within 1 km of an existing liquor retail store or government liquor store to minimize over supply (this 1 km separation distance does not include wine store licensees as there are fewer wine store licenses in BC).⁶⁸

The British Columbia government provides municipalities with the authority to establish greater restrictions than those established by the province to control alcohol retail density. This allows municipalities to prohibit the sale of alcohol in grocery stores, establish greater separation distances between retailers, increase a grocery store's minimum retail floor space, or establish limits where liquor stores can be located. For example, the City of Vancouver utilized site-specific zoning that prohibits new liquor retail outlets in specific neighbourhoods.⁶⁹ The City of Vancouver also does not permit the sale of wine or liquor in grocery stores.

In Ontario, language in municipal zoning by-laws includes wine, beer, and liquor retailers as part of a list of permitted uses within commercial zones. For example, the Municipality of West Perth zoning by-law Commercial Zone includes a list of permitted uses, which includes a Liquor, Beer, and Wine Store (retail store devoted to the sale of spirits, beer, and/or wine).⁷⁰

Barrie Zoning By-Law

4.13 NIGHTCLUBS

4.13.1 General Provisions

- a) Maximum capacity: 600 persons, including outdoor patio areas, where capacity is the lesser of licensed capacity or occupancy load as calculated under the Building Code or Fire Code requirements.
- b) Minimum setback from any Residential zone including residential exception zones: 200 m.
- c) Minimum distance setback from any other nightclub: 200 m, measured from the property boundary.

¹³¹ The City of Barrie. (2016). City of Barrie: Comprehensive zoning by-law.

The Planning Act allows for site-specific provisions to be applied to a given property in a municipality that exempts specific uses from being permitted. Uses permitted within a commercial zone can specify exceptions for specific uses, which may include beer, liquor, or wine stores.⁷¹ For example, alcohol retailers selling beer, liquor and wine were deleted from the list of permitted uses for a proposed general merchandise retail store in the City of Waterloo.⁷²

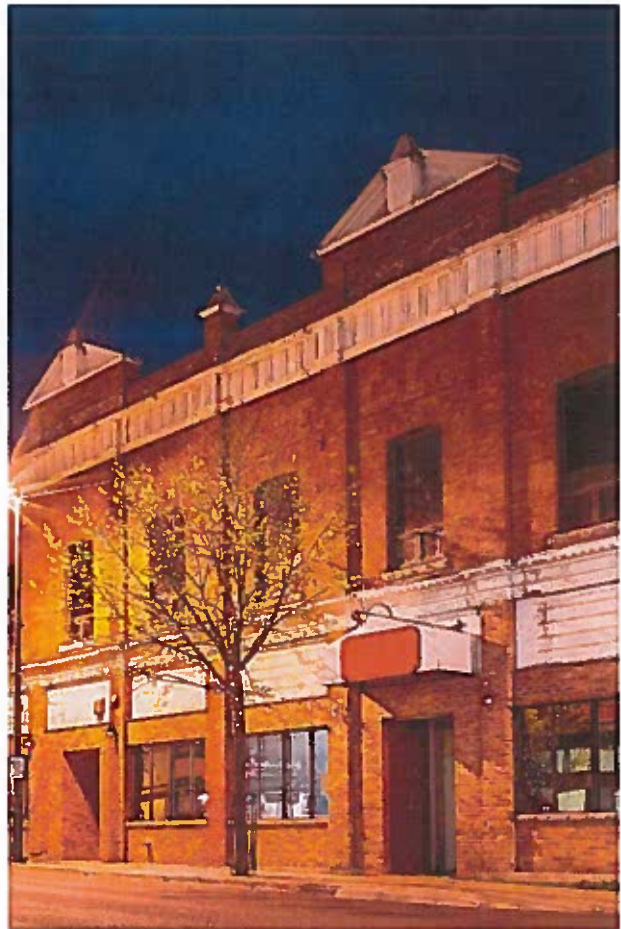
An environmental scan of Ontario zoning by-laws did not identify a similar precedence in regards to separation distance standards or policies restricting the locations of alcohol retailers, such as those found in Alberta. However, trends may change as the alcohol retail environment continues to evolve towards expansion and privatization in Ontario, as witnessed in other Canadian provinces.

For example, in 2007, the City of Edmonton's minimum distance requirement was established to limit the further proliferation of liquor stores resulting from the province's decision to privatize alcohol retail sales.⁷³ The separation distance requirement between liquor stores was initiated at

the request of the Alberta Liquor Store Association (ALSA), who was interested in maintaining a responsible alcohol retail environment. Prior to this 2007 by-law, the City's separation distance requirement established a 100 m buffer between liquor stores and parks, schools, and recreation facilities. The 100 m separation distance was adopted to mitigate potential land use impacts associated with liquor consumption in public spaces such as parks, schools, recreation centres etc.

For other municipalities interested in implementing a minimum separation distance by-law to control the density of off-premise establishments, resources need to be in place to monitor alcohol retail outlets, including closures, mapping existing liquor stores, and mapping new approved liquor stores. Resources required to maintain the necessary database will be influenced by many factors, including historic record keeping practices, the number of existing liquor stores, the number of proposed liquor stores, and the level of detail included in by-law amendment regulations.⁷⁴

In Ontario, grocery store operators can apply to sell beer, wine, and cider. The Ontario government does not have a policy in regards to establishing density restrictions or minimum separation distances in its approvals of grocers seeking authorizations for the sale of beer, wine, or cider. The province's current allocation process applies an unspecified "geographic and concentration restriction" to ensure that most licenses are not issued to any single grocer.⁷⁵ The province's decision-making process in authorizing the sale of beer, wine, and cider at grocery stores focuses on "ensuring fair competition and distribution", which includes independent and large grocers alike.⁷⁶ The AGCO's Application for an Authorization to Sell Beer and Wine or Beer and Cider in a Grocery Store was silent in regards to an applicant's compliance with municipal laws, including municipal zoning by-laws and associated requirements.



ON-PREMISE LICENSED ESTABLISHMENTS

On-premise establishments are venues where liquor can be consumed on-site, including hotels, restaurants, lounges, bars, pubs, nightclubs, and other retailers. Precedence exists in Canada to control the density of on premise licensed establishments. However, attention has focused primarily on controlling the density of bars and late-night venues. Cities that have destination entertainment, tourist districts, and post-secondary institutions tend to have these issues.

Zoning is used to restrict the density of bars and late-night establishments, and this is commonly practiced in municipalities across Ontario. Between 1991 to 2013, Toronto entertainment establishments grew from 3,100 to 4,100, with lounges and bars growing at a rate of nearly 5% per year, from 169 in 1991 to 485 in 2013.⁷⁷ The growth was predominantly located within Toronto's Entertainment District in the King St. and Spadina Ave. area. The concentration of nightclubs resulted in community concerns including property damage, overcrowding, crowd control, and unacceptable noise. The City of Toronto employed a combination of approaches to reduce the concentration of nightclubs in the Entertainment District. An interim control by-law (see page 13 for a definition) passed in the early 2000s prohibited the development of new entertainment facilities and patios in the Toronto Entertainment District. Official Plan policies also introduced a greater mix of uses within the area, including high density residential developments, which have resulted in a significant reduction of nightclubs. The City also utilized their municipal role to reduce the number of nightclubs through a moratorium on night club licenses. The City of Toronto passed a by-law in 2016 that created a new category of business license for "entertainment establishment/nightclub". Creating a new class of business licenses enacted stricter operating conditions on nightclubs.

Similar to off-premise establishments, minimum separation distances can also be applied to on premise licensed establishments. In Barrie, a zoning by-law requires nightclubs to have a 200 m separation distance from one another and a 200 m buffer from residential areas. Edmonton's zoning by-law establishes restrictions for an entertainment area bounded by 82nd Ave (Whyte Avenue). Zoning for this area does not specify a separation distance, but applies a maximum occupancy and gross floor area to limit the number of bars and nightclubs. In 2014, the City of St. Catharines considered the establishment of a Downtown Entertainment District as a means of regulating the density and size of licensed establishments in the downtown core. The initiative was considered in order to control incidents of vandalism, noise, and undesirable behaviour of patrons in downtown bars and nightclubs. Council did not approve the establishment of a Downtown Entertainment District due to public concern for noise, drunkenness, and public disturbances, and directed and approved the formation of a revitalization committee in partnership with the police and the AGCO to monitor incidents of vandalism, noise, disturbances, and property damage in the area.⁷⁸

City of Toronto Entertainment Establishment/ Night Club Definition

A premises used to provide dance facilities for patrons and where food or beverages may be offered for sale, such as a dance hall or disco. A cabaret, an entertainment place of assembly, an eating establishment, or an adult entertainment use is not a nightclub.

⁷⁷ City of Toronto. (2016). City of Toronto zoning by-law 569-2013 (office consolidation).

A zoning by-law amendment can regulate where licensed accessory outdoor patios will be permitted within a given neighbourhood or geographic boundary. The employment of a land use planning tool would minimize or prevent noise-related nuisances to sensitive land uses, such as residential, institutional, or parks and open space. These sensitive land uses may correlate to uses that are predominantly used by children, older adults, or other vulnerable populations. A zoning by-law regulating outdoor patios thus gives a municipality the ability to regulate hours of operation and the hours that alcohol can be served. The AGCO's liquor license application process requires applicants to consult their local municipalities prior to submitting an application to ensure compliance with municipal zoning by-laws.⁷⁹

The use of zoning by-laws to regulate the locations of licensed accessory outdoor patios is well practiced in Ontario. The City of Hamilton has enacted zoning by-laws stipulating no outdoor commercial patios which serve alcohol shall be permitted on a lot where any lot line abuts a residential zone or where the lot and a residential zone are separated by a laneway.

In 2005, the Town of Ajax enacted an outdoor patio by-law (Zoning By-Law 95-2003) that regulated the location of restaurants with licensed accessory outdoor patios. The Town of Ajax identified their site plan agreement as ineffective, and had recommended the development of an Outdoor Patio By-Law that would work in conjunction with the Zoning By-Law. The outdoor patio by-law would give the town the authority to regulate hours of operation of outdoor patios and to regulate the hours when alcohol can be served.

Different sets of restrictions can be established for different patios based on their proximity to adjacent community land uses to ensure that public nuisance is minimized. The zoning by-law introduced two definitions addressing outdoor patios, including Licensed Outdoor Patio, and Unlicensed Outdoor Patio. The by-law permitted licensed accessory outdoor patios to continue to be permitted in specific zones (i.e., commercial, downtown mixed use, prestige employment), and does not allow the licensed outdoor patio to be located next to residential areas, institutional uses (nursing homes, places of worship, day care, hospital, schools, libraries), and open space zones (parks and recreational settings). In the Town of Ajax, buildings were deemed as suitable buffers to reduce noise. Restrictions can be enacted for each outdoor patio, which would be established based on where they are located in proximity to sensitive land uses.



Town of Ajax Zoning By-Law 95-2003

LICENCED OUTDOOR PATIO (New definition as incorporated by By-law 75-2005) An outdoor area where seating accommodation is provided, and where meals or refreshments are served to the public for consumption which is used on a seasonal basis in conjunction with, and in immediate proximity to, a restaurant or a drive-thru restaurant. The establishment shall be licensed by the Alcohol and Gaming Commission of Ontario for the consumption of alcohol within the establishment or accessory outdoor patio.

UNLICENCED OUTDOOR PATIO (New definition as incorporated by By-law 75-2005) Shall mean an outdoor area where seating accommodation is provided, and where meals or refreshments are served to the public for consumption which is used on a seasonal basis in conjunction with, and in immediate proximity to, a restaurant or a drive-thru restaurant. The selling, serving and consumption of alcohol shall not be permitted on the outdoor patio.

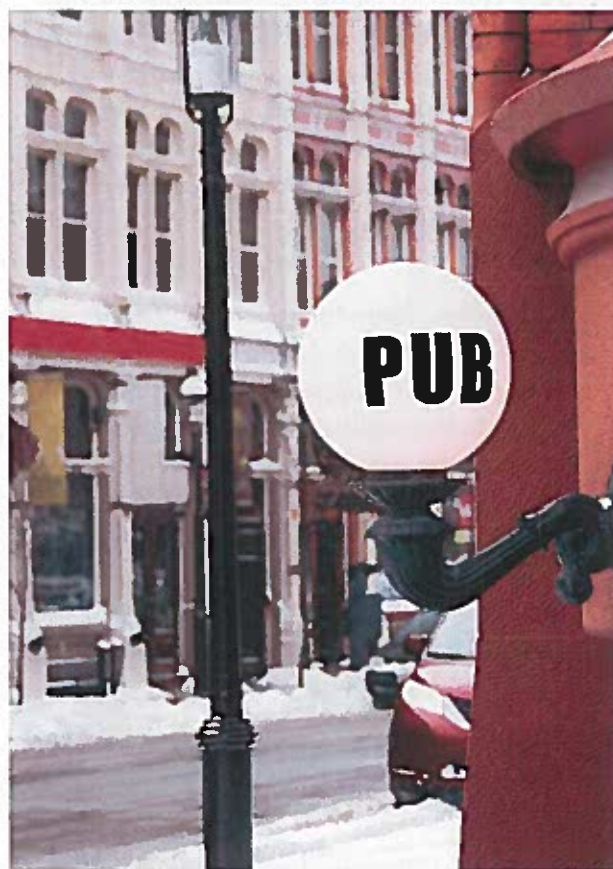
Commercial and Mixed Use Zones: A Licensed Accessory Outdoor Patio is permitted provided that the licensed accessory outdoor patio meets the provision in Section 6.3.1.1.

6.3.1.1 Licensed Accessory Outdoor Patios

a) A licensed accessory outdoor patio situated on a property that does not abut a residential, institutional or open space zone shall be permitted. b) A licensed accessory outdoor patio situated on a property that abuts a residential, institutional or open space zone shall be permitted provided the licensed accessory outdoor patio meets one of the following two provisions: i) There is a building situated between the licensed accessory outdoor patio from the abutting residential, institutional or open space zone; or ii) The accessory outdoor patio is separated from an abutting residential, institutional or open space zone by Harwood Avenue or a Type A or B Arterial Road.

¹³³ Town of Ajax. (2014). The corporation of the town of Ajax zoning by-law 95-2003 (office consolidation).

The City of Vancouver's Liquor License Policy represents a comprehensive approach that restricts the number of on-premise establishments and off-premise retailers within a defined geographic area in the Central Business District. The policy also identifies considerations where on-premise establishments may be permitted, subject to consultation with nearby residents and businesses.



City of Vancouver Central Business District Liquor License Policy

Downtown-Eastside and Gastown

1. **THAT** no new liquor licenses or amendments to existing licenses to increase seating capacity or extend hours of sale (except restaurant Class 1 "B" license) be permitted in the Downtown Eastside or Gastown areas.
2. **THAT** no new liquor retail outlets be permitted in the Downtown Eastside or Gastown areas.
3. **THAT** new liquor licenses forming part of a new hotel or major complex be considered on a case-by-case basis in the Downtown Eastside.

Robson Street (Howe To Homer) and Yaletown.

Favourable consideration be given to relaxing the one mile minimum distancing requirement for endorsing several applications for Class D "local pubs" on Robson Street (Howe to Homer), or Yaletown, subject to a legal agreement indicating there will be no outdoor patio seating, off-site sale, exotic dancing, amplified music or a dance floor on the premises, and that it will not be operated in conjunction with an adjacent restaurant.

Favourable consideration should be given to endorsing applications for Class 2 restaurants (in Yaletown) limited to 150 seats on a case-by-case basis, subject to polling nearby residents and property owners.

Favourable consideration should be given to endorsing applications for hotel pubs and lounges, Class 2 restaurants, and neighbourhood pubs on a case-by-case basis along Robson Street (Howe to Homer), subject to polling of nearby residents and property owners.

¹³⁴ City of Vancouver, 1997, *Liquor licensing policies and procedures*.

FEASIBILITY FOR ONTARIO MUNICIPALITIES

Opportunities

The policy analysis explored and confirmed the use of zoning by-laws to control the location and density of on and off-premise alcohol retailers and licensed establishments in Ontario. Based on the preceding discussion, the following policy approaches are feasible within the municipality's legal authority to regulate physical access to alcohol through density and location restrictions:

- Site-specific zoning to control the locations of on and off-premise establishments
- Zoning that restricts where licensed outdoor patios can be located
- Zoning that regulates hours of operation of licensed establishments and the hours that alcohol can be served (limited to outdoor patio by-laws)
- Zoning regulating sale of alcohol in grocery stores (legally feasible, however no precedence yet established in Ontario)
- Interim control by-law limiting the development of entertainment facilities and patios to restrict the location and density of on and off-premise establishments.
- Policy restrictions that establish limits regarding the number of liquor licensed establishments by neighbourhood
- Pass a moratorium to limit the number of business licenses for late night entertainment and night club establishments
- Location restrictions to protect sensitive land uses, such as schools and parks, and to address clustering by establishing minimum distance requirements between alcohol outlets.

Challenges

While opportunities are available for municipalities to regulate physical access to alcohol through density and location restrictions, there may be challenges that affect implementation, as follows:

- Further efforts to control the location and density of licensed establishments should be approached in a manner that is mindful to the specific needs and context of the local community. The trends towards privatization of the alcohol environment will encourage policy-makers and decision-makers to develop regulations that protect the public's interest.
- Zoning by-laws controlling the use of land are scrutinized by tribunals. Municipal by-laws must be passed for proper planning purposes, but ensure no human rights codes or infringements of rights are violated. The purpose of zoning is to prevent nuisance and physical interference with the land and to ensure land uses are compatible. Municipalities should demonstrate whether the proposed use would result in a public nuisance, which would strengthen a municipality's position of serving a public good.

RECOMMENDED ACTIONS

Municipalities

- Update municipal zoning by-laws to establish a minimum floor area requirement that is at least greater than the provincial requirement for a grocery store to allow the sale of wine, beer, or cider.
- Develop minimum separation distances between liquor license establishments. Undertake community engagement to identify whether separation distances are warranted in specific neighbourhoods to reduce public disturbances and to improve public safety and security.

- Investigate the need for site specific zoning to limit the location of alcohol retailers and liquor licensed establishments.

Public Health

- Advocate for provincial policies that allow local jurisdictions the authority to block on premise and off-premise licenses and is exercised in areas where there is a higher degree of crime or higher socioeconomic disparity, similar to that established by the State of California.⁸⁰
- Advocate for provincial policies to develop a separation distance between alcohol retailers, including grocery stores selling alcohol, similar to that established by the British Columbia government. The AGCO does not impose any location restrictions in regards to maintaining proximity from other licensed retailers, but only identifies that “authorizations are to be distributed fairly across geographic regions” to promote even competition.
- Advocate for provincial policies that encourage municipalities to establish restrictions to control alcohol retail density during a statutory review of provincial land use planning policies.
- Participate in municipal strategic plans such as Tourism Plans, Arts and Culture Plans, Economic Development Plans, and Municipal Retail Market studies to provide feedback on municipal actions that affect retail services, business development, tourism, and culture.
- Work with municipalities to identify priority neighbourhoods to limit alcohol retailers and licensed establishments. These areas would then need to be cross-referenced with licensed establishments and a review of restaurant-nightclubs.

- Develop mapping to monitor the location of alcohol retail outlets and licensed establishments. On-going updates will be needed to map closures and new licensees. Data can be obtained from the AGCO and LCBO.

Municipal Retail Market Analysis

A retail market analysis is a study undertaken by municipalities to evaluate the existing supply of commercial lands in a municipality and informs the demand for additional commercial lands. A retail market analysis includes a review of the existing and potential commercial space in a given municipality. A review of the local market assesses the future retail and service needs in association with the municipality's existing and future commercial land supply to accommodate need. A broad range of retail space needs and facilities are examined, including beer, wine, and liquor. The study would identify whether there is market demand to support an additional beer, wine, or liquor store (including ancillary retail space within grocers). Commercial inventories/market studies are commonly undertaken to inform official plan policy recommendations as part of a municipality's comprehensive five-year official plan review. Stakeholder participation during an official plan review is an appropriate approach for public health units to inform the development of land use policies that address commercial lands.

ENGAGEMENT QUESTIONS FOR MUNICIPALITIES

The following questions for public health are to engage with municipalities to determine potential interest and opportunities in controlling the physical availability of alcohol outlets and licensed establishments through zoning:

- Do you see a trend in your municipality of an increasing number of bars and late night establishments? Are you aware of whether these venues are causing disturbances or nuisances for nearby residents and businesses?
- Does your municipality have parcels subject to site-specific zoning to control the location of specific uses?
- Do you think that site-specific zoning could be applicable in your municipality to control the numbers and densities of licensed establishments? Are there specific locations within your municipality where site specific zoning could be applied?
- Would your municipality consider establishing minimum distance requirements to provide a separation between alcohol retailers, or between alcohol retailers and other sensitive land uses? Why or why not? What implementation challenges do you foresee?
- Does your municipality have a maximum size restriction for bars and late night establishments?

Discussion is needed with municipalities to discuss the municipality's zoning by-law review timelines and process to determine opportunities to introduce definitions and regulations addressing the sale of alcohol within grocery stores.

“Municipal alcohol policies are not about prohibition...they’re about promoting and supporting safe and viable communities with fewer drinking harms.”
– *Union of Nova Scotia Municipalities*

HOURS OF SALE LIMITATIONS

Regulating the hours of operation of licensed facilities is another approach to control the physical availability of alcohol. Evidence has shown that increased hours of sale correlates with an increase of alcohol-related harms, including road traffic casualties, alcohol-related diseases, injury, and assaults.⁸¹ Restricting hours of sale for two or more hours were shown to effectively decrease alcohol-related harms.⁸²

The Municipal Act provides municipalities with the authority to require business establishments to be closed at any time (Section 148.1). However, as per Section 148.4b, establishments licensed under the Liquor License Act are exempt from the municipal by-law addressing the closure of retail businesses.

Regulating the hours of operation of licensed facilities is a provincial responsibility under the Liquor License Act. Under the AGCO, alcohol sales and service is permitted from 11:00 am to 2:00 am (3 am on New Year's Eve) for licensed establishments and Special Occasion Permit events. The AGCO prescribes permissible hours for retail sales of alcohol at retail outlets from 9:00 am to 11:00 pm, Monday to Saturday and 11:00 am to 6:00 pm on Sundays. Under section 62.1 (1) of the Liquor License Act, hours of sale can be extended for on premise establishments during events of municipal, provincial, national or international significance.

Outside of Ontario, municipalities have established restrictions regarding hours of alcohol sales and service through business licensing by-laws. A study conducted by the City of Vancouver in 2004 examined municipal approaches to restricting hours of service in over fifteen municipalities internationally. The study found varying levels of success in restricting hours of liquor service for late-night establishments and effectiveness was best approached through controlling, managing, and regulating on-premise licensed premises.⁸³ In Vancouver, as per the City's business licensing

by-law, newly licensed establishments go through a probationary period where hours of liquor service are restricted to midnight for a period of three months.⁸⁴ The probationary period allows the municipality to monitor the business in its adherence to health and safety considerations.

In Nova Scotia, the Alcohol and Gaming Division defers to municipal development agreements to dictate earlier closures for licensed facilities. Municipalities in Nova Scotia can use development agreements to establish closures for licensed facilities earlier than the hours permissible by the Province.⁸⁵ For example, in the Town of Wolfville, hours of operation for licensed establishments restrict the closing time to 1:00 am through site-specific agreements.^{vi} Restricting hours of alcohol service may be a cost effective measure for municipalities to consider compared to the cost of developing regulations, legal requirements, and enforcement of on-premise businesses, and particularly in neighbourhoods with a higher number of licensed establishments. However, enforcement conducted by municipal law enforcement officers can be a challenge to implementing such provisions if resources are not available.⁸⁶

An environmental scan of practices being undertaken by Ontario municipalities with regards to restricting hours of liquor service for on and off premise establishments found limited precedence. Current practice was found with regards to restricting hours of service on outdoor patios, and restricting hours of sale for wines and fruit wines at Farmers' Markets (located on municipal lands).

La Victoria, Peru

In 2007, the municipality of La Victoria passed a law that banned the sale of alcohol during specific times of the day. The ban resulted in a decrease of violent incidents, homicides, and suicides.

¹³⁵ World Health Organization. (2014). Global Status Report on Alcohol and Health.

^{vi} The Nova Scotia Liquor Control Act regulates hours of operation for on-premise establishments to sell and serve liquor varies, reflecting closing times that include 2:00am and 3:30 am. For more information see: https://novascotia.ca/just/regulations/regs/lclicens.htm#TOC2_58.

FEASIBILITY FOR ONTARIO MUNICIPALITIES

Opportunities

Based on the preceding discussion, municipalities have within their jurisdiction the authority to undertake the following measures with regards to regulating the hours of service:

- Impose site plan agreements to minimize nuisances such as noise and disturbance to nearby residents restricting hours of service on outdoor patios⁸⁷
- Establish a probationary period for newly licensed establishments imposing restrictions regarding hours of liquor service
- Establish an hours of service policy for licensed establishments that includes lengthening the time between last call and closing hours and prohibiting new patrons from entering late night establishments within one hour of closing time⁸⁸

Challenges

While opportunities are available for municipalities to control the access and availability of alcohol, there may be challenges that affect implementation, as follows:

- Municipalities have within their jurisdiction the authority to limit hours of sale for licensed establishments and retailers that are more restrictive than the AGCO, which can be established through site-specific agreements. However, an environmental scan identified limited practice in Ontario. Municipalities may face resource challenges that affect their ability to enforce a breach of contract.

RECOMMENDED ACTIONS

Municipalities

- Municipalities who are interested in restricting hours of sale/service should issue site specific conditions when warranted (i.e., to address issues of public concern and nuisances) and where applicable.

Public Health

- Provide best practices research and supporting evidence to municipalities, where warranted, regarding risks and alcohol harms associated with hours of sale.
- Participate in advocacy efforts to strengthen provincial regulations that provide municipalities with a greater authority to restrict hours of alcohol service.

ENGAGEMENT QUESTIONS FOR MUNICIPALITIES

- Are there areas, such as entertainment districts, within your municipalities that could benefit from reduced hours of alcohol beverage service?
- Is additional policing deployed in neighbourhoods with late-night establishments or entertainment districts? What is the associated cost for deploying additional officers? How is this cost recouped by the municipality?
- Does your municipality have a transit system with a late-night service for patrons in areas with late-night establishments? What is the cost of providing this transit service?
- What is the extent of municipal resources directed to clean up (garbage pick-up, etc.) neighbourhoods with late-night establishments?

PRICING STRATEGIES

Interventions to decrease the affordability of alcohol can reduce alcohol consumption levels, particularly among heavy alcohol consumers, and also decrease alcohol-related harms.^{89,90} Studies have shown that a 10% increase in alcohol prices can reduce alcohol consumption ranging from 4.5% (wine) to beer (10%).⁹¹ In addition, negative impacts associated with heavy alcohol consumption, such as, crime, alcohol-related deaths and hospitalization due to intoxication, have been proven to decrease in association with increases in minimum alcohol prices.⁹² In British Columbia, a 10% increase in minimum alcohol prices resulted in a decrease of alcohol-related traffic violations by 18.8% and a reduction of crimes against persons by 9.4%.⁹³

A literature review conducted in *Addressing Alcohol Consumption and Alcohol-Related Harms at the Local Level, 2014* found that rates of alcohol sales and self-reported drinking declined as alcohol prices and taxes increased. Moreover, the report cited a review of seventy-eight studies which found that alcohol taxes had resulted in a reduction in excessive alcohol consumption and alcohol-related harms. Pricing strategies identified in *Making the Case: Tools for Supporting Local Alcohol Policy in Ontario, 2013* and *Addressing Alcohol Consumption and Alcohol-Related Harms at the Local Level, 2014* include:

- Establishing minimum prices for alcoholic beverages based on volumetric pricing;
- Regulating discounts on alcoholic beverages and retail sales;
- Applying taxation on alcoholic beverages (including municipal taxes);
- Indexing alcohol prices to cost of living;

- Establishing incentives for lower-strength products; and
- Regulating retail sales including mark-ups.

Minimum Pricing

A standard size drink may not be sold below the minimum price of \$2.00 as per ss.20(3) of Regulation 719 of the Liquor License Act.

Standard serving sizes of liquor varies by type of liquor, as follows: 341 ml (12 oz) of beer, cider or cooler; 29 ml (1oz) of spirits, 142 ml (5 oz) of regular wine; and 85 ml (3 oz) of fortified wine.

In Ontario, alcohol sales prices are regulated by the provincial government. It has the power to make regulations governing prices, including minimum prices.⁹⁴ In Ontario, the provincial government controls the sale and pricing of alcohol through the Liquor Control Act. Minimum prices for licensed liquor stores (off-premise retailers) are established under Reg. 116/10 of the Liquor Control Act and vary by beverage type, container size, product origin, and alcohol content and are indexed annually, based on a three-year average of the Ontario Consumer Price Index. On-premise establishments (liquor sales licensees) are required to adhere to a different set of minimum prices, as outlined in Regulation 719 of the Liquor License Act, which varies by type of liquor and size of serving provided.⁹⁵ A standard size drink may not be sold below the minimum price of \$2.00 as per ss.20(3) of Regulation 719 of the Liquor License Act.^{vii} The AGCO provides flexibility for licensees to change their drink prices throughout the day, as long as prices do not fall below the minimum.

^{vii} Standard serving sizes of liquor varies by type of liquor, as follows: 341 ml (12 oz) of beer, cider or cooler; 29 ml (1oz) of spirits, 142 ml (5 oz) of regular wine; and 85 ml (3 oz) of fortified wine.

A review of provincial alcohol pricing interventions undertaken by Gisbrecht et al. (2013) found that the Ontario government was rated highly in regards to mandating the indexation of minimum prices for all alcoholic beverages and adjusting minimum prices based on alcohol content. However, the same study provided a comparison of average minimum prices on and off-premise per standard drink, and found that the minimum prices of alcoholic beverages in Ontario are lower than the Canadian average, particularly in comparison to Canada's eastern provinces. Maintaining low pricing was cited by the Government of Ontario as a means of improving convenience and increasing choice to consumers.⁹⁶ Grocery store operators selling wine are not permitted to sell wine lower than the price prescribed by the LCBO in Policies & Procedures Manual for Authorized Store Owners, however, prices are higher than the provincially prescribed minimum prices for off-premise retailers.

In 2017, the federal budget identified a 2% excise duty increase for wine, liquor, and beer. The federal government will increase excise taxes on beer and wine to keep up with the Consumer Price Index (CPI), commencing in April 2018 and will continue to be adjusted to the CPI annually.

The Municipal Act does not allow municipalities other than the City of Toronto to impose alcohol taxes. Municipal taxation on alcoholic beverages is well-practiced in the United States, and can include taxation at the point of sale or a volume-based tax embedded in the price. However, in Ontario, only the City of Toronto has the authority to impose a tax on the purchase of alcohol (i.e., liquor, beer, or wine, as defined in Section 1 of the Liquor License Act) at the point of sale, as per the City of Toronto Act. The City of Toronto is currently undertaking a review to address the taxation of alcoholic beverages and products, including alcohol sold at LCBO stores.⁹⁷ Other municipal jurisdictions are limited unless an amendment is passed to the Municipal Act allowing such taxation.

Pricing interventions to reduce alcohol consumption have been implemented in some jurisdictions outside Ontario.⁹⁸ In British Columbia, where there was absence of provincial minimum alcohol price policies, the municipalities of Victoria, Vancouver, Kamloops, and Nanaimo implemented minimum drink prices on liquor sold in licensed establishments.⁹⁹

Published reports identified the need to pursue local regulations but did not identify the specific regulations that could be pursued under the jurisdiction of the municipality.¹⁰⁰ A Submission to the Inquiry into Modernizing British Columbia Liquor Laws, prepared by the Centre for Addictions

City of Kamloops Business License By-Law

Section 516 of By-Law-60 identifies that businesses licensed under the Liquor Control and Licensing Act must not sell, or offer for sale, alcoholic beverages at a retail price of less than \$3.00 per standard serving, inclusive of taxes. Section 517 of the City of Kamloops Business License By-Law defines standard serving sizes for a variety of alcoholic beverages. The City's minimum pricing is \$1.00 higher than the minimum price of \$2.00 in Ontario.

¹⁰⁰ City of Kamloops. (2012). Business license and regulation by-law no. 9-60.

Research of BC identified the limitations municipal governments face in determining pricing policies. They have recommended that provincial governments provide them with greater powers to influence pricing policies.¹⁰¹ A review by the Regional Municipality of Peel echoed the findings of the Centre for Addictions Research of BC, identifying a lack of municipal influence in addressing pricing interventions.¹⁰²

FEASIBILITY FOR ONTARIO MUNICIPALITIES

Opportunities

- Municipal efforts to influence the price of alcoholic beverages can be approached through advocacy. This is consistent with the recommendations established in *Making the Case: Tools for Supporting Local Alcohol Policy in Ontario*, and in the Locally Driven Collaborative Project, where efforts to control alcohol affordability can best be achieved through advocacy to the provincial government to increase minimum alcohol prices.
- Establish minimum prices on alcoholic beverages served on municipal lands or at municipal facilities, established through a Municipal Alcohol Policy.

Challenges

- While the practice exists in other provinces, the literature review did not find precedence in Ontario with regards to establishing a minimum price for alcoholic beverages as a condition of granting a business license. Consultation with legal counsel should be undertaken to assess a municipality's feasibility of establishing business licensing by-laws addressing the pricing of alcoholic beverages.
- The ability to apply a municipal tax on alcoholic beverages is only currently available to the City of Toronto.

RECOMMENDED ACTIONS

Municipalities

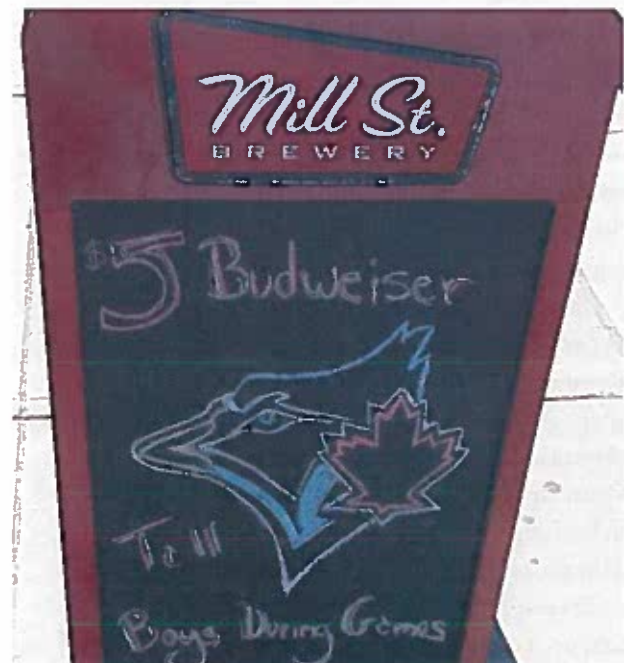
- Participate in advocacy efforts to strengthen provincial regulations in controlling access and affordability to alcohol.
- Explore the development of minimum pricing standards for alcoholic beverages as a condition of a business license application.

Public Health

- Continue to advocate to the provincial government for stronger alcohol pricing interventions to reduce alcohol-related harms.

ENGAGEMENT QUESTIONS FOR MUNICIPALITIES

- Should prices for alcohol products sold in stores be increased? Should alcoholic beverage prices be increased in on premise facilities?
- Do you feel municipalities should have more control in influencing the price of alcohol? Why or why not?



MARKETING

Exposure to alcohol advertisements can occur through TV, radio, internet, social media, magazines, and billboards in public spaces. Alcohol advertisement and promotion contributes to the normalization of alcohol consumption, particularly among youth.¹⁰³ Advertisements on public transit, including bus and transit shelters, are a particularly strong contributor in exposing youth to alcohol.¹⁰⁴ A study conducted by Simon (2008) identified the importance of restricting outdoor advertising in public spaces, particularly on transit ads, to reduce youth exposure.¹⁰⁵ Evidence has shown that policies restricting alcohol exposure through marketing and advertisements reduce first-time alcohol use (protecting children and youth)¹⁰⁶ and alcohol-related harms.¹⁰⁷

Various guidelines regulate advertisements promoting liquor, including the Canadian Radio-television Telecommunications Commission (CRTC) code, the Liquor License Act and Regulations, as well as the AGCO, and LCBO guidelines.

Broadcast advertisements must be in compliance with the CRTC's Code for Broadcast Advertising of Alcoholic Beverages, which restricts advertising according to six key themes pertaining to the promotion of general consumption or irresponsible use of alcohol, targeting youth, associating alcohol with achievements or activities requiring specific skill and contest and sponsorship requirements. In regards to the Liquor License Act, license holders are permitted to advertise liquor within specified criteria as per Section 87 of Regulation 719 and Section 5 of Regulation 720. The AGCO provides guidelines to support responsible advertisements and promotions through the Alcohol and Gaming Commission of Ontario Liquor Advertising Guidelines: Liquor Sales Licensees and Manufacturers. The LCBO adheres to the AGCO guidelines and promotes social responsibility by displaying drink sizes that are consistent with Canada's low-risk alcohol drinking guidelines in their advertisements.¹⁰⁸

However, studies have found that compliance to self-regulated guidelines (CRTC, AGCO) is problematic.¹⁰⁹ Moreover, the guidelines do not cover all forms of marketing, including social media, event sponsorships, and merchandising.

Consultation with the AGCO in May 2017 identified that municipalities have jurisdiction to control the promotion of alcoholic beverages on municipally-owned lands or facilities. Discussions with the AGCO identified that interest to limit marketing for private businesses and public facilities and spaces owned by other levels of government may be determined on an individual basis in collaboration with the applicable business/facility owner. Further engagement is recommended with legal counsel to confirm a municipality's legal authority to affect alcohol marketing for businesses on non-municipal premises.

Happy Hour

Advertisements promoting immoderate consumption, such as Happy Hour, are not currently permitted by the AGCO. However, on-premise licensed establishments can promote reduced pricing for alcoholic beverages on any given day or time.

The AGCO is currently developing updated guidelines to refine permissible advertisements and promotions. The current guideline prohibits the usage of the phrase "happy hour". However, daily drink specials are permitted provided that prices do not fall below the minimum regulated prices.

¹⁰⁷ (L. O'Brien, et al., AGCO, personal communication, May 12, 2017) Discussion with the Alcohol and Gaming Commission of Ontario.

Municipal jurisdiction for advertisements and promotions concerning advertisements are limited to those located on municipally-owned properties and municipal public spaces, and are addressed through Municipal Alcohol Policies, which are outside the scope of this report. Municipal public spaces can include both indoor and outdoor spaces that are municipally-owned, such as community centres, indoor and outdoor recreation spaces, transit stops, and right-of-ways (such as sidewalks). *Municipal Alcohol Policy Guide for Nova Scotia Municipalities* (2015) provides municipalities with a valuable resource for best practice policies applicable to Municipal Alcohol Policies. Examples of jurisdictions that have restricted alcohol (and tobacco) advertisements on transit facilities include Saskatoon, Seattle, San Francisco, Boston, New York and Philadelphia.^{110, 111}

In 2015, the Ontario Public Health Association (OPHA) identified restricting alcohol marketing and advertising as a strategy to reduce alcohol-related harms in Ontario. Proposed policies include: developing a public health informed advertising standards code for alcoholic beverages, prohibiting price or sale incentives by all alcohol retailers, and developing stronger restrictions regarding sponsorship targeted to youth and young adults.¹¹²

King County Seattle Metro Transit Advertising Policy

Any advertising that (i) promotes or depicts the sale, rental, use of, or participation in, or images of the following products, services, or activities; or (ii) that uses brand names, trademarks, slogans or other material that are identifiable with such products, services, or activities are prohibited:

- (a) Tobacco. Tobacco products, including but not limited to cigarettes, cigars, and smokeless tobacco;
- (b) Alcohol. Beer, wine, distilled spirits or any alcoholic beverage licensed and regulated under Washington law.

¹¹⁰ King County. (2012). King County department policies and procedures: Transit advertising policy. King County Department of Transportation, Transit Division.



FEASIBILITY FOR ONTARIO MUNICIPALITIES

Opportunities

Based on the preceding discussion, municipalities have within their jurisdiction the authority to undertake the following measures to control alcohol marketing:

- Establish policies controlling the promotion of alcoholic beverages on municipally-owned lands or facilities (e.g. transit).

Challenges

While opportunities are available for municipalities to control alcohol marketing, there may be challenges that affect implementation, as follows:

- Municipal interest to limit alcohol marketing on private premises and/or public facilities and spaces owned by other levels of government may be determined on an individual basis in collaboration with the applicable business/facility owner.

RECOMMENDED ACTIONS

Municipalities

- Develop policies that prohibit the promotion, sale, of alcoholic beverages on municipally-owned lands or facilities, including public transit and associated amenities.

Public Health

- Continue to advocate to the Province for stronger policies to restrict alcohol marketing and advertising.

ENGAGEMENT QUESTIONS FOR MUNICIPALITIES

- Does your municipality have a policy that prohibits the marketing of alcoholic products on municipal lands or at municipally-owned or controlled facilities?
- Does your municipality have a policy that prohibits the marketing of alcoholic products on transit buses, facilities and shelters?



INFORMATION SHARING

The WHO's *Global Strategy to Reduce the Harmful use of Alcohol, 2010* identified the importance of collaboration and coordination to allow information exchange and data sharing across different sectors.¹¹³ This section examines potential data collection and monitoring efforts that municipalities may explore to observe trends in alcohol-related harms, which may be used to inform municipal policy development. While the results focus on efforts that would continue to be led by public health, there are potential areas of collaboration that would involve other sectors, including local government, law enforcement, and emergency service responders.

A literature review of municipal practices found precedence established by Australian municipalities. In Australia, municipalities collect wholesale alcohol sales data to monitor alcoholic beverage consumption by neighbourhood and hour of service, informing targeted alcohol harm-reduction policies and determining public resources allocation (i.e., marketing, enforcement) to support responsible consumption.¹¹⁴

In one particular municipality, wholesale alcohol sales and taxation data were collected in high risk neighbourhoods to determine differential taxation approaches to reduce localized levels of alcohol consumption, alcohol-attributable emergency department visits, and hospitalization.¹¹⁵ However, sales data was only available for wholesale alcohol transactions between wholesalers and retailers.¹¹⁶

Australia's experience highlighted the need to access alcohol sales data at the retail level (amount of retail sales by establishment) to better inform policy development. For example, better access to retail sales data can identify preferred alcoholic beverages by population group, track the quantities of beverages purchased by time of day, and the frequency of purchases.¹¹⁷ However, the Australian National Drug Research Institute (2016) reported that published sales data is aggregated and there are no known global practices where alcohol sales data is publicly accessible at the retail level.¹¹⁸

Auckland, New Zealand

Auckland Council's alcohol reduction strategy includes recommendations for information sharing and service alignment to reduce alcohol-related crime. It provides an effective model for Canadian municipalities.

In Auckland, collaborative projects are endorsed by regional councils that direct municipal departments, industry stakeholders, and service providers to work together to gather data, conduct surveys, and perform impact assessments in informing alcohol harm-reduction policies and strategies. The program includes the ongoing collection and monitoring of data that includes property damage, noise, litter, traffic, crime, breach of liquor bans, and alcohol-related issues.

Much attention has focused on examining the influence of alcohol access and alcohol misuse on criminal behaviour. Livingston (2008) identified a strong correlation between neighbourhoods with a frequency of crime and licensed establishments with a history of infractions. Livingston's study recommended the development of a surveillance program to identify specific "hot spots" in a municipality to inform targeted police and by-law enforcement.¹¹⁹ However, a literature review of ninety quantitative studies conducted between 1950 and 2014 by Fitterer and Nelson (2015) examined alcohol-attributable crimes, and identified inaccuracies associated with an over-reliance of causation indicators (i.e., density of alcohol outlets, hours of sales, and alcohol sales volumes) and its influence on criminal behaviour.¹²⁰ The review recommended the inclusion of other indicators to better correlate alcohol misuse and criminal behaviour, including square footage of licensed establishments, seating capacities, and social media with information about potential patrons.

A recent study identified shortfalls in establishing a municipal or region-wide program of alcohol-attributable offences.¹²¹ Utilizing administrative health data, a study of Canadian surveillance programs found a need to gather information to identify locations where alcohol-related injuries and offences occur to inform targeted law enforcement and municipal by-law enforcement programs.¹²²

In Ottawa, the municipality's police and public health departments work together to collect and monitor alcohol-related offences. Offences are monitored to identify specific areas within the downtown core that have the highest density of alcohol-related offences and paramedic responses.¹²³ Consultation was undertaken with Ottawa Public Health, who noted the benefits of the city's organizational structure to facilitate public health and the police department sharing of data and collaborative work.¹²⁴

FEASIBILITY FOR ONTARIO MUNICIPALITIES

Opportunities

- Establish partnerships involving community services departments, planning, public health, and/or police to collect and monitor alcohol-related offences.

Challenges

- Access to alcohol sales data is limited, which creates challenges for municipalities to use it as a basis to inform local policy development. Alcohol sales data is available from the LCBO only (in licensed establishments and grocery stores). Sales data is unavailable from other retailers, such as the Beer Store, off-site wine retailers, etc. Sales data is also not collected by the AGCO. Statistics Canada collects data through the Control and Sale of Alcoholic Beverages program questionnaire, however information is not available at the municipal level.¹²⁵
- Public health units may face data limitations in accessing statistics from municipalities and/or police departments, particularly for jurisdictions where public health is independent from the municipality.

RECOMMENDED ACTIONS

Municipalities

- Municipalities should seek available local data. Municipalities interested in accessing data from local police departments would need to refer to municipality or public health unit's legal counsel when seeking authorization. The AGCO also provides data. Some datasets are publicly available while others are restricted.¹²⁶ This information is presented in the Appendix. Municipalities and public health units interested in obtaining access to the AGCO's restricted data will need to go through their legal department to engage with the AGCO.¹²⁷

Public Health

- Share the findings of the policy review with municipalities and encourage them to adopt a policy approach to reducing alcohol risk and harm.
- Advocate to the provincial government for changes to access alcohol sales data from licensed establishments to support policy development.

ENGAGEMENT QUESTIONS FOR MUNICIPALITIES

- Does your municipality have a GIS department that undertakes mapping of land use development, socio-demographic trends, or community trends?
- Does your business license department collect (independently or through the AGCO) and monitor the location of establishments with liquor licenses?
- What data sources do you use to inform municipal approvals for liquor license applications?
- Would your municipality's business licensing department be interested in accessing data to support municipal decision making?
- Is your municipality currently engaged with other partners, such as public health or the police, in reviewing applications?

- Is your municipality currently working with public health, police, fire, or the AGCO in preventing and reducing alcohol-related harms at licensed establishments?
- What data sources would you like to obtain to support liquor license application reviews or monitor trends in alcohol-related harms?
- Does your municipality have readily available access to a local police database of licensed premises where people were drinking prior to their arrest for impaired driving?
- Is your municipality currently undertaking mapping to identify the location of alcohol retail outlets and licensed establishments?
- Are there challenges facing your municipality that make it difficult for you to collect data?
- If data can be obtained, does your municipality have the capacity to undertake analysis to inform licensing approvals or monitor trends?



APPENDIX A: METHODOLOGY

Project Scoping

Research topics were identified in consultation with the project team, which included representation by Wellington-Dufferin-Guelph Health, Durham Region Health Department, and Thunder Bay District Health Unit. The following policy areas of interest were identified as part of a project initiation meeting:

- Pricing strategies, including approaches to taxing and pricing
- Locational restrictions and limitations on outlet densities for both on premise and off-premise establishments
- Hours of sale limitations, including controls on Happy Hour
- Modifying the drinking environment, including server training, municipal license programs, crime prevention strategies, collaborative approaches, and trends in surveillance.

Review of Guidance Documents

Over the last ten years, various publications have been developed to establish the need for policies and strategies to reduce alcohol exposure and consumption. The documents were reviewed to identify research regarding alcohol-related harms and its rationale for supporting the policy areas of interest framing this project. The publications also included proposed recommendations for municipal governments and other stakeholders, which were identified and inventoried.

Review Ontario's Legislative Environment

A review was conducted of Ontario's legislative environment to understand the roles and responsibilities of municipal, provincial, and federal governments in establishing regulations addressing access to, and consumption of, alcohol. A review was

undertaken of the Ontario Municipal Act, Planning Act, Liquor Control Act, and Liquor License Act. Research was conducted online to secure and review electronic copies of the legislation from e-laws. Secondary sources were also consulted to identify peer reviewed literature and/or analysis of the various acts with respect to framing municipal jurisdiction and responsibility in influencing the policy areas of interest (i.e., pricing strategies, locational restrictions, hours of sale limitations, and modifying the drinking environment). In addition, AGCO publications were reviewed to identify further details regarding provincial acts and regulations.

Research Regarding Municipal Policies/Practices

Academic and grey literature were reviewed to identify promising municipal policies and practices across Canada, and internationally. An online search was undertaken through Google and Google Scholar to identify policies, by-laws, standards, and policies using keywords relevant to each of the policy areas of interest. Guidance documents consulted in Task B also served as a starting point to identify promising municipal practices.

Telephone interviews were conducted where relevant, to gather additional information and seek clarity, regarding provincial and municipal policies, standards, guidelines and practices. Canadian municipalities were contacted following a review and analysis of municipal policies and practices based on publicly available information found through online searches. Contacts were sought with municipalities in the following instances:

- When clarity is needed to better understand existing municipal policies, by-laws, standards, or practices secured through online research;
- To secure information addressing policies, by-laws, and standards that are referenced, or that are not publicly available.

Municipalities were approached by telephone to secure their participation in a telephone interview. Email follow up was also undertaken to secure specific interview dates and times. The following municipalities were contacted by the project consultant:

- City of Barrie
- City of Calgary
- City of Edmonton
- City of Hamilton
- City of Ottawa
- City of Surrey
- City of Toronto

Telephone interviews were conducted between February 2017 and June 2017. In some cases, interviews were undertaken to acquire access to reports or verify information provided online. In other cases, interviews asked questions of clarification regarding current policies, initiatives, or procedures. Telephone interviews with municipal staff were semi-structured and varied in length. Questions differed between interviewees and were dependent upon the specific policies, by-laws, standards or practices being undertaken by the municipality. Interviews were undertaken with:

- City of Barrie, By-Law Enforcement Officer
- City of Barrie, Municipal Clerk
- City of Hamilton, By-Law Enforcement Officer
- City of Hamilton, Liquor License Coordinator
- City of Edmonton, Zoning By-Law Officer
- Ottawa Public Health, Public Health Nurse
- Alcohol and Gaming Commission of Ontario

A teleconference meeting was arranged with the Alcohol and Gaming Commission of Ontario's Director of Corporate Affairs on May 12 along with three other AGCO representatives. Questions were sent in advance based on the findings of the literature review and based on potential challenges and barriers experienced by municipalities uncovered during the secondary source research and interviews. The following topics were discussed during the teleconference:

- Permissible alcohol beverage promotions and advertisements, including those located on public spaces, and during Happy Hour
- Delineation of responsibilities between the AGCO, municipalities, and law enforcement regarding liquor licensing approvals, enforcement, suspension, and termination
- Approvals process for grocery store licenses for alcohol sales (on floor and within kiosks)
- Current trends regarding on-premise establishments and off-premise licensed retailers in Ontario
- AGCO regulatory review of 2013 and forthcoming changes to regulations

APPENDIX B: AGCO DATA INVENTORY

Data Inventory	Description	Access Level
Licensing and Retail		
Liquor License Applications Processed	Details on application type, status, and license risk level. Data is updated weekly.	Restricted. Data may be open to the public upon removal of exempted data.
Retail Store Database	Identifies numbers and locations of on-site and off-site liquor retail stores. Data is updated daily.	Open/public.
Farmer's Market Authorization	Identifies the numbers and locations of wineries and farmers participating in VQA Wine Sales program.	Open/public.
List of Liquor Sales License Applications	Liquor sales license application where public notification is required.	Open/public.
Current active liquor sales licenses, licensed wineries, breweries, distilleries, liquor delivery services, brew-on-premise, bring your own wine	Lists of licensed establishments.	Open/public.
Inspections		
Performed Inspections Count	Weekly inspections performed in the last 53 weeks. Data is updated weekly.	Open/public.
Weekly Inspection	Detailed data on establishments that were inspected, including risk level.	Restricted. Information identifies investigation techniques.
Infractions		
Infraction Count	Count of weekly infractions in the last 53 weeks.	Open/public.
Big 5 Infraction Count	Count of weekly Big 5 infractions in the last 53 weeks.	Open/public.
Weekly Infraction	Detailed infraction data.	Restricted. Information identifies investigation techniques.
Inspection and Infraction Report	Data that identifies inspected establishments, and infractions, by geographic location.	Restricted. Information identifies investigation techniques.
Infraction Detail Report	Historical information documenting infractions by establishment.	Restricted. Confidentiality.
Law Enforcement		
Police Reports Tracking Sheet	Data on charges laid by local police and through internal AGCO workflows.	Restricted. Information may be subject to ongoing investigations.
Investigations and Enforcement Internal Tracking Sheet	List of ongoing investigations.	Restricted. Information may be subject to ongoing investigations.
OPP Last Drink Tracking Report	Documents 'last drink' establishments consumed by patrons associated with police reports.	Restricted. Information may impair enforcement operations.

Source: AGCO. Data Inventory. Available from: <https://www.agco.ca/data-inventory>.

How to Apply for a Liquor Licence

Checklist for new Restaurants/Taverns or Restaurants not previously serving Alcohol*

*All permits and applications can and should be started at the same time. Some agencies/departments listed may take up to two weeks or longer to provide their signatures so it is suggested that you make application with them THE SAME DAY that the Municipal Liquor Licence Application is commissioned and circulated. This will avoid unnecessary delays in the issuance of the licence by the AGCO.

PROCESS	LOCATION	Licence/Permit Fees
<u>Alcohol and Gaming Commission of Ontario (AGCO) Licence</u> <ul style="list-style-type: none"> Apply for your Alcohol Licence with the Alcohol and Gaming Commission of Ontario (AGCO) 	1-800-522-2876 www.agco.ca	
<u>Simcoe Muskoka District Health Unit</u> <ul style="list-style-type: none"> Contact the Simcoe Muskoka District Health Unit and ask to have an inspection for a Liquor Licence Application. 	15 Sperling Drive, Barrie 705-721-7330	
<u>Building Permit (if applicable)</u> <ul style="list-style-type: none"> Apply for a building permit (if your location is a new building or renovations are being made) 	City Hall, 8 th Floor - Planning and Building Services, Building Division	Fee Depends on type of permit required
<u>Municipal Liquor Licence Application</u> <ul style="list-style-type: none"> Visit Legislative and Court Services Department to pick up and fill out the Municipal Information Form (MIF- AGCO form) and City of Barrie Liquor Licence Questionnaire. The MIF Form and the questionnaire must be commissioned in the Legislative and Court Services Department, Legislative Services Division or by personal lawyer once complete. <p>Legislative and Court Services retains the original copy of the MIF and questionnaire to circulate to partners and stakeholders for a two week public comment period.</p> <ul style="list-style-type: none"> The Legislative and Court Services Department will not issue an approval letter to the AGCO unless Load Occupancy Reports have been received from the Building Services Department and the Barrie Fire and Emergency Services Department. Confirmation that a Restaurant/Tavern and/or Patio Licence Application has been completed from the Enforcement Services Branch must also be received. See below for further details. 	City Hall – 1 st Floor – Legislative and Court Services Office 705-739-4204	Commissioning Fee \$40.00 (adjusted yearly)

PROCESS	LOCATION	Licence/Permit Fees
<u>Building Services - Inspection Branch</u> <ul style="list-style-type: none"> Book an appointment with the Building Services - Inspection Branch for an inspection and to have the occupancy calculations completed for your location. 	City Hall, 8 th Floor – Planning and Building Department/ Building Division 705-739-4212	Fee \$210.00 (adjusted yearly)
<u>Barrie Fire and Emergency Services - Inspection</u> <ul style="list-style-type: none"> Call the Barrie Fire and Emergency Services Department and request an inspection for liquor licence approval (once the Building Services – Inspection Branch has completed its inspection). 	705-739-4242, ext. 3238, or ext. 3246	Fee 179.30 (2017 fee - adjusted yearly)
<u>Municipal Restaurant/Tavern and/or Outdoor Patio Licence</u> <ul style="list-style-type: none"> Fill out a Business Application form for a Restaurant/Tavern and/or Outdoor Patio Licence. The Application Form will indicate departments or agencies that must provide signatures of approval. It is your responsibility to obtain the signatures on the paperwork. 		
<ul style="list-style-type: none"> Visit the Planning Services Division to obtain a signature for approval of the zoning of the restaurant location. 	City Hall, 1 st Floor – Planning and Building Department/Planning Division	
<ul style="list-style-type: none"> Visit the Barrie Police Services and have them sign the approval form. 	29 Sperling Drive, Barrie 705-725-7025	
<ul style="list-style-type: none"> Visit the Simcoe Muskoka District Health Unit for a signature on approval form. 	15 Sperling Drive, Barrie 705-721-7330	
<u>Enforcement Services – Business Licence</u> <ul style="list-style-type: none"> Once all parties have signed the Business Licence application, or provided approvals, you can submit the licence applications to Enforcement Services and the required documents. Note: You must provide a copy of \$2,000,000 liability insurance to Enforcement Services. 	Enforcement Services 45 Cedar Pointe Drive, Barrie 705-739-4241	Business Licence Fee \$217.00 – adjusted yearly

GENERAL INFORMATION

Name of Establishment: (Registered name and Operating name, if different)	
Street Address of Establishment:	
Closest Intersection:	
Mailing Address: (If different from the location of the establishment)	
Name of Owner: (Indicate individual sole proprietor, partnership or corporation, as appropriate) If partnership or corporation, provide names and contact information for all shareholders	
Name of Applicant: (if different from owner)	
Mailing Address for Applicant:	
Applicant Business Phone/Fax Number:	
Applicant Business E-mail address:	

Purpose of the Liquor Licence Application:

_____ New establishment

_____ New owner/operator of existing establishment

Name of previous business _____

_____ Change to indoor occupant load/seating capacity (including addition or alteration to interior)

_____ Change to outdoor occupant load/seating capacity (including addition or alteration to outdoor patio)

_____ Other. Describe below

SIZE AND LOCATION

What is the size (floor area) of the establishment?	<u>CURRENT</u> <u>Indoor Area</u>	<u>PROPOSED</u> <u>Indoor Area</u>	<u>CURRENT</u> <u>Outdoor Area</u>	<u>PROPOSED</u> <u>Outdoor Area</u>
	_____ ft ² / m ²	_____ ft ² / m ²	_____ ft ² / m ²	_____ ft ² / m ²
What is the occupant load and/or seating capacity of the establishment?	<u>CURRENT</u> <u>Indoor Area</u>	<u>PROPOSED</u> <u>Indoor Area</u>	<u>CURRENT</u> <u>Outdoor Area</u>	<u>PROPOSED</u> <u>Outdoor Area</u>
	_____ occupant load	_____ occupant load	_____ occupant load	_____ occupant load
	_____ licensed capacity	_____ licensed capacity	_____ licensed capacity	_____ licensed capacity
	_____ seating capacity	_____ seating capacity	_____ seating capacity	_____ seating capacity
	_____ occupant load	_____ occupant load	_____ occupant load	_____ occupant load
	_____ licensed capacity	_____ licensed capacity	_____ licensed capacity	_____ licensed capacity

Is the entire operation enclosed? (i.e. the operation is interior space only)

Yes _____ No _____

An accurate diagram/scaled floor plan indicating the proposed location of the licenced area(s) (ALL licensed areas including indoor and outdoor areas) is required to be attached to this form.

What is the distance to the closest other establishment(s) serving alcohol? _____ ft/ m

Please provide the operating name(s) and describe the target market of other establishments serving alcohol within a 120 m (approximately 400 ft) radius of the proposed location:

Note: If you require more space please attach additional documentation to this form.

What is the distance to the closest residential dwelling unit? _____ ft/ m

Does the subject property contain residential units?

Yes _____ No _____

OPERATING HOURS, TARGET MARKET, NATURE OF BUSINESS

Hours of Operation of the business: Indoor Area Outdoor Area

Hours associated with alcohol sales Indoor Area Outdoor Area

What is the primary nature of the establishment? (i.e. family restaurant, fine dining, lounge/nightclub, bar/tavern, coffee house, etc)

Before 10 PM:

After 10 PM:

Describe your target market:

Describe the proposed security both internally and exterior to the establishment (i.e. total number of staff, training or experience of staff, number of security persons):

Before 10 PM:

After 10 PM:

Note: If you require more space please attach additional documentation to this form.

Are all security personnel trained and licensed? Yes _____ No _____ Describe (i.e. in-house or hired service)

Note: If you require more space please attach additional documentation to this form.

Are exterior line ups (queues) anticipated for your establishment? Yes _____ No _____

OPERATING HOURS, TARGET MARKET, NATURE OF BUSINESS (Continued)

Describe the nature of the proposed seating for the venue (i.e. dining tables, cocktail tables, stand up bar):	Indoor Area
	Outdoor Area
Describe any food preparation facilities for the venue:	Indoor Area
	Outdoor Area
Describe any other type of business to be operated from the establishment on a permanent basis, or from time to time (i.e. bakeshop, variety store, grocery store, billiard hall, take-out restaurant, adult entertainment, non-motorized refreshment vehicles, etc?):	Indoor Area
	Outdoor Area
If yes, are the businesses physically separated from the licensed area(s) so that access or exits to and from the other business are not through the licensed area(s)? Provide full details:	Indoor Area
	Outdoor Area
Describe any ancillary entertainment (i.e. video games, pool tables, etc):	Indoor Area
	Outdoor Area

OPERATING HOURS, TARGET MARKET, NATURE OF BUSINESS (Continued)

Describe any musical entertainment to be provided (i.e. dance floor, live/recorded music, amplified sound , etc)	<u>Indoor Area Only</u>
	<p>Dance Floor</p> <p>Yes _____ No _____</p> <p>Live Music</p> <p>Yes _____ No _____</p> <p>Recorded Music</p> <p>Yes _____ No _____</p> <p>Amplified Sound</p> <p>Yes _____ No _____</p> <p>Unamplified Sound</p> <p>Yes _____ No _____</p>
	<u>Outdoor Area Only</u>
	<p>Dance Floor</p> <p>Yes _____ No _____</p> <p>Live Music</p> <p>Yes _____ No _____</p> <p>Recorded Music</p> <p>Yes _____ No _____</p> <p>Amplified Sound</p> <p>Yes _____ No _____</p> <p>Unamplified Sound</p> <p>Yes _____ No _____</p>

OWNERSHIP/MANAGEMENT INFORMATION

Describe the owner or operator's performance record including any by-law violations, building, health, fire code deficiencies noted on an inspection report, and any pending charges or convictions or liquor licence offences within the last 3 years:

Has a principal officer of the business or a manager of the business been charged with or convicted of a liquor licence related offence? Yes _____ No _____ If yes, provide details of any pending charge or conviction

Do any of the principal officer(s) or managers of the business have a criminal record? Yes _____ No _____ If yes, provide a copy of the criminal records check

Is there a pending charge or conviction against the business related to a liquor related offence? Yes _____ No _____ If yes, provide details

List the names and addresses of any other licensed establishments in Canada owned or operated by the same operator or owner:

Note: If you require more space please attach additional documentation to this form.

I _____ (name of applicant/owner), hereby certify that the information provided pursuant to this liquor licence application questionnaire is true, accurate and complete to the best of my knowledge and ability. I understand and acknowledge that if the information with respect to the establishment changes materially, I am responsible for completing and submitting an updated questionnaire. I further understand and acknowledge that the submission of an incomplete questionnaire or the inclusion of false statements is deemed to be a breach of any business licence issued by the City and may be grounds for such licence to be revoked.

Signature of Applicant

Sworn (Affirmed) before me at The City of Barrie,
in the Province of Ontario on the _____ day

_____, 20 _____.

A Commissioner, etc.

NOTE: This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information.

The CRIMINAL CODE OF CANADA provides that: everyone commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him a false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years (Section 131, 132), or by summary conviction (Section 134).

Personal information on this form is collected to determine any concerns with zoning, non-compliance with any by-laws or general objections to the application by City Council, the municipality, residents, and/or organizations within the municipality. The document and any associated submissions will be made available on the City's website and distributed to various stakeholder organizations and resident associations as well as the Alcohol and Gaming Commission of Ontario. This document is a public record, despite anything in the *Municipal Freedom of Information and Protection of Privacy Act (1990)*, and, until its destruction, may be inspected by any person at the City Clerk's Office at a time when the office is open. Questions about this collection can be directed to the City Clerk, 70 Collier Street, Barrie, Ontario L4M 4T5 (705) 739-4220 Ext 4421.

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REPORT TO TOWNSHIP OF MELANCTHON

To: Denise Holmes and members of Senior Management Team
From: Shara Bagnell, Health and Safety Advisor
Date: July 16th, 2019
Cc: Kaitlin Chessell, Health and Safety Representative
Subject: 2018 Health and Safety Review

Purpose

The purpose of this report is to provide an update of the health and safety activities for 2018 as well as an overview of initiatives for the current year.

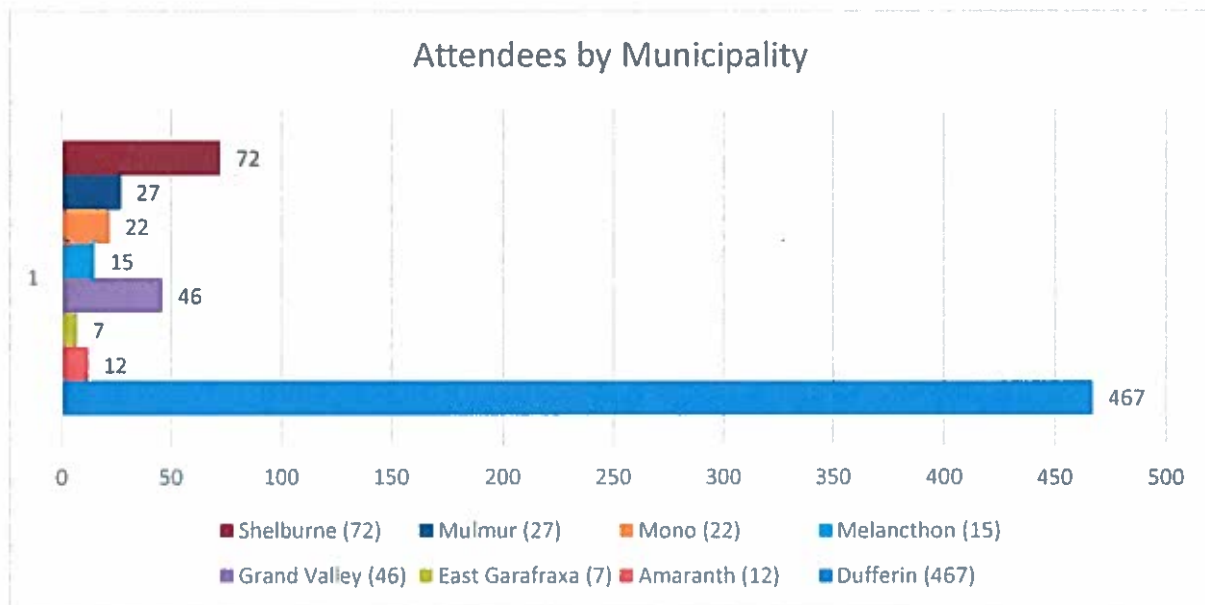
Background & Discussion

In an effort to keep Municipalities aware of the initiatives being taken in relation to health and safety, this report will summarize training, Health and Safety Representative activities, incidents and injuries, and special projects that took place in 2018. In addition, it will outline objectives for 2019.

Training

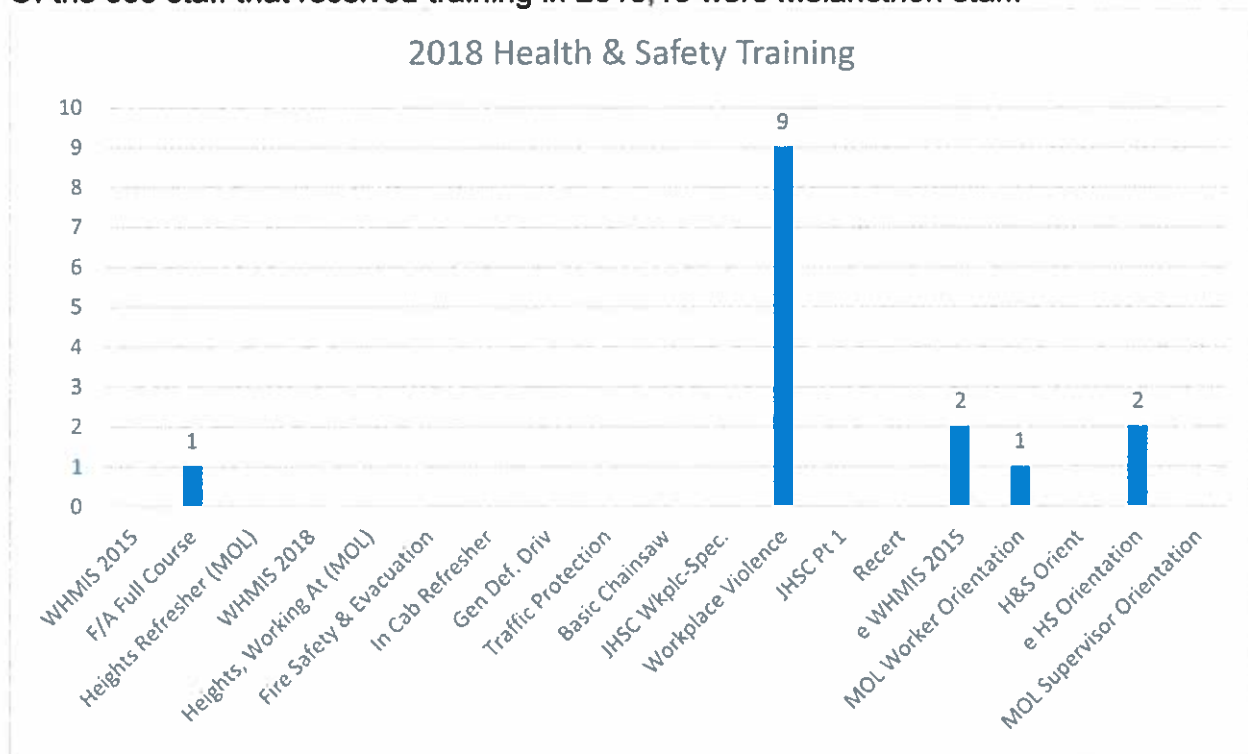
In 2018, 668 County and Municipal staff received training related to workplace safety through the Health and Safety office. As a comparator, there were 465 staff who received training in 2017, and 770 in 2016. Individual municipal training records are available on the Health and Safety site.

Training Completed in 2018 by Municipality



Melancthon Training by Course

Of the 668 staff that received training in 2018, 15 were Melancthon staff.



Health and Safety Representative

The Health and Safety Representatives have put an effort into completing monthly workplace inspections as scheduled. From the inspection data submitted to the Health and Safety office in 2018, the Health and Safety Representatives completed 23 inspections, with 13 hazards noted. There were no outstanding hazards at the end of 2018. Workplace inspections were completed six months in 2018.

Incidents and Injuries

There were no incidents reported to the health and safety office in 2018, or 2017. County-wide 2018 incident statistics showed that the most frequently reported incidents across all departments were categorized as slip and fall incidents, as well as incidents involving overall exertion/ strain.

Ministry of Labour Updates

Globally Harmonized System

The final phase for all labels and safety data sheets in the workplace to be transitioned over to the Globally Harmonized System, and staff to be trained in the Globally Harmonized System under Workplace Hazardous Materials Information System (WHMIS) 2015 ended on December 1, 2018.

Municipal Enforcement Initiative

In March of 2018, the Ministry of Labour announced that they were launching a 2 year initiative focussing on ergonomics in municipalities having more than 50 workers, and more specifically in Public Works departments, with a secondary focus on 'struck by' hazards. The first phase of this initiative, March 2018 to March 2019, was an 'awareness' phase, where information was made available to municipalities through safety stakeholders to prepare for phase 2 of the initiative, referred to as the 'enforcement' phase. In the 'enforcement' phase, the Ministry of Labour Inspectors and Ergonomists will be conducting site visits to monitor for compliance.

In preparation for this initiative, a risk analysis process has been undertaken to identify hazards, including ergonomics, related to tasks completed in all departments starting with Public Works. In 2019, a policy supporting ergonomics has been drafted and training in various departments will be delivered to take steps in the prevention of Musculoskeletal Disorders (MSDs).

2018 Achievements

In 2018, County and Municipal Supervisors took the reins in sourcing and delivering safety talks to departmental staff. There were 1,123 safety talk participants in 2018 across all County and Municipal departments. For comparison purposes, there were 1,867 participants in 2017. Melancthon participation in safety talks for 2018 came in at 68, compared to 34 in 2017. In addition to the increase in participation, the rate of supervisory staff sourcing and delivering safety talk sessions independently and without reminders increased as well.

There were two creative workshop series sessions offered to County and Municipal Departments, with 14 sessions held (seven County and seven Municipal), and 79 participants in attendance. These sessions were offered in support of workplace wellness.

The following is a list of other notable achievements by the County and member municipalities with respect to the Health and Safety program in 2018:

- Approval of Fire Safety Plan for Horning's Mills Hall, and updated Severe Weather Procedures for the Melancthon Municipal Office
- Ergonomic Assessments Completed (20 County assessments, 1 Municipal assessment)
- North American Occupational Safety and Health (NAOSH) Week activities and promotions – Daily tidbit!
- Electronic Safety Data Sheet (SDS) Management – Updated 414 SDS documents
- Policy approval – Reviewed and revised policies 1.02, 7.02 and removed 1.04

2019 Goals

The following is a list of some on-going and planned initiatives for the County and its member municipalities with respect to the Health and Safety program in 2019.

- Approval of Musculoskeletal Disorder Prevention policy
- Musculoskeletal Disorder Prevention training
- Continue to offer low-org wellness initiatives that can be site-driven by a program site champion
- Update safety data sheets (SDS) in the summer of 2019 and investigate SDS service for updating SDS info
- Review and update health and safety policies

Financial, Staffing, Legal, or IT Considerations

There are no financial, staffing, or legal impacts resulting from this report.

Recommendation

THAT the report of the Health and Safety Advisor dated July 16th, 2019, regarding the 2018 Health and Safety Review, be received.

Respectfully Submitted By:

Shara Bagnell

Health and Safety Advisor

From: AMO Communications <Communicate@amo.on.ca>
Sent: Tuesday, July 16, 2019 6:01 PM
To: dholmes@melancthontownship.ca
Subject: Attorney General Launches Consultation on Municipal Liability and Insurance Costs

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POLICY UPDATE

July 16, 2019

Attorney General Launches Consultation on Municipal Liability and Insurance Costs

On July 12th, Ontario's Attorney General, the Honourable Doug Downey, wrote to all municipal governments seeking input regarding joint and several liability, insurance costs, and the impact of 'liability chill' on the delivery of public services. AMO welcomes this consultation and seeks your support in responding to the government's request. Liability reform represents a longstanding request of municipal governments.

The consultation period will remain open until September 27th. The Attorney General welcomes delegations and written submissions during this period. If the government is to consider reforms that would address some of these challenges, it is critical for municipalities to provide input and describe their experience.

In February 2014, MPPs from all parties supported a motion calling on the Province to reform joint and several liability. Nearly 200 municipalities also supported the motion introduced by Randy Pettapiece, MPP for Perth-Wellington, which called on the government to implement a comprehensive, long-term solution.

AMO has assembled a group of municipal lawyers and risk managers to support municipal participation in the review. AMO is pursuing this work independently of the municipal insurance industry. The task force will be meeting with government representatives in the weeks ahead.

For more background, please see [AMO's Liability Reform paper](#) or view our [Managing the Cost of Risk](#) insurance survey results.

Please feel free to write to the Attorney General at magpolicy@ontario.ca. AMO would also appreciate receiving a copy of your correspondence at amopresident@amo.on.ca.

If you have any questions related to the consultation, please contact AMO Senior Advisor, Matthew Wilson, at mwilson@amo.on.ca.

Thank you for your support.

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The Case for Joint and Several Liability Reform in Ontario

***Presented by the AMO
Municipal Liability Reform
Working Group***

April 1, 2010

Association of
Municipalities
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Table of Contents

Executive Summary.....	2
Municipal Implications.....	4
Insurance Implications.....	9
Case Studies.....	11
Origins of the Principle of Joint and Several Liability.....	13
Concerns Leading to Change.....	20
Joint and Several Reform in Common Law Jurisdictions.....	25
New Directions for Ontario.....	29
Conclusion.....	31

Executive Summary

The joint and several provisions of the *Negligence Act*, indicate, "Where damages have been caused or contributed to by the fault or neglect of two or more persons ... and, where two or more persons are found at fault or negligent, they are jointly and severally liable to the person suffering the loss or damage..."

Also known as the 1% rule, the joint and several provisions may oblige a defendant, which is only 1% at fault, to pay the plaintiff's entire judgment particularly in cases where the other defendant is unable to meet a court ordered award. As "deep pocket" defendants with seemingly limitless public resources at their disposal through the power of taxation, municipalities have often become the targets of litigation when other defendants do not have the means to pay high damage awards.

Joint and several liability is problematic not only because of the disproportioned burden on municipalities that are awarded by courts. It is also the immeasurable impact of propelling municipalities to settle out of court to avoid protracted and expensive litigation for amounts that may be excessive, or certainly represent a greater percentage than their degree of fault.

Municipalities exist to connect people to their community and the social and recreational opportunities which advance the development of a community. In this paper, there are many examples from across the province where municipalities have scaled back on what they offer as an unfortunate side effect of this litigious era. At what cost will this continue? It is time to find a reasonable balance and follow the lead of so many other jurisdictions which have pursued joint and several liability reform. In fact various forms of proportionate liability have now been enacted by all of Ontario's competing Great Lakes states as well as 38 other states south of the border.¹

¹ Chartered Accountants of Ontario <http://www.casforchange.ca/LE/index.aspx>

It should be explicitly noted that for all of its faults, joint and several liability does ensure that plaintiffs are not left empty handed. This paper in no way intends for aggrieved parties to be denied justice or damages through the courts, rather that the inequity of how much “deep pocket” defendants like municipalities are paying for both in and out of court settlements be addressed.

This paper reveals that the origin of joint and several liability has never been an explicit legislated intent of common law jurisdictions. Rather the law has evolved over hundreds of years by default as the result of the combined effect of technical and often primitive concepts of tort law. Since the industrial era, many support mechanisms have been provided by modern societies which did not exist when joint and several liability principles first originated. Today in Ontario, the following exist: accident benefit schemes for those injured in automobile accidents, universal healthcare, employers benefit plans, private disability insurance, new home and title insurance, and workers compensation schemes for those injured on the job. While the legal environment has stayed the same, society has not, and these advances are further proof of the archaic nature of joint and several liability.

Many common law jurisdictions around the world have adopted legal reforms to limit the exposure and restore balance. With other Commonwealth jurisdictions and the vast majority of state governments in the United States having modified the rule of joint and several liability in favour of some form of proportionate liability, it is time for Ontario to do the same.²

Ontario municipalities call on the Government to reform joint and several liability as it exists today, with a particular regard for the impact it has on ‘deep pocket’ property taxpayers and their communities. Ontario municipalities ought not to be insurers of last resort, targeted deliberately in some instances because of joint and several. If this situation is allowed to continue, the scaling back on public services in order to limit liability exposure and insurance costs will only continue.

² Report of the Standing Senate Committee on Banking, Trade and Commerce, Chairman: The Honourable Michael Kirby, *Joint and Several Liability and Professional Defendants – Options Discussion Paper*, October 1997 Part 3, Section C.

Regrettably it will be at the expense of local communities across the province.

Discussion with the Attorney General through the Memorandum of Understanding process and in other forums which lead to reform can help alleviate the effects joint and several liability currently have on Ontario municipalities.

Municipal Implications

Under the current joint and several liability system in Ontario, a defendant whom is found to be only 1% liable for damages caused to the injured party can be burdened with responsibility for paying the entire damage award if the co-defendants lack the ability to pay. This situation has a profound impact on municipalities in particular. As “deep pocket” defendants with seemingly limitless public resources at their disposal through the power of taxation, municipalities have often become the targets of litigation when other defendants do not have the means to pay high damage awards.

According to current legislation; the *Negligence Act*, joint and several liability dictates that damages may be recovered from any of the defendants regardless of their individual share of the liability. For municipalities, as public organizations with “deep pockets”, this often means even a finding of slight or minimal liability can result in responsibility for millions of dollars in damage awards, especially in cases where other liable parties do not have sufficient assets.

The effects of joint and several liability on municipalities are manifest in several areas including claims related to motor vehicle accidents, road safety, building inspections, and facility and event safety. It is a contributing factor in the slow pace Brownfield site redevelopment. The loss of economic activity this could create, particularly with sites located in prime urban areas that are ripe for new development. It has also resulted in increased insurance premiums and in many communities, has caused municipal governments to scale back the scope of the services provided to citizens in an effort to limit liability exposure and the duty of care.

There have been enormous strides in the past few decades to limit liability claims and improve safety including new road standards, playground standards, and pool safety standards. All municipalities have risk management policies to one degree or another and most large municipalities now employ risk managers precisely to increase health and safety and limit liability exposure in the design of facilities, programs, and insurance coverage. Liability is a top of mind consideration for all municipal councils.

There is precedence in Ontario for joint and several liability reform. The car leasing lobby highlighted a particularly expensive court award made in November of 2004 against a car leasing company by the victim of a drunk driver. The August 1997 accident occurred when the car skidded off a county road near Peterborough, Ontario. It exposed the inequity of joint and several liability for car leasing companies. The leasing companies argued to the government that the settlement had put them at a competitive disadvantage to lenders. They also warned that such liability conditions would likely drive some leasing and rental companies to reduce their business in Ontario. As a result, Bill 18 amended the *Compulsory Automobile Insurance Act*, the *Highway Traffic Act* and the *Ontario Insurance Act* to make renters and lessees vicariously liable for the negligence of automobile drivers and capped the maximum liability of owners of rental and leased cars at \$1 million. While Bill 18 has eliminated the owners of leased and rented cars as “deep pocket” defendants, no such restrictions have been imposed to assist municipalities.

Indeed the legal environment of jurisdictions and liability litigation can have a significant impact on economic development. Take for example, the case of American aircraft manufacturers Beech, Piper and Cessna, makers of small personal use aircraft. In 1987, each manufacturer calculated their annual per plane costs for product liability exceeded the cost of raw materials and labour required to make it. This situation and the resulting increase in price for new airplanes led to a dramatic decline in airplane sales and employment despite

stable safety records. From 1977 to 1988, employment in aviation manufacturing declined by 65 percent.³

The above examples illustrate that the legal environment affects commerce. In the first instance, the law was changed to accommodate the fear of a reduction in business and disproportioned liability of Ontario car leasing companies. In the second, airplane manufacturing was scaled back considerably amid a heavy legal responsibility.

In the absence of a change in law, municipalities have instead been scaling back on the provision of public services in order to limit liability exposure just as the makers of small aircraft did. This has become the order of the day for many communities in order to manage risk and the growth of insurance premiums.

Consider the following examples:

- In 2009, a municipality suspended the issuing road occupancy permits for neighbourhood street parties. Previously 5-10 street parties were held every year. Liability is a main concern.
- The same municipality also used to host municipal Victoria Day fireworks at a private facility that allowed day use and overnight camping. Due to the liability issues associated with holding a public event on private land which permits alcohol, this event was cancelled a number of years ago despite its overwhelming popularity with residents.
- One town's Youth Action Team cancelled a winter snow-tubing trip in light of the recent sports team bus crashes in other provinces involving youth and the liability of transportation.
- One large city has deliberately decided not to provide any supervision of its skateboard parks precisely because of the increased responsibility associated with the duty of care. This is despite the benefits that even minimal supervision may afford skate park users.

³ Robert Martin, "General Aviation Manufacturing" in , *The Liability Maze: The Impact of Liability Law on Safety and Innovation*. Peter W. Huber and Robert E. Litan eds. The Brookings Institution, 1991 Page 483.

- Significant standard changes to playground equipment, including “soft landings” ground preparations, have escalated costs considerably. The result has been a playground replacement cycle that has been extended significantly. In one southwestern community estimates are upwards of 50 years for all playgrounds to be replaced. Due to the overall increase in cost, playground equipment is not being replaced as quickly as it is being removed thus lowering service levels.
- Most municipalities require insurance for all events held by community residents and organizations on town property. Many report increasing their insurance requirements from the previous standard of \$1 million worth of insurance to \$2 million and in some cases \$5 million becoming the new standard. This prohibits many organizations from even considering holding events on municipal property.
- One council has banned “buck and doe” pre-wedding celebrations from their community hall. Township residents must use a neighbouring municipal facility to hold such events out of concern for liability.

Further still, there have been instances of municipalities being sued for negligent building inspections with homeowners not even bothering to name or search for the homebuilders or contractors who are often more responsible for a plaintiff’s loss. Municipalities in these situations are left in the position of seeking out the proper defendants. With the prospect of litigation on the horizon, more often than not many of these corporate entities are dissolved, furthering the public burden by leaving perennial municipalities to foot the bill.

While other Canadian, American, and Australian jurisdictions have responded to the challenge faced by municipalities and implemented legislative protections to restore the legal balance, Ontario has not. Over 60% of surveyed Ontario municipalities have identified joint and several liability to be a major problem for their municipality in recent years. Claims against municipalities have arisen out of facility rentals, roads, traffic accidents, planning, and building inspections. While increases in litigation has not paralleled some U.S. jurisdictions, Ontario

municipalities have nonetheless endured more frequent litigation that often carries significant damage awards. This situation poses policy implications for municipalities which are increasingly challenged in the delivery of public services. The decreasing number of playground structures in Queensland, Australia is the type of policy question Ontarians also may well face.⁴ In light of increasing and unrealistic financial risk, it would be shameful to imagine the withdrawal of public services owing to a legal climate in which public bodies like municipalities become unintended insurers. Imagining a scenario where there are no playground structures amid increasing public policy interest in dealing with issues such as childhood obesity and physical activity levels is not an enviable situation for communities. As Neil Robertson notes:

*Municipalities exist to create and maintain communities in which people want to live. They do so by providing public services and regulating activities in the public interest. The members of the community benefit from these services and activities. Yet the current Canadian legal climate seems to place municipalities in the role of involuntary insurer. Courts are finding municipal liability where liability was traditionally denied and apportioning fault on municipalities out of proportion to municipal involvement in the actual wrong. Awards of damages have escalated well beyond inflationary increases. Municipalities are often named as a party to an action because municipalities are perceived as having "deep pockets" so that collection of a judgment is guaranteed where the primary wrongdoer is insolvent or disappears. The municipal defendant may be the only defendant able to pay by the time judgment is rendered.*⁵

The evolution of the principle of joint and several liability has had a crippling legal effect on public organizations like municipalities. This paper is designed to provoke a discussion on the type of legal framework that is in the public interest in Ontario. Ontario municipalities call on the government to review the fundamental elements behind the law with a view to bringing about key reforms as many other jurisdictions have done.

4 "Goldring, John. Civil Liability Reform in Australia: The King of Torts is Dead, 10 Unif. L. Rev. n.s. 447 (2005) at p. 448

5 Neil Robertson, "A Question of Balance: Legislative Responses to the Expansion of Municipal Liability." February 2008, Page 18.

Insurance Implications

In spite of service cuts and efforts to manage risk, municipalities remain popular targets for plaintiffs with a resulting rise in insurance premiums and deductibles. For example, the City of Regina, Saskatchewan saw its insurance premiums and deductibles double from 2001-2004.⁶ The last twenty years has seen dramatically increasing liability exposure for Ontario municipalities as well including some very recent examples. Essex County has renewed its 2010 insurance policy with a 47.5% increase in its premium from the year before, a \$216,738 increase.⁷ Similarly the Town of Amherstburg had a 22% increase in its premiums for 2010.

Essex's insurer, the Frank Cowan Company attributed the majority of the premium increase to liability insurance. Municipalities from across the province are all being faced with very similar circumstances and premium increases. Joint and several liability is listed as a contributing factor by the Frank Cowan Company in its recent report to municipalities explaining premium increases.⁸ Other reasons cited include the growing costs of providing future care for catastrophically injured persons (including a doubling of the frequency of brain injury cases since 2003) and the ease with which class action lawsuits can be certified among others. Claims costs have been increasing at a rate of 6-8% annually, well above the Consumer Price Index.⁹

Other sources point to considerable catastrophic claim award increases as well.¹⁰ According to Blaney McMurtry LLP, catastrophic injury claims generally settle quickly unless there are "deep pocket" defenders. The biggest awards have been against the Ontario Government, the owners of leased cars, and municipalities.¹¹

6 Neil Robertson, "A Question of Balance: Legislative Responses to the Expansion of Municipal Liability," February 2008, Page 20.

7 Gary Rennie, "47.5% county insurance hike called 'highway robbery'", *The Windsor Star*, December 3, 2009.

8 Frank Cowan Company, "Claims Costs are Driving Premiums Up – an analysis of why this is happening," 2009.

9 Ibid. Page 12.

10 Jess Bush and Stephen Moore, "Why catastrophic injury cases are rising in value" *The Lawyers Weekly* Vol. 28, No. 48 (May 1, 2009)

11 Jess Bush and Stephen Moore, "Catastrophic Claims in Ontario" Blaney McMurtry LLP Presentation, Spring 2009

One way of addressing this issue is to raise existing minimum insurance coverage levels for automobile accidents. The current Ontario minimum is \$200,000, just a fraction of the funds necessary to cover catastrophic injury claims and a situation which often compels plaintiffs to seek out those with deep pockets to provide for long-term care.

Recent insurance reforms announced by the Minister of Finance on November 2, 2009 will seek to redefine catastrophic brain injuries and will exclude injuries sustained on municipally operated public transit systems where no collision has taken place. These reforms should limit municipal exposure to frivolous claims. However the government has also indicated it is considering a reduction in the cap for non-catastrophic claims from \$200,000 to \$50,000 putting even more pressure on "deep pocket" municipalities. Before the government's proposed reforms are enacted, consultation with municipalities and consideration of the issues raised in this paper must be taken into account.

Australia experienced an insurance crisis in 2001 which included the collapse of one of the country's major insurance companies, and contributed to, among other things, a "sharp increase in claims" made against local councils (municipalities).¹² The Australian Government has stated that it will be seeking the agreement of state governments, to "introduce proportionate liability in some instances to replace the rule of joint and several liability."¹³ While premium increases in Ontario will likely thwart any such collapse from occurring here, such increases are increasingly unsustainable for municipalities to bear without legal reform.

12 Australian Parliament, Senate, Economics References Committee, "A review of public liability and professional indemnity insurance", (Canberra : The Committee, c2002) Chapter 3, paragraph 3.5

13 Ibid. Chapter 3, paragraph 3.61

Case Studies

A 2009 settlement by an Ontario Township

A single vehicle accident occurred on an Ontario township road which was under construction. The driver was impaired and speeding while overtaking another vehicle where the pavement turned to gravel. The driver lost control of the vehicle and was killed. His passenger suffered a catastrophic brain injury. Neither was wearing a seatbelt.

The township was named in the legal action because it was responsible for the road construction. While the township did not meet standards with respect to signage warning of construction ahead, the actions of the driver (who was impaired, speeding, and not wearing a seat belt) almost wholly contributed to the extent of the injuries sustained.

The claim settled for \$9.39 million of which the driver's insurer contributed \$2.67 million. The remaining \$6.72 million was paid by the township's insurer due to the application of joint and several liability.

Pre-trial settlement with an Eastern Ontario municipality, 2007

An 11-year-old boy on rollerblades skated through an intersection chasing a friend who was riding a bicycle. Thieves had removed a stop sign for traffic in his direction. The rollerblader was struck by the intoxicated driver of a vehicle which had the right of way. The liability limits carried by the automobile owner were \$1,000,000.

The vehicle owner/operator and the City were sued. The child sustained severe brain damage which would require he have 24 hour care for the rest of his life. The allegations against the City were that the stop sign was missing and should not have been and that overgrown bushes obscured the sightlines at the intersection.

The investigation revealed that the City had a reasonable system of inspecting signage; the last regular inspection documented the sign was in place and in good repair. The sightlines were investigated by defense experts and found to be reasonable in all the circumstances.

The matter proceeded to pre-trial in the spring of 2007. The pre-trial judge gave a strong indication that some liability would be found against the City, as the sightlines were not perfect. The trial went on, as the Plaintiff's demands were excessive.

During the second week of trial the sitting judge ordered a mid-trial pre-trial. The mid trial judge again strongly suggested liability on the City. The liability was estimated at 25%. Damages were settled at \$8,300,000. The claim against the City was settled for \$6,375,000 as the limits on the automobile were insufficient.

Damages that should have calculated to \$2,000,000 increased to \$6,375,000 solely due to the impact of joint and several liability.

Ingles v. Tutkaluk Construction Ltd, 2000

A contractor was hired for a basement renovation requiring a building permit in the City of Toronto. The contractor convinced the client to start construction of the underpinnings beneath the existing foundation. The foundation was finished before the permit was issued and the building inspector visited.

The inspector did not go ahead with an examination of the underpinnings because of weather. Instead, he took the word of the contractor that the underpinnings conformed to the building code, which was later found to be false. The underpinnings failed and resulted in the basement flooding. The contractor and the City of Toronto were jointly sued and damages of \$49,368.80 were awarded, split equally between the two.

The City argued in appeal that the client was also at fault for accepting the start of renovations before a building permit was issued, and therefore that their duty of care was not applicable. The Supreme Court of Canada found that the City's duty of care still applied, but that 6% of the damages were re-apportioned to the homeowner. The City of Toronto was the only defendant to appear at the trial and because of the Negligence Act, paid Tutkaluk Construction's share of the award as well.

1999 settlement against a Southwestern Ontario Region

A motor vehicle accident in January 1999 resulted in severe injuries to a passenger in the at fault vehicle. The driver had lost control on slippery road conditions and hit an oncoming vehicle in the other lane. Damages were assessed at \$5 million. The at fault driver's insurer paid \$500,000. The not at fault driver was assessed partial liability for failing to take evasive action; their insurer contributed \$500,000. The city was unable to provide sufficient winter maintenance records to eliminate any question of liability. Its insurer contributed \$4.1 million to the settlement and the city paid defense costs of \$347,882.

New v. City of Moose Jaw and Mitchell, 2004¹⁴

In 1990, 4 year old Jennifer New walked with her two older sisters to her first day of school. While crossing a busy intersection Jennifer was struck by a car and is now a quadriplegic.

A lawsuit proceeded to trial once she had reached the age of majority against the City of Moose Jaw, Saskatchewan; the former Chief of Police; and the driver. Each was found liable with 45% apportioned to the City, 35% to the driver, and 20% to the Chief of Police. The City was found responsible because it might have prevented the accident if it had installed a crosswalk and likewise for the Police Chief if a school patrol had been present.

Damages exceeding \$16 million including interest were awarded. Despite being found responsible for \$5.6 million worth of damages, the driver was only covered by \$200,000 of insurance. The balance of the award was paid by the municipality - not for causing the injury, but for failing to prevent the accident caused by driver.

¹⁴ Neil Robertson, "A Question of Balance: Legislative Responses to the Expansion of Municipal Liability." February 2008, Page 20.

Origins of the Principle of Joint and Several Liability

The principle of joint liability - that one of a number of tortfeasors (parties) who contribute to a plaintiff's damages is wholly liable for all such damages – did not originate in 20th Century statutory reforms as many assume; rather it has been a part of the common law for many centuries. Furthermore, it would seem the concept did not enter the common law through the front door based on principled legal analysis or public policy concerns; rather, it did so through the back door, by default, as a result of the combined effect of technical and long outdated rules of pleadings and primitive concepts of tort law long since repudiated. As William Prosser, a leading American torts scholar, wrote in 1937, “once a tort is considered joint, the legal consequences which follow are more or less well defined; but the rules which have developed have no common historical basis, and are not necessarily connected or related.”¹⁵

- **Bar against joinder of defendants**

The common law rules regarding joinder of multiple defendants in the same action were extremely strict. Joinder was only permitted if there was a “common” or “joint” enterprise such that it could be said that “all coming to do an unlawful act, and of one party, the act of one is the act of all of the same parties being present”.¹⁶ In England, where the parties did not act in concert, courts refused to allow joinder, even if the acts of the defendants had the combined effect of causing a single, indivisible injury to the Plaintiff.¹⁷

¹⁵ Prosser, W.L., “Joint Torts and Several Liability”, 25 Cal. L. Rev. Vol. 25, No. 4 (1936-1937) 413, p. 443.

¹⁶ *Sir John Heydon's Case* (1613), 11 Co. Rep. 5; *Arcedekene (Thomas Le.) and Henry De Bodreugam* (1302), Y.B. Edw. I 30 (106) Rols Ser 1302. In *Arcedekene*, the court allowed the plaintiff to recover his damages from his choice of the multiple defendants, although the concept of joint and several liability was not explicitly referred to nor were any policy considerations justifying that holding discussed. In *Arcedekene*, the plaintiff claimed damages against one defendant, resulting from trespass and an assault on the plaintiff by the defendant and a group of “followers”. The sole named defendant did not personally commit either torts of trespass or assault but appears only to have directed his followers to do so. The judge noted that although the action was brought against one man, “he [the plaintiff] *has his action against each one, and each one is liable to the whole*, and he shall recover his damages against each one severally, if he chooses to sue him.” [emphasis added] This decision has been cited for the proposition that although one man was named as a defendant, the entire mob was jointly and severally liable for the totality of the damages resulting from the trespass and assault, regardless of whether they were part of the assaulting mob or simply stood outside, having organized and encouraged it.

¹⁷ *Sadler v. Great Western Ry. Co.*, [1896] E.C. 450 (Eng. C.A.); *Thompson v. London County Council*, [1899] 1 Q.B. 840.

The same rule prevailed in the United States, although some American jurisdictions attempted to overcome the common law rule by statute.¹⁸ The New York Field Code of 1848, copied over the next several decades by a majority of other U.S. states, was passed to overcome this common law impediment by permitting the settlement of all questions connected with a single transaction in a single suit.

- **Bar Against Apportionment of Damages**

Courts at common law refused to permit apportionment of damages for at least two separate and distinct reasons: firstly, they strictly applied the principle of causation that a defendant was liable for all consequences proximately caused by his/her wrongful act no matter how minor the defendant's contribution might have been. Secondly, well into the 20th century, the courts clung to a theory referred to as "indivisible liability", which stipulated that every wrong gave rise to but one cause of action and as such, it was not appropriate to apportion damages. As noted by the American torts scholar, William L. Prosser, the underlying rationale for each of these rules was the belief on the part of common law courts that it was impossible for juries to reasonably divide up the damages amongst defendants in accordance with their respective degrees of fault.¹⁹ The rule against apportionment applied even where independent tortious wrongs combined to cause the same damages suffered by the plaintiff, not just to situations of joint enterprise.

- **Release and Satisfaction**

In England, the rule at common law was that there could only be one judgment in respect of a joint tort. Since the act of each tortfeasor was considered to be the act of all, it was regarded that there was but one cause of action which merged in a single judgment. Accordingly, if judgment was obtained against one of several joint tortfeasors, it barred any later action against any other joint tortfeasor even

¹⁸ Prosser, *supra*, footnote 1, p. 415.

¹⁹ Prosser, *supra*, footnote 1, p. 419.

though the judgment went unsatisfied.²⁰ Even in the case of independent torts leading to the same loss, a release of one tortfeasor by an express document or a deemed release on the basis of payment was held to extinguish the claims against any other tortfeasor who contributed to the damages. Courts in both England and the United States held that a release in favour of one tortfeasor extinguished claims against all other joint tortfeasors even where a release expressly stated the contrary.²¹

- **Impact of the foregoing principles on joint liability**

The foregoing arcane and long discarded rules of pleading and concepts of tort law led to the imposition of joint liability i.e. that any one of a number of tortfeasor was liable for the entire damages sustained, and compelled Plaintiffs to seek out the most substantial tortfeasors against whom execution was most likely to be satisfied. The rules of pleadings permitted efforts at only one tortfeasor but any judgment obtained would be for the entire amount of the damages awarded regardless of the degree of moral responsibility of the one against whom judgment as obtained.²² Joint and several liability was not understood as an independent legal principle distinct from the technical rules of pleadings and notions of tort law, now long since discarded, which gave rise to it. This is revealed by the conspicuous absence of discussion of the concept of joint liability as a distinct legal principle in early consolidations of English common law.²³

20 *Brown v. Wooten* (1600), Cro. Gac. 73; *King v. Hoare* (1844), 13 M & W 494; *Brinsmead v. Harrison* (1872) L.R. 7 CP 547.

21 *Prosser, supra*, footnote 1, pp. 421-424.

22 The term "moral responsibility" is used because the common law refused to recognize the concept of apportionment of liability.

23 See for example, *Viner's Abridgments*, an early consolidation of English common law dating from the early 1700s.

- **No Contribution Amongst Joint Tortfeasors**

The 1799 case of *Merryweather v. Nixan*²⁴ established the principle that there can be no contribution or indemnity amongst joint tortfeasors. There is no consideration of policy or principles in Lord Kenyon's reasons. The basis of the decision would appear to be slavish adherence to the long-settled notions of "indivisible liability" in respect of the same wrong, proximate cause and the assumed impossibility of jurors fairly apportioning responsibility for a single wrong amongst multiple tortfeasors. Although the *Merryweather* case was one of true joint tortfeasors, the principles in that case were extended both in England and the United States to situations of independent negligence contributing to the same injury.²⁵

- **Reform of the Rule Against Contribution Amongst Joint Tortfeasors**

- i. **England:**

A marked increase in tortious injuries attributed to the increasing prevalence of motor vehicles as well as industrial accidents lead to reform considerations in England, culminating in a 1934 report to parliament of the English Law Revision Committee. That report recommended that the rule in *Merryweather v. Nixan* be overruled by legislation. This would permit contribution amongst joint tortfeasors and to permit tortfeasors against whom a judgment has been obtained to commence an action against another tortfeasor who might also have been responsible for the Plaintiff's injuries to recover that tortfeasor's proportionate share of the damages. The U.K. *Law Reform (Contributory Negligence) Act* of 1945 resulted from the 1934 recommendations of the English Law Revisions Committee.

Nowhere in the report of the English Law Revision Committee of 1934 is there discussion of joint liability in the sense of whether it was fair and just for one defendant to be fixed with liability for the entire damages suffered by a plaintiff regardless of that defendant's particular degree of fault. Rather, the sole focus of the report was the unfairness of a defendant so saddled with 100% of liability not

24 (1799), 8 T.R. 186 (H.L.).

25 *Prosser, supra*, footnote 1, pp. 425-427.

to be able to recover from other tortfeasors whom also shared responsibility. It is speculated that consideration of the former principle did not form part of the report because it was so bound up in the aforementioned technical rules of pleading and concepts of tort law. These concepts were still very much a part of English common law, where legislation permitting actions for contribution and indemnity by one tortfeasor against another represented a discreet and workable half-measure which partially overcame the manifest inequity flowing from the common law principles then in effect.

ii. Canada:

Following passage of the U.K. *Law Reform Act* in 1945, Canadian common law jurisdictions adopted similar legislative reforms. These statutes remain in force in largely the same form as originally passed.²⁶

iii. United States:

Concurrently with legislative reform in England, the concept of joint liability and the absence of a right of contribution amongst joint tortfeasors came under critical scrutiny in the United States. Unlike in England, however, where a narrow focus and commensurately measured legislative response was taken, a more robust debate about the merits of joint liability was undertaken in the United States, fueled in part by the writings of a number of the leading tort law scholars of the day.

James Fleming Jr., the leading American torts scholar of the 20th century, offered support for joint and severable liability based on the theory of 'efficient risk distribution' and compensation. Most of Fleming's theory centred on the attribution

²⁶ The similar positions of the respective provinces and territories can be found in: British Columbia's *Negligence Act*, R.S.B.C. 1996, c.333; Alberta's *Contributory Negligence Act*, R.S.A. 2000, c. C-27; Saskatchewan's *Contributory Negligence Act*, R.S.S. 1978, c. C-31; Manitoba's *Tortfeasors and Contributory Negligence Act*, C.C.S.M. c. T90; Ontario's *Negligence Act*, R.S.O 1996, c.N.1; Nova Scotia's *Contributory Negligence Act*, R.S.N.S. 1989, c. 95; New Brunswick's *Contributory Negligence Act*, R.S.N.B.1973, c. C-19; P.E.I.'s *Contributory Negligence Act*, R.S.P.E.I. 1988, c. C-21; Newfoundland and Labrador's *Contributory Negligence Act*, R.S.N.L. 1990, c. C-33; The Northwest Territories' *Contributory Negligence Act*, R.S.N.W.T. 1988, c. C-18; Yukon Territory's *Contributory Negligence Act*, R.S.Y. 2002, c. 42; Nunavut's *Contributory Negligence Act*, R.S.N.W.T. 1988, c. C-18. The Canadian government has ousted joint and several liability in the *Canadian Business Corporations Act*, and there is a current push to carry these reforms to a wider breadth of legislation; see 'reforms' below.

of liability for defective products to companies due to their ability to distribute losses widely to consumers, a theory which applies generally to deep pocket defendants not just in the product liability area. Fleming observed that the ability of plaintiff to choose a target for full recovery from multiple tortfeasors "severs an important social function because larger and richer defendants are in a better position to distribute losses broadly."²⁷ "Fleming viewed accidents as inevitable consequences of productive activity and he conceived the principal function of tort law to be not the resolution of disputes, rule definition or the expression of moral values, but compensation of the injured."²⁸ Thus, Fleming saw joint and severable liability as the most efficient means by which a plaintiff could be restored (the most important thing in his view) and the loss distributed widely throughout society.

This same view was also articulated by Priest, who noted that compensation of victims was simply an enterprise cost which came with the territory of being an entity that had control over others²⁹.

In 1941, Fleming wrote: "[m]y major proposition is simply this: An existing rule of law which has some tendency to effect loss distribution over a large segment of society [i.e. joint and several liability rules] ought not to give way to a rule which will bring about a less effective distribution unless there is a very good reason for it."³⁰

Hence, the motivation behind allowing plaintiffs to recover entirely from 'deep pocketed' corporate defendants in Fleming's mind was that they can distribute the risk more broadly. For example, corporations can affect price increases, municipalities can hike taxes and insurance companies can increase premiums.

On the other hand, joint and several liability arguably undermines another fundamental theory of risk distribution recognized by Fleming himself, that being: "it is always better to divide a loss among a hundred individuals than to put it on

27 Fleming James, Jr., Contribution among Tort Feasors in the Field of Accident Litigation (Speech), 9 Utah B. Bull. 208 (1939).

28 Priest, George L., "Invention of Enterprise Liability: A Critical History of the Intellectual Foundations of Modern Tort Law", 14 J. Legal Stud. 461 (1985), p.470.

29 *Ibid*, p. 466.

30 Fleming James, Jr., Contribution among Joint Tort Feasors: A Pragmatic Criticism, 54 Harv. L. Rev. 1156(1941), p. 1556.

any one.”³¹ Although the modern joint and severable liability regime formally allows for apportionment among defendants, the stark reality is that Fleming’s ‘efficient risk distribution’ is not being achieved with unqualified joint and severable liability, as many tortfeasors will not be saddled with any of the damages assessed in favour of the Plaintiff under that regime.

Another theory used to justify joint and severable liability was the ‘affirmative obligation’ theory put forward by Bohlen. He argued that since potential liability “is imposed only on those who have voluntarily assumed a position or relation from which they benefit from actions of the victim that put the victim at risk”,³² each defendant is voluntarily exposing themselves to the risk. Or, more simply, *caveat emptor*: you knew this was the rule going in and you took this chance; sorry about your luck.

Although this can be seen as a reflection of current market enterprise, what is not considered by Bohlen is that attribution of damages to deep pocketed defendants can also have the effect of crippling of business growth due to massive exposure to liability. If business shies away from endeavors because that endeavor entails an excessive amount of “voluntarily assumed risk”, progress will be significantly curtailed. A good illustration of this principle in the non-business realm is the decreasing number of public playgrounds in Queensland, Australia. The exposure to increased levels of voluntarily assumed risk has meant that some local councils have not replaced some aging public playgrounds. Do we want this kind of maximum accountability in Ontario at this expense?

In spite of the views of a number of the leading tort scholars of the day supporting joint liability on social policy bases, most U.S. jurisdictions declined to follow the discrete changes to the law adopted in England, choosing instead to enact restrictions on the concept of joint liability.³³

³¹ *Ibid*, p. 471

³² Francis H. Bohlen, The Basis of Affirmative Obligations in the Law of Torts (pts. 1-3), 53 Am. L. Reg. 209, 273, 337 (1905), at p. 273.

³³ See Section 4c, *infra*.

Concerns Leading to Change

In the early 1900's, defendants were winning cases by arguing that if any concurrent tortfeasor could be 100% responsible (because without them, the end harm would not have resulted), the contributory negligence of a plaintiff also meant 100% responsibility for his or her own injuries notwithstanding the presence of negligence of others that contributed to the plaintiff's harm (similarly due to their involvement in the chain of causation). Prosser commented: ³⁴

the period of development of contributory negligence [as a complete defense; an extension of common law 'indivisible liability'] was that of the industrial revolution, and there is reason to think that the courts found in this defense, along with the concepts of duty and proximate cause, a convenient instrument of control over the jury, by which the liabilities of rapidly growing industry were curbed and kept within bounds.

When this boom of protectionism associated with the industrial revolution ended, apportionment legislation began to be adopted. This legislation abrogated the concept of "indivisible liability" and allowed for its division among tortfeasors and also recovery for a plaintiff who contributed to his/her own harm. Prosser commented on the problems that apportionment legislation was intended to address as follows:³⁵

The attack upon [indivisible liability] has been founded upon the obvious injustice of a rule which visits the entire loss caused by the fault of two parties on one of them alone. No one ever has succeeded in justifying that as a policy, and no one ever will. Its outrageousness became especially apparent in the cases of injuries to employees, where a momentary lapse of caution after a lifetime of care in the face of the employer's negligence might wreck a man's life and leave him uncompensated as a charge upon society; and the demand for some modification of the rule became an integral part of the movement which finally led to the workmen's compensation acts.

In addition, scholars have observed that apportionment legislation was introduced in the mid-1900's because "the pressure of the increasing automobile accident rate compelled consideration of the problem of the uncompensated victim" ³⁶,

³⁴ Prosser, William L. *Comparative Negligence* 1952, 1 51 Mich. L. Rev. 465, p. 468.

³⁵ *Ibid.* p. 469.

³⁶ *Ibid.* at p. 466.

again a reflection of an increasingly plaintiff-friendly society. That is, drivers are often partially to blame for their injury and apportionment legislation permitted them to recover for the percentage which the defendant added to their harm.

“During the war, when gasoline rationing reduced the accident rate, the agitation [for apportionment legislation] fell off; but when the slaughter on the highways resumed and accelerated, it has been revived in full vigor. A conservative prophet would have no difficulty in predicting the adoption of damage apportionment acts in several additional [jurisdictions] within the next few years.”³⁷

Although apportionment legislation originated to increase the ability of plaintiffs to recover in employment and vehicle accident claims, the elimination of ‘indivisible liability’ also pointed to the inequity associated with joint liability. Just as the inherent unfairness of denying a plaintiff any recovery on the basis that they were found partially, even 1%, at fault for their own injuries, so too did a critical examination of “indivisible liability” lead many to question the fairness of saddling a defendant found partially responsible, even 1%, for a plaintiff’s injuries to be burdened with responsibility for paying the entire damage award.

Ontario’s joint and several liability regime remains squarely based in its fundamental underlying assumption of joint liability on the outdated and disparaged notion of “indivisible liability”. For that reason alone, the ongoing status of this concept in our law requires serious scrutiny based on contemporary social, moral and economic values to determine if, stripped away from its now disgraced foundations, it maintains ongoing relevancy.

Apart from the lack of any defensible theoretical underpinning or public policy reasons for the introduction of joint liability into the law, there are numerous economic and social concerns arising from the operation of joint and several liability:

³⁷ *Ibid* p.467

- i) The economic environment has undergone significant change which joint and several liability in relation to economic loss fails to reflect. As has been noted:

*"The legal and economic environments have changed since the inception of joint and several liability. Changing attitudes toward litigation, the increasing complexity of business operations and transactions, the increased size and sophistication of corporations and financial institutions and the trend toward the globalization of corporate clients, financial operations and transactions and professional firms have created a situation in which exposure to liability has increased and the magnitude of potential claims against professionals has risen dramatically."*³⁸

- ii) Joint and several liability encourages plaintiffs to target so-called "deep pocket" defendants who are generally insured. The obvious result of this is an exponential rise in insurance claims, a corresponding rise in the cost of insurance and the unavailability of insurance at all in some cases, effectively crippling risk-exposed defendants. Precisely this situation led to the notorious Australian "insurance crisis" which was a major motivation behind a review of joint and several liability in Australia.
- iii) The burden on defendants is exacerbated because 100% liable defendants are likely to be further burdened by expensive litigation in an effort to distribute the damage award in accordance with the court assessed apportionment of liability.
- iv) Historically, tort law has strived to fully compensate for personal injury while the recognition of a duty of care arising out of pure economic loss has been a matter of debate. Law reform, as in the *Canada Business Corporations Act*, has recognized this by modifying joint and several liability in situations of pure economic loss.

³⁸ Report of the Standing Senate Committee on Banking, Trade and Commerce, Chairman: The Honourable Michael Kirby, *Joint and Several Liability and Professional Defendants*, March 1998, Part II, p.4; Canadian Bar Association, *Professional Liability*, Submission in Response to Senate Committee on Banking, Trade and Commerce, Options Discussion Paper, November 1997, p. 4.

- v) Federal Bill S-11 received Royal Assent in 2001 and modernized *the Canada Business Corporations Act* (CBCA) and the *Canada Cooperatives Act* (*Cooperatives Act*) to establish a regime of modified proportionate liability for the accounting profession. It responded to issues raised by the Canadian Institute of Chartered Accountants for two of the same reasons municipalities are targeted: “deep pocket” defendants known to be insured or solvent and subject to insurance liability premiums as a result.
- vi) Although there is a wide variety of liability reforms in various jurisdictions, Canada is doubtlessly lagging behind in these reforms, compounding these problems in an international marketplace.
- vii) Liability of municipalities in relation to negligent construction: when a building is negligently built, a municipal inspector (who are very often not engineers) is charged with approving the final plans and construction. This gives rise to a portion of fault attributed to the municipality. When joint and several liability is in place, the primarily at-fault construction firm is typically operating under a one-time-use, numbered corporation with no assets, leaving the municipality to foot the entire bill. The harshness of joint and several liability in cases of construction negligence is well illustrated by the notorious ‘leaky condo’ cases in Western Canada, as exemplified in the British Columbia Superior Court decision, *Strata Plan NW 3341 v. Canlan Ice Sports Corp.*³⁹ In that case, damages were apportioned between the project developer, designer, contractor and the municipality (the municipality being attributed the smallest share of liability). Due to insufficient funds and out of court deals made by all of the other parties, the municipality was left responsible for 100% of the settlement and in excess of \$3 million in damages despite its minimal contribution to the harm. This situation has been recognized and mitigated in some Australian provinces, as noted elsewhere in this paper.
- viii) Civil liability risk is a serious barrier to redevelopment of brownfield sites within municipal boundaries. (See section below.)

39 [2001] B.C.J. No. 1723 (S.C.J.).

Brownfields Redevelopment

The concept of "polluter pays" coupled with the exposure to civil joint and several liability when a contaminated site is developed, creates significant obstacles to the redevelopment of brownfield sites. See Imperial Oil Ltd. v. Quebec (Minister of the Environment)⁴⁰ and Imperial Oil Ltd. v. Alberta (Minister of Environment)⁴¹ and Monarch Construction Ltd. v. Axidata Inc.⁴² In order to avoid the potential civil liability, large industrial owners of contaminated property choose to fence these sites and leave them to sit for 30, 50 or 100 years – whatever it takes for legislation to limit their exposure to liability. They are willing to accept their proportionate share of responsibility, however they will not accept responsibility for a future development by a third party that fails to take into account the condition of the lands. In these circumstances, the only way that municipalities can encourage large tracts of land, often located at premium locations within a city, such as waterfront lands, to be developed is for the municipality to offer indemnification and accept responsibility for the risk of a future damages award relating to the contamination.

The owners of brownfield sites see the municipality as the only body that will be in existence and have sufficient assets to provide the protection from liability they require to allow the sites to be developed. A prime example of this is the City of Toronto portlands site acquired from Imperial Oil. While this site was required for purposes of the Toronto Economic Development Corporation (TEDCO), which is and always has been 100% owned by the City of Toronto, the Corporation of the City of Toronto itself was made to take title to the property and provide the necessary indemnifications for the transaction to occur. As the aforementioned decisions indicate, the owners of large contaminated properties cannot accept the exposure to liability for future development given the applicability of joint and several liability.

The National Roundtable on the Environment and the Economy ("NRTEE") is an independent advisory body made up of leading environmental experts appointed by the Prime Minister to prepare a national brownfield redevelopment strategy. In 2003, NRTEE issued its report entitled "Cleaning Up the Past, Building For the Future". In respect of brownfield redevelopment, NRTEE found that fiscal and legal barriers often skewed development away from brownfield locations. In addition to the upfront costs of brownfield projects and lack of information about sites, the Report noted, "the most significant market failures preventing redevelopment include: regulatory liability risk and civil liability risk."⁴³

The report goes on to add that, "Provincial leadership, for example, is needed to resolve many of the challenges generated by liability regimes."⁴⁴

Complicated and overlapping government regulatory schemes and the absence of Canada-wide coordination were also identified as barriers to brownfield redevelopment. NRTEE called for a limitation on liability by setting out clear, fair and consistent public policies to deal with both regulatory liability risk and civil liability risk, including the risk created by joint and several liability.

40 Imperial Oil Ltd. v. Quebec (Minister of the Environment) [2003] S.C.J. No. 59

41 Imperial Oil Ltd. v. Alberta (Minister of Environment) [2003] A.J. No. 721

42 Monarch Construction Ltd. v. Axidata Inc. [2009] O.J. No. 723

43 National Round Table on the Environment and the Economy, 2003. "Cleaning up the Past, Building the Future: A National Brownfield Redevelopment Strategy for Canada" Page x

44 Ibid. Page 37

In a letter dated September 20, 2006, addressed to the Premier of Ontario and validating the recommendations in the report, these 17 stakeholders indicated that the major barrier to brownfield redevelopment in Ontario is "the existing uncertain liability regime". This letter was signed by 17 different stakeholders including the Association of Municipalities of Ontario, Canadian Brownfields Network, Canadian Petroleum Products Institute, Canadian Urban Institute, Greater Toronto Homebuilders Association and Seneca College, to name a few.

- ix) Lastly, and perhaps most obviously, is the sacrifice of general fairness and equity associated with imposing the entire burden of a plaintiff's damages on a sole defendant regardless of that defendant's degree of fault simply because other defendants (who are typically the most blameworthy parties) lack the financial means to fund the damage award.

Joint and Several Reform in Common Law Jurisdictions

The concerns discussed earlier in this paper have been considered in various jurisdictions and it seems as though change is in the air. What follows is a review of some of the reforms adopted in other common law jurisdictions which serve as a useful guide for Canadian jurisdictions in considering the merits of the current joint and several liability rules in the current socioeconomic context. Not only is a review of changes instituted in other jurisdictions helpful in informing Ontario's position, they also point to the need for reform in order for Ontario to remain competitive internationally.

Proportionate Liability

i. Canada:

In 1995, Industry Minister John Manley asked the Standing Committee on Banking, Trade, and Commerce to review the *Canadian Business Corporations Act* ("CBCA") in relation to the liability of auditors. The Canadian Institute of Chartered Accountants ("CICA") was heard by this committee, which argued for a proportionate liability scheme in relation to negligently issued financial information by an organization. Although the CICA recommended proportionate liability for sophisticated investors, it did not think joint and several should be abolished in the case of unsophisticated investors.

The committee's recommendations culminated in amendments reflected in section 237.2 of the *CBCA*.⁴⁵ This section provides for qualified proportionate liability: that is, sub section (2) allows for increased liability attributed to a defendant in the event of another defendant being insolvent; subsection (3) provides that the uncollectible amount will be evenly distributed between solvent defendants; subsection (4) caps this reallocated amount to an additional 50% of the original liability found against the defendant, limited to cases in which there is no fraud and subject to the court allowing full joint and several liability if the circumstances justify it.⁴⁶ Currently, CICA is seeking to extend proportionate liability to other Acts which impact on its members' liability, including the *Corporate Credit Associations Act*, *Trust and Loan Companies Act*, and the *Insurance Companies Act*. CICA argues that chartered accountants are affected under these statutes just as under the *CBCA* and their liability must be limited in these contexts as well.

ii. Saskatchewan:

In 2005 Saskatchewan amended its *Contributory Negligence Act* to address situations where liable defendants cannot fund an award of damages. The Act provides that if a defendant cannot fund its proportion of liability, as found by the Court, the uncollectible amount will be apportioned between all parties, including the plaintiff where the plaintiff is found contributorily negligent.

iii. British Columbia:

British Columbia has implemented proportionate liability.

iv. Australia:

Australia has, in several states, abolished joint and several liability with regard to negligent building construction and replaced it with a proportionate liability scheme.⁴⁷ To ensure the ability of plaintiffs to fully recover, this proportionate liability scheme was supplemented with mandatory insurance for Australian

⁴⁵ *Canadian Business Corporations Act* R.S., 1985, c. C-44, s. 1; 1994, c. 24, s. 1(F), s. 237.3(1);

⁴⁶ *Supra* note 17, s.237.6(1)

⁴⁷ "Australia: Proportion Liability – Can you avoid it?" 03 September 2009, Andrew Barclay and Dianna Gu, www.monday.com/australia

construction firms. For example, if one defendant who is 50% liable for the collapse of a building is insolvent when the action is brought, that 50% is not attributed to another defendant (as is the case in a typical joint and several regime such as Canada) but to the insurer of the insolvent defendant.

Despite Australia's reform of joint and several liability with regard to building construction, the 2002 "Ipp report"⁴⁸ recommended "[i]n relation to negligently caused personal injury and death, the doctrine of [joint and several] liability should be maintained and not replaced with proportionate liability".⁴⁹ The reason given for this conclusion is that a plaintiff should not bear the burden of the possibility that one or more defendants is insolvent. The report does not speak to this same inequitable burden being imposed on solvent defendants.

v. United States:

The US torts law treatise, *Restatement of the Law of Torts: Apportionment of Damages*,⁵⁰ published in 2000, canvassed the five joint and several liability models in effect in the various U.S. states⁵¹. These positions are:

vi. Status Quo - Maintenance of Joint and Several Liability

Traditional joint and several position where the onus is on the named defendant to recover his disproportionate loss from the other respective defendants.

vii. Proportionate Liability

Each defendant is liable only in proportion to their respective apportioned share of liability. The onus is on the plaintiff to collect from each individual defendant.

States that have instituted this reform include: Georgia, Illinois, Utah, Florida, and Alaska.

⁴⁸ *Review of the Law of Negligence: Final Report*, David Andrew Ipp for the Commonwealth of Australia, 2002.
⁴⁹ *Ibid* at 12.19; recommendation 44.

⁵⁰ *Restatement of the law, torts—apportionment of liability : proposed final draft* the American Law Institute, St Paul, MN: American Law Institute, c2000.

⁵¹ See Appendix A for a list of reforms by date in the respective States.

viii. Joint and Several Liability with Reallocation

Traditional joint and severable liability is maintained until one defendant is unable to satisfy their portion of the damages. At this point, the portion attributed to the insolvent entity is evenly distributed to the remainder of the parties involved, including the plaintiff. This is similar to the reforms in the *CBCA* expect that the plaintiff is not one of the parties subject to the allocation of the insolvent defendant's short-fall in Canada. States that have implemented this reform include: Arkansas, Oregon, and Montana.

ix. Joint and Severable Liability at a Percentage Threshold

Joint and severable liability applies only when the defendant whom the plaintiff sues is found culpable beyond a set percentage. Once this threshold has been met, the defendant can be held jointly and severably liable for 100% of the damage. Variations of this reform can be seen in many States, including: Texas, with a 50% threshold; West Virginia, with a 30% threshold; Minnesota, with a greater than 50% threshold; Pennsylvania, with a 60% threshold; Oregon, with a 20% threshold.

x. Joint and Severable Liability Based on Type of Damage

Where there is pecuniary damage, defendants remain jointly and severably liable. Where the damage is non-pecuniary, damages are recoverable only proportionately. States which have made this reform include: California, New York, Mississippi, Nevada, and Nebraska. The American Tort Reform Association provides an up to date list of reforms in this area,⁵² a copy of which is attached as a Schedule to this paper. The Schedule indicates that 38 of 50 U.S. jurisdictions have legislatively abolished or reformed the law of joint or several liability to one degree or another.

⁵² This list can be found online at <http://www.atra.org/issues/index.php?issue=7345&display=bydate>.

New Directions for Ontario

Joint and several liability evolved when society was not provided with publicly funded health care or a social “safety net”. Since that era, various support mechanisms to provide for an aggrieved party’s support have been implemented. These include but are not limited to:

- Accident Benefit schemes for those injured in automobile accidents,
- Universal healthcare,
- Employers benefit plans,
- Private disability insurance,
- New homebuilders insurance,
- Title Insurance, and
- Workers Compensation.

The need to have a safety net for those suffering injury or property damage has therefore waned. Alternatives to the joint and several provisions need to be debated.

There are many options of reform available. A pure proportionate (several) liability system would allow compensation to an injured plaintiff to the extent that any defendant is found liable. Therefore if a municipality was found 25% liable and another codefendant 75%, but without funds to pay, the municipality would pay only its 25%.

Modified proportionate liability systems exist. In some Australian states the system applies to claims for economic loss while claims for general damages, pain and suffering, remain subject to joint and several liability.

Some jurisdictions in the United States have adopted another modification of proportionate liability. Those systems are premised on a defendant paying only their several liability proportion, up to a percentage. Above that percentage, joint and several liability applies and that defendant then pays 100% if other

codefendants cannot fund their share. The threshold percentage is usually 50%.

The last serious look in Ontario at the issue was a report prepared by Professor Roger Wolff on claims made against public accountants in 1994. The Wolff report recommended to the Government of Ontario a system of proportionate liability.⁵³ Fifteen years later, the Law Commission of Ontario has just begun a new review of proportionate liability as it applies to public accountants. It is time for a similar action as it applies to municipalities.

- **Proportionate Liability**

This system is operating successfully in many States and portions of Australia. A pure proportionate (several) liability system would allow compensation to an injured plaintiff to the extent that any defendant is found liable. Therefore if a municipality was found 25% liable and another codefendant 75%, but without funds to pay, the Municipality would pay only its 25%.

Alternatives or modified proportionate liability system do exist.

In some Australian states the system applies to claims for economic loss while claims for general damages, pain and suffering, remain subject to joint and several liability.

Some jurisdictions in the United States have adopted another modification of proportionate liability. Those systems are premised on a defendant paying only their several liability proportion, up to a percentage. Above that percentage, joint and several liability applies and that defendant then pays 100% if other codefendants cannot fund their share. The threshold percentage is usually 50%.

⁵³ Ibid. Part 3, Section 3, Section G, 3.b.

Conclusion

This paper has demonstrated the effects of joint and several liability on municipalities in some key areas – 1) building inspections, 2) the scaling back of services in response to 'liability chill', 3) the slow pace of redeveloping brownfield sites, and 4) motor vehicle and road safety.

This paper has revealed that the origin of joint and several liability has never been an explicit legislated intent of common law jurisdictions. Many common law jurisdictions around the world have adopted legal reforms to limit the exposure and restore balance. In fact various forms of proportionate liability have now been enacted by all of Ontario's competing Great Lakes states as well as 38 other states south of the border.⁵⁴ The Australian Government has stated that it will be seeking the agreement of state governments, to "introduce proportionate liability in some instances to replace the rule of joint and several liability."⁵⁵ It is time for Ontario to do the same.

Ontario municipalities call on the Government to reform joint and several liability as it exists today, with a particular regard for the impact it has on 'deep pocket' property taxpayers and their communities. Ontario municipalities ought not to be insurers of last resort, targeted deliberately in some instances because of joint and several. If this situation is allowed to continue, the scaling back on public services in order to limit liability exposure and insurance costs will only continue. Regrettably it will be at the expense of local communities across the province.

⁵⁴ Chartered Accountants of Ontario <http://www.casforchange.ca/LE/index.aspx>

⁵⁵ Ibid. Chapter 3, paragraph 3.61

AMO's 2011 Municipal Insurance Survey Results

Managing the Cost of Risk

August 23, 2011

**Association of
Municipalities
of Ontario**

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AMO's 2011 Municipal Insurance Survey Results

The Association of Municipalities of Ontario has completed the first ever comprehensive survey of municipal insurance costs across the province. The survey reveals that since 2007, liability premiums have increased by 22.2% and are among the fastest growing municipal costs. Total 2011 Ontario municipal insurance costs are \$155.2 million. Liability premiums make up the majority of these expenses at \$85.5 million. Property taxpayers are paying this price.

Insurance costs exceed annual province-wide municipal spending in each of these respective areas: maintaining bridges and culverts, administering and providing Ontario Works employment assistance benefits, and funding Conservation Authorities.

These costs disproportionately affect small municipalities. The per capita insurance costs for communities with populations under 10,000 are \$37.56. By comparison, per capita costs in large communities with populations over 75,000 are \$7.71. Property taxpayers in one northern community are spending more on insurance than their library. In one southern county, for every \$2 spent on snowplowing roads, another \$1 is spent on insurance.

The survey was prompted by anecdotal reports of rising insurance costs. It sought to quantify, in part, some of the costs associated with joint and several liability in the provincial *Negligence Act*. It does not include legal fees, self-insurance costs, settlements, risk management expenses or court mandated awards. Based on current trends, insurance costs will rise to \$214 million annually by 2020.

The insurance premiums paid by municipalities reflect the legal reality that municipalities are "deep pocket" defendants, often targeted for litigation because the law has established such a low threshold of responsibility. Just a fraction of fault can cost a municipality millions of dollars. The premiums charged by insurance companies, non-profit insurance reciprocals and pools reflect, in part, this legal risk.

Continued advocacy by municipalities is needed to help change this legal environment and explore alternatives such as proportionate liability. Many common law jurisdictions have pursued proportionate liability in the face of rising costs and this unequitable burden. AMO looks forward to discussing these pressing municipal issues with the next government.

Please see the back of this booklet for tips on managing your municipal premiums.

Municipal Insurance Survey Results

AUGUST 23, 2011

Survey Results for 2011¹	All Municipalities
Total Insurance Costs²	
Average Annual Insurance Premium for 2011	\$378,589
Total Insurance Costs for 2011	\$155,221,422
Avg. % Change in Premiums since 2007	Up 20.8%
Liability Insurance³	
Avg. Annual General Liability Insurance Premium for 2011	\$208,767
Total Premium Costs for 2011	\$85,594,449
Avg. % Change in Premiums since 2007	Up 22.2%
Avg. Per Occurrence Deductible	\$108,583
Avg. % Change in Deductibles since 2007	Up 2.4%
Avg. Total Annual Dollar Limit of Coverage	\$27,327,876
Property Insurance⁴	
Avg. Annual Property Insurance Premium for 2011	\$82,774
Total Premium Costs for 2011	\$33,937,189
Avg. % Change in Premiums since 2007	Up 16%
Avg. Annual Deductible	\$46,882
Avg. % Change in Deductibles since 2007	Up 2.8%
Avg. Total Value Insured	\$162,501,159
Automobile Insurance	
Avg. Auto Insurance Premium for 2011	\$78,812
Total Premium Costs for 2011	\$32,312,881
Avg. % Change in Premiums from 2007	Up 21.2%
Avg. Annual Auto Insurance Deductible	\$42,085
Avg. % Change in Deductibles since 2007	Up 3.6%

¹ All results have been weighted from a sample size of between 97 and 122 municipalities representing approximately 50% of the Ontario population. With a 95% confidence limit, the results are accurate to within +/- 7.42%. Premiums vary based on individual municipal claims history.

² Premiums include all coverage from general liability, property and automobile insurance plus other coverage, including other liability insurance as well as environmental, transit, crime, aviation, and marine insurance.

³ Includes coverage for annual aggregate commercial or comprehensive general liability insurance (including primary, umbrella and excess layers).

⁴ Deductible includes coverage for boiler and machinery.

Small Municipalities with Population under 9,999

AUGUST 23, 2011

<i>Survey Results for 2011¹</i>	<i>Municipalities with a population of 1-5,000</i>	<i>Municipalities with a population of 5,001- 9,999</i>
Total Insurance Costs²		
Average Annual Insurance Premiums for 2011	\$98,757	\$189,765
Avg. % Change in Premiums since 2007	Up 13.4%	Up 15%
Liability Insurance³		
Avg. General Liability Insurance Premiums for 2011	\$68,680	\$120,780
Avg. % Change in Premiums since 2007	Up 20.0%	Up 8.2%
Avg. Per Occurrence Deductible	\$6,667	\$9,808
Avg. % Change in Deductibles since 2007	Up 2.6%	Up 7.4%
Avg. Total Annual Dollar Limit of Coverage	\$22,203,125	\$21,730,769
Property Insurance⁴		
Avg. Annual Property Insurance Premium for 2011	\$26,920	\$44,932
Avg. % Change in Premiums since 2007	Up 2.8%	Up 26.7%
Avg. Total Value Insured	\$22,497,108	\$44,661,275
Avg. Annual Deductible	\$8,393	\$6,944
Avg. % Change in Deductibles since 2007	Up 2.2%	Up 4.2%
Automobile Insurance		
Avg. Auto Insurance Premium for 2011	\$19,476	\$28,330
Avg. % Change in Premiums since 2007	Up 21%	Up 8.8%
Avg. Annual Auto Insurance Deductible	\$4,192	\$5,019
Avg. % Change in Deductibles since 2007	Up 19.8%	Up 5.9%

¹ All results have been weighted from a sample size of between 97 and 122 municipalities representing approximately 50% of the Ontario population. With a 95% confidence limit, the results are accurate to within +/- 7.42%. Premiums vary based on individual municipal claims history.

² Premiums include all coverage from general liability, property and automobile insurance plus other coverage, including other liability insurance as well as environmental, transit, crime, aviation, and marine insurance.

³ Includes coverage for annual aggregate commercial or comprehensive general liability insurance (including primary, umbrella and excess layers).

⁴ Deductible includes coverage for boiler and machinery.

Medium Municipalities with Population of 10,000-74,999

AUGUST 23, 2011

<i>Survey Results for 2011¹</i>	<i>Municipalities with a population of 10,000-42,500</i>	<i>Municipalities with a population of 42,501- 74,999</i>
Total Insurance Costs²		
Average Annual Insurance Premiums for 2011	\$375,666	\$895,023
Avg. % Change in Premiums since 2007	Up 25.4%	Up 8.6%
Liability Insurance³		
Avg. Annual General Liability Insurance Premiums for 2011	\$241,006	\$535,810
Avg. % Change in Premiums since 2007	Up 34.9%	Up 5.3%
Avg. Per Occurrence Deductible	\$14,167	\$41,500
Avg. % Change in Deductibles since 2007	Up 10.1%	Up 105.3%
Avg. Total Annual Dollar Limit of Coverage	\$33,335,185	\$41,428,571
Property Insurance⁴		
Avg. Annual Property Insurance Premium for 2011	\$76,405	\$170,315
Avg. % Change in Premiums since 2007	Up 19.7%	Up 5.1%
Avg. Total Value Insured	\$62,950,880	\$246,306,435
Avg. Annual Deductible	\$11,111	\$28,125
Avg. % Change in Deductibles since 2007	Up 1.7%	Up 87.5%
Automobile Insurance		
Avg. Auto Insurance Premium for 2011	\$53,845	\$146,336
Avg. % Change in Premiums since 2007	Up 28.5%	Down 4.9%
Avg. Annual Auto Insurance Deductible	\$7,650	\$22,500
Avg. % Change in Deductibles since 2007	Down 1.5%	Up 111.8%

¹ All results have been weighted from a sample size of between 97 and 122 municipalities representing approximately 50% of the Ontario population. With a 95% confidence limit, the results are accurate to within +/- 7.42%. Premiums vary based on individual municipal claims history.

² Premiums include all coverage from general liability, property and automobile insurance plus other coverage, including other liability insurance as well as environmental, transit, crime, aviation, and marine insurance.

³ Includes coverage for annual aggregate commercial or comprehensive general liability insurance (including primary, umbrella and excess layers).

⁴ Deductible includes coverage for boiler and machinery.

* Reflects changes in policy.

Large Municipalities with Population of 75,000 and up

AUGUST 23, 2011

<i>Survey Results for 2011¹</i>	<i>Municipalities with a population of 75,000-165,000</i>	<i>Municipalities with a population of 165,001+</i>
Total Insurance Costs²		
Average Annual Insurance Premium for 2011	\$1,420,459	\$2,313,802
Avg. % Change in Premiums since 2007	Up 27.3%	Up 32.5%
Liability Insurance³		
Avg. Annual General Liability Insurance Premium for 2011	\$706,996	\$976,030
Avg. % Change in Premiums since 2007	Up 26.7%	Up 32.6%
Avg. Per Occurrence Deductible	\$177,778	\$584,444
Avg. % Change in Deductibles since 2007	Up 3.2%	Up 5.5%
Avg. Total Annual Dollar Limit of Coverage	\$48,888,889	\$43,750,000
Property Insurance⁴		
Avg. Annual Property Insurance Premium for 2011	\$272,502	\$433,840
Avg. % Change in Premiums since 2007	Up 25.6%	Up 20.2%
Avg. Total Value Insured	\$476,847,515	\$1,467,506,942
Avg. Annual Deductible	\$150,556	\$548,333
Avg. % Change in Deductibles since 2007	No Change (0%)	Up 3.1%
Automobile Insurance		
Avg. Auto Insurance Premium for 2011	\$322,913	\$583,872
Avg. % Change in Premiums since 2007	Up 34%	Up 26.5%
Avg. Annual Auto Insurance Deductible	\$138,889	\$560,278
Avg. % Change in Deductibles since 2007	Up 1.2%	Up 4%

¹ All results have been weighted from a sample size of between 97 and 122 municipalities representing approximately 50% of the Ontario population. With a 95% confidence limit, the results are accurate to within +/- 7.42%. Premiums vary based on individual municipal claims history.

² Premiums include all coverage from general liability, property and automobile insurance plus other coverage, including other liability insurance as well as environmental, transit, crime, aviation, and marine insurance.

³ Includes coverage for annual aggregate commercial or comprehensive general liability insurance (including primary, umbrella and excess layers).

⁴ Deductible includes coverage for boiler and machinery.

Upper Tier Municipalities

AUGUST 23, 2011

Survey Results for 2011¹	Upper Tier Municipalities
Total Insurance Costs²	
Average Annual Insurance Premiums for 2011	\$943,702
Avg. % Change in Premiums since 2007	Up 25.1%
Liability Insurance³	
Avg. Annual General Liability Insurance Premiums for 2011	\$440,005
Avg. % Change in Premiums since 2007	Up 30.9%
Avg. Per Occurrence Deductible	\$913,947
Avg. % Change in Deductibles since 2007	Up 0.8%
Avg. Total Annual Dollar Limit of Coverage	\$28,684,737
Property Insurance⁴	
Avg. Annual Property Insurance Premium	\$198,023
Avg. % Change in Premiums since 2007	Up 24%
Avg. Total Value Insured	\$512,273,482
Avg. Annual Deductible	\$102,632
Avg. % Change in Deductibles since 2007	Up 3%
Automobile Insurance	
Avg. Annual Auto Insurance Premium for 2011	\$302,497
Avg. % Change in Premiums since 2007	Up 20.1%
Avg. Annual Auto Insurance Deductible	\$81,861
Avg. % Change in Deductibles since 2007	Up 1.6%

¹ All results have been weighted from a sample size of between 97 and 122 municipalities representing approximately 50% of the Ontario population. With a 95% confidence limit, the results are accurate to within +/- 7.42%. Results for Upper Tier Municipalities include the Waterloo Region Municipalities Insurance Pool. Premiums vary based on individual municipal claims history.

² Premiums include all coverage from general liability, property and automobile insurance plus other coverage, including other liability insurance as well as environmental, transit, crime, aviation, and marine insurance.

³ Includes coverage for annual aggregate commercial or comprehensive general liability insurance (including primary, umbrella and excess layers).

⁴ Deductible includes coverage for boiler and machinery.

Have questions about the premiums paid by your municipality?

Five things your municipality can do:

- 1. See how your local premiums compare.** Contrast your municipal premiums to the averages listed in this booklet. Keep in mind that this is only one point of reference. Claims history also plays a significant role in determining the premiums charged by insurers and were not part of this survey. Also, the types of facilities and services your community offers will likely differ over others and affect premiums.
- 2. Consider increasing deductibles.** The survey reveals municipal deductibles have remained generally unchanged in the past five years. Consider increasing your municipality's deductible as a way to reduce premiums. This means your municipality will be responsible for managing a greater degree of risk before insurance coverage begins. Discuss this with your insurance provider.
- 3. Review the dollar limits of your municipal liability coverage.** The survey reveals that over the past five years, the dollar limits of coverage have remained unchanged sector wide. With the increasing frequency and size of damage awards, discuss with your insurance provider the continued appropriateness of your municipality's exposure limits.
- 4. Continue to manage risk.** Help to reduce the possibility of claims being made against your municipality by following good risk management practices. More information is available on the Local Authority Services Limited website www.las.on.ca. Look for *Risk Management* under the *Administration Programs* heading.
- 5. Advocate for joint and several liability reform.** As "deep pocket" defendants with seemingly limitless public resources at their disposal through the power of taxation, municipalities have often become the targets of litigation when other defendants do not have the means to pay high damage awards. This reality is reflected in the insurance premiums paid by municipalities. Many common law jurisdictions have adopted reforms to restore the balance. Add your municipality's voice to the call for Ontario to do the same.

For information please contact Matthew Wilson, Senior Policy Advisor at mwilson@amo.on.ca or call 416-971-9856 extension 323.

August 23, 2011



**CORPORATION OF THE TOWNSHIP OF MULMUR
PUBLIC MEETING FOR A PROPOSED
ZONING BY-LAW AMENDMENT**

Date of Notice: July 17, 2019

The Corporation of the Township of Mulmur will hold a Public Meeting pursuant to Sections 34 of the Planning Act (1990) to consider an amendment to the Zoning By-law.

The public meeting will be held at the Mulmur Township Offices, located at 758070 2nd Line East at 9:05AM on August 7, 2019.

A copy of the proposed amendment is available for review at the municipal office during regular office hours. Anyone wishing to address Council with respect to the proposal may do so at the public meeting. Persons unable to attend the public meeting may provide written comments up until the time of the public meeting. If you wish to be notified of the decision on the proposed application, you must make an oral or written request to the Township of Mulmur. If a person or public body does not make oral submissions at the public meeting or make written submissions to Mulmur Township before the by-law is passed, the person or public body is not entitled to appeal the decision of Council and the Corporation of the Township of Mulmur to the Local Planning Appeal Tribunal (LPAT). Furthermore, the person or public body may not be added as a party to the hearing of an appeal before the LPAT unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

PURPOSE AND EFFECT OF THE AMENDMENT

The Purpose of the Amendment is to provide increased regulations with respect to billboard signs. Billboard signs are currently permitted on most properties, subject to setbacks. The proposed regulations would require all billboard applications to be considered on a site-by-site basis and through a public meeting and site-specific zoning by-law amendment.

LANDS AFFECTED

The Zoning By-law Amendment affects all lands within the Township. For this reason, no map is provided.

For more information contact:

Tracey Atkinson, Planner

705-466-3341x222

tatkinson@mulmur.ca

INFO#9
AUG 15 2019

Denise Holmes

From: Watson & Associates Economists Ltd. <info@watsonecon.ca>
Sent: Thursday, July 25, 2019 6:30 PM
Subject: Bill 108 Draft Regulations - Review and Commentary by Watson & Associates Economists Ltd.
Attachments: Bill 108 Regulations - July 25 2019 Letter to Province - Final.pdf

Good afternoon,

On behalf of our many municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the *Development Charges Act* (D.C.A.) as proposed by Bill 108. The Province has recently released draft Regulations related to the D.C.A. and the community benefits charge (C.B.C.).

The attached letter provides Watson's review and commentary on the Regulations proposed for the D.C.A. and the *Planning Act* (as they relate to the C.B.C.).

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July 25, 2019

To Our Development Charge Clients:

Re: Bill 108: Draft Regulations for the Development Charges Act and Planning Act (Community Benefits Charge Related)

On behalf of our many municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the *Development Charges Act* (D.C.A.) as proposed by Bill 108. The Province has recently released draft Regulations related to the D.C.A. and the community benefits charge (C.B.C.). These Regulations are posted on the Environmental Registry of Ontario for public comment which is open until August 21, 2019. Comments may be made at the following websites:

- Development Charge Regulation – <https://ero.ontario.ca/notice/019-0184>; and
- Community Benefits Charge Regulation – <https://ero.ontario.ca/notice/019-0183>.

We would note that the Province has established a Technical Working Committee to advise on the methodological approach for the development of a proposed formula to be used in the C.B.C. calculation. Gary Scandlan has been invited and will participate as a member of this committee.

This letter provides a review and commentary on the Regulations proposed for the D.C.A. and the *Planning Act* (as they relate to the C.B.C.). These draft Regulations are included in the attached Appendices. Note that some of the proposed changes are provided directly in the draft Regulations while other comments were included in other documents circulated by the Province.

Proposed D.C.A. Regulation Changes – ERO Number 019-0184

1. Transition of Discounted Soft Services

Provides for transition to the C.B.C. authority during the period of January 1, 2020 to January 1, 2021.

- Confirm that all D.C.A. provisions of Bill 108 will be effective at the municipality's discretion during the transition period (i.e. by January 1, 2021), such that development charge (D.C.) by-law amendments for collections and statutory exemptions can take effect at the same time as transitioning soft services.



2a). D.C. Deferral

Provides for the deferral of D.C.s for rental housing development, non-profit housing development, institutional/industrial/commercial development until occupancy.

- This speaks to “until occupancy;” however, it is proposed to be collected during a term (5 or 20 years) beyond occupancy. Clarify that this means period “from the date of occupancy.”
- As the landowner may change during the period when payments are being made, how will municipalities be able to track the changes in ownership? Is there an ability to place a notice on title of the land?
- Can security be taken to ensure recovery of the payments?

2b). Deferral Definitions

“Non-profit housing development’ means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure...”

- This appears to cover both new developments as well as redevelopment. Need to consider how the application of D.C. credits would apply on redevelopments.

“Rental housing development’ means...four or more self-contained units that are intended for use as rented residential premises.”

- Definition speaks to “intended.” What requirement is in place for these units to remain a “rented residential premises” and over what period of time?
- Can municipalities impose requirements to maintain status over the term of installments?
- How will this be substantiated at the time of occupancy?

“Non-profit housing development’ means...by a non-profit corporation.”

- Any requirement to remain a “non-profit corporation” for a period of time?
- Can municipalities impose requirements to maintain status over the term of installments?
- How will this be substantiated at the time of occupancy?

“Institutional development’ means...long-term care homes; retirement homes; universities and colleges; memorial homes; clubhouses; or athletic grounds of the Royal Canadian Legion; and hospices.”

- Long-term care homes and retirement homes are considered in some municipalities as residential developments with charges imposed based on



number of dwelling units. Does this require these developments to be charged as non-residential developments based on gross floor area of development?

- Does the phrase “universities and colleges” relate only to the academic space? Many municipalities impose charges on the housing related to the institution.

“‘Commercial development’ means...office buildings as defined under subsection 11(3) in Ontario Regulation 282/98 under the Assessment Act; and shopping centres as defined under subsection 12(3) in Ontario Regulation 282/98 under the Assessment Act.”

- This would appear to apply to a subset of commercial types of development. The *Assessment Act* defines a shopping centre as:
 - “i. a structure with at least three units that are used primarily to provide goods or services directly to the public and that have different occupants, or
 - ii. a structure used primarily to provide goods or services directly to the public if the structure is attached to a structure described in subparagraph i on another parcel of land.”
 - “‘Shopping centre’ does not include any part of an office building within the meaning of subsection 11 (3).”
- Office includes:
 - “(a) a building that is used primarily for offices,
 - (b) the part of a building that, but for this section, would otherwise be classified in the commercial property class if that part of the building is used primarily for offices.”
- Confirm all other types of commercial will continue to be charged fully at the time of building permit issuance.
- Will these definitions require D.C. background studies to further subdivide the growth forecast projections between shopping centre, office and other commercial development for cashflow calculation purposes?

Administration of deferral charges in two-tier jurisdiction.

- Regulation does not speak to policies for upper- and lower-tier municipalities. Areas where variation could occur include collection of installments (e.g. who monitors and collects installments), commonality for processing payment defaults, interest rates, etc.

3. D.C. Freeze for Site Plan and Zoning By-law Amendment

The D.C. quantum would be frozen “until two years from the date the site plan application is approved, or in the absence of the site plan application, two years from the date the zoning application was approved.”



- D.C.s are frozen from date of site plan or zoning by-law application up to a period of 2 years after approval. In the situation where the planning application is appealed by the applicant, would they still be entitled to the rates at the date of planning application submission?
- This provision may provide for abuse where land owners may apply for minor zoning changes in order to freeze the D.C. quantum for several years.

4. Maximum Interest Rates on D.C. Deferrals for Freeze

Minister is not proposing to prescribe a maximum interest rate that may be charged on D.C. amounts that are deferred or on D.C.s that are frozen.

- Municipalities will need to consider what rates are to be used in this regard (e.g. annual short-term borrowing rates, long-term debenture rates, maximum rates on unpaid taxes, etc.).
- Should there be consistency between upper- and lower-tier municipalities?
- If interest rate selected is too high, would it discourage paying installments?

5. Additional Dwelling Units

It is proposed that the present exemption within existing dwellings be expanded to allow "...the creation of an additional dwelling in prescribed classes of residential buildings and ancillary structures does not trigger a D.C." Further, in new single, semi and row dwellings (including ancillary structures), one additional dwelling will be allowed without a D.C. payment. Lastly, it is proposed that, "...within other existing residential buildings, the creation of additional units comprising 1% of existing units" would be exempted.

- All the noted exemptions should be granted once, so as to not allow for multiple exemptions in perpetuity.
- Need to define a "row dwelling." Does this include other multiples such as stacked and/or back-to-back townhouses?

C.B.C. – Proposed Planning Act Regulation - ERO Number 019-0183

1. Transition

The specified date for municipalities to transition to community benefits is January 1, 2021.

- While this seems like a long period of time, there are over 200 municipalities with current D.C. by-laws. As it will take some time to evaluate the approach to these studies, carry out the studies, undertake a public process and pass by-laws, the time frame is limited and should be extended to at least 18 months.



2. Reporting on Community Benefits

"Municipalities would be required annually to prepare a report for the preceding year that would provide information about the amounts in the community benefits charge special account, such as:

- Opening and closing balances of the special account*
 - A description of the services funded through the special account*
 - Details on amounts allocated during the year*
 - The amount of any money borrowed from the special account, and the purpose for which it was borrowed*
 - The amount of interest accrued on money borrowed."*
- Confirm that "special account" and reserve fund have the same meaning.
 - In regard to amounts allocated, within the context of the legislation where 60% of funds must be spent or allocated annually, can amounts be allocated to a capital account for future spending (e.g. recreation facility in year 5)?
 - Similar to D.C. reserve funds, can the funds in the special account only be borrowed for growth-related capital costs?

3. Reporting on Parkland

Prescribed reporting requirements for parkland, "Municipalities would be required annually to prepare a report for the preceding year that would provide information about the amounts in the special account, such as:

- Opening and closing balances of the special account*
 - A description of land and machinery acquired with funds from the special account*
 - Details on amounts allocated during the year*
 - The amount of any money borrowed from the special account, and the purpose for which it was borrowed."*
- In regard to the amount of interest accrued on money borrowed, confirm that the "special account" and reserve fund have the same meaning.
 - This section of the Regulation is introduced to allow municipalities to continue using the current basic parkland provisions of the *Planning Act*. However, in contrast to the current reporting under s. 42 (15) which allows funds to be used "for park or other public recreation purposes," the scope in this Regulation is for "land and machinery." Confirm whether the scope of services has been limited.

4. Exemptions from Community Benefits

"The Minister is proposing that the following types of developments be exempt from charges for community benefits under the Planning Act:

- Long-term care homes*
- Retirement homes*
- Universities and colleges*



- *Memorial homes, clubhouses or athletic grounds of the Royal Canadian Legion*
- *Hospices*
- *Non-profit housing."*
- Confirm that for-profit developments (e.g. long-term care and retirement homes) will be entitled to exemptions.
- Will Regulations prescribe that exemptions must be funded from non-C.B.C. sources, similar to D.C.s?
- Does the phrase "universities and colleges" relate only to the academic space? Many municipalities impose charges on the housing related to the institution.
- Does the phrase "universities and colleges" include private institutions? Should a definition be provided to clarify this?

5. Community Benefits Formula

Provides the authority for municipalities to charge for community benefits at their discretion, to fund a range of capital infrastructure for community services needed because of new development.

- The Regulation notes that, "This capital infrastructure for community services could include libraries, parkland, daycare facilities, and recreation facilities." Is the inclusion of libraries, parkland, daycare facilities, and recreation facilities as capital infrastructure for community services intended to be exhaustive, or are all other "soft" services (e.g. social and health services) eligible to be included as community benefits?
- The C.B.C. payable could not exceed the amount determined by a formula involving the application of a prescribed percentage to the value of the development land. The value of land that is used is the value on the day before the building permit is issued to account for the necessary zoning to accommodate the development. Will a range of percentages be prescribed to take into account varying values of land for different types of development or will the C.B.C. strategy require a weighting of the land values within the calculations?
- Will the range of percentages account for geographic differences in land values (e.g. municipal, county, regional, etc.)?
- Will they account for differences in land use or zoning?
- It is noted that, at present, municipalities may impose parkland dedication requirements and D.C.s on non-residential lands. Will non-residential lands be included as chargeable lands? If not, does this allow municipalities to place 100% of the servicing needs onto residential development?
- This Ministry is not providing prescribed percentages at this time. Can the Province confirm that no prescribed percentages will be proclaimed during the transition period?



6. Appraisals for Community Benefits

It is proposed that,

- "If the owner of land is of the view that the amount of a community benefits charge exceeds the amount legislatively permitted and pays the charge under protest, the owner has 30 days to provide the municipality with an appraisal of the value of land.*
- If the municipality disputes the value of the land in the appraisal provided by the owner, the municipality has 45 days to provide the owner with an appraisal of the value of the land.*
- If the municipality's appraisal differs by more than 5 percent from appraisal provided by the owner of the land, the owner can select an appraiser from the municipal list of appraisers, that appraiser's appraisal must be provided within 60 days."*
- Is the third appraisal binding? Can this appraisal be appealed to L.P.A.T.?
- Can the costs for appraisals be included as eligible costs to be funded under the C.B.C.?
- Do all municipalities across the Province have a sufficient inventory of land appraisers (i.e. at least 3) to meet the demands and turnaround times specified within the Regulations?

7. Excluded Services for Community Benefits

"The following facilities, services or matters are to be excluded from community benefits:

- Cultural or entertainment facilities*
- Tourism facilities*
- Hospitals*
- Landfill sites and services*
- Facilities for the thermal treatment of waste*
- Headquarters for the general administration of municipalities and local boards."*
- This would be consistent with the ineligible services list currently found under the D.C.A. Is there a distinction between "the thermal treatment of waste" and incineration?
- Will there be any limitation to capital costs for computer equipment or rolling stock with less than 7 years' useful life (present provision within the D.C.A.)?
- Will the definition of eligible capital costs be the same as the D.C.A.?
- Question this relative to the description of community services in item 5 above.

8. Community Planning Permit System

Amendments to the Planning Act will allow conditions requiring the provision of specified community facilities or services, as part of the community planning permit system (which combines and replaces the individual zoning, site plan and minor variance processes). It is proposed, "that a community benefits charge by-law would



not be available for use in areas within a municipality where a community planning permit system is in effect and specified community services are identified."

- The above suggests different charges to different lands. It is unclear as to the amount of recovery provided under the C.B.C. and that allowed under the community planning permit system.
- Will the community planning permit system have the same percentage of land value restrictions as the C.B.C.?


9. Other Matters


The following are questions arising from the new cost recovery approach which is not clearly expressed in the draft legislation.

- If a land owner sells the property at a discounted value, does an appraisal of that land relative to similar lands override the discounted value shown in the actual sale?
- Will Counties and Regions be allowed to continue the collection of their soft services? How will their percentage of the land value be allocated? If they are required to provide an averaged percentage across their jurisdiction, how are they to recover their costs if, say, their percentage of land value can be absorbed within the urban municipalities but not absorbed within the rural municipalities?
- How are mixed uses to be handled? For example, exempt institutional uses are planned for the first floor of a high-rise commercial/residential building.
- Will ownership vs. use impact on the ability to impose the charge?

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.


Gary D. Scandlan, BA, PLE
Director


Andrew Grunda, MBA, CPA, CMA
Principal



Appendix A

Draft Regulations - Development Charges Act

Draft Regulations – Development Charges Act

The More Homes, More Choice Act, 2019 received Royal Assent on June 6, 2019. Schedule 3 of the Act makes amendments to the Development Charges Act to reduce development costs and provide more housing options to help make housing more attainable for the people of Ontario.

There are provisions in the Act that require additional details to be prescribed by regulation. The following are matters that the province is proposing to prescribe in regulation.

Regulatory changes: General

1. Transition

The amendments in Schedule 12 of the More Homes, More Choice Act, 2019 would, upon proclamation, provide transitional provisions for section 37, and section 42 under the Planning Act, and in Schedule 3 of the Act provide transitional provisions for development charges for discounted services (soft services) under the Development Charges Act to provide for the flexibility necessary for municipalities to migrate to the community benefits charge authority.

Municipalities would be able to transition to the community benefits charge authority once the legislative provisions come into force (as will be set out in proclamation). It is proposed that the legislative provisions related to community benefits charges would come into force on January 1, 2020.

An amendment to the Development Charges Act, 1997 provides for a date to be prescribed in regulation that would effectively establish a deadline as to when municipalities must transition to the community benefits authority if they wish to collect for the capital costs of community benefits from new development (unless a municipality will only collect parkland).

Proposed content

The Minister proposes that the specified date for municipalities to transition to community benefits is January 1, 2021.



From this date to beyond:

- Municipalities would generally no longer be able to collect development charges for discounted services

2. Scope of types of development subject to development charges deferral

The province recognizes that development charges are one of the many demands on cashflow for new development. Mandating the deferral of development charge alleviates some pressure on cashflow which could increase the likelihood of riskier, cost-sensitive housing projects, such as purpose-built rentals proceeding. As such, amendments to the Development Charges Act made by Schedule 3 of the More Homes, More Choice Act, 2019 would, upon proclamation, provide for the deferral of development charges for rental housing development; non-profit housing development; institutional development; industrial development; and commercial development until occupancy.

The proposed regulatory change would provide further detail concerning what constitutes rental housing; non-profit housing; institutional development; industrial development; and commercial development.

Proposed content

The Minister proposes that the types of developments proposed for development charge deferrals be defined as follows:

- “Non-profit housing development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for residential purposes by a non-profit corporation.
- “Institutional development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:
 - long-term care homes;
 - retirement homes;
 - universities and colleges;



- memorial homes; clubhouses; or athletic grounds of the Royal Canadian Legion; and
 - hospices
- “Industrial development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:
 - manufacturing, producing or processing anything,
 - research or development in connection with manufacturing, producing or processing anything,
 - storage, by a manufacturer, producer or processor, of anything used or produced in such manufacturing, production or processing if the storage is at the site where the manufacturing, production or processing takes place, or
 - retail sales by a manufacturer, producer or processor of anything produced in manufacturing, production or processing, if the retail sales are at the site where the manufacturing, production or processing takes place.
- “Commercial development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:
 - office buildings as defined under subsection 11(3) in Ontario Regulation 282/98 under the Assessment Act; and
 - shopping centres as defined under subsection 12(3) in Ontario Regulation 282/98 under the Assessment Act.

3. Period of time for which the development charge freeze would be in place

In order to provide greater certainty of costs, amendments to the Development Charges Act made by Schedule 3 to the More Homes, More Choice Act, 2019 would, upon proclamation, provide that the amount of a development charge would be set at the time council receives the site plan application for a development; or if a site plan is not submitted, at the time council receives the application for a zoning amendment (the status quo would apply for developments requiring neither of these applications).



The proposed regulatory change would establish the period in which the development charge rate freeze will be in place.

Proposed content

In order to encourage development to move to the building permit stage so that housing can get to market faster and provide greater certainty of costs, the Minister is proposing that the development charge would be frozen until two years from the date the site plan application is approved, or in the absence of the site plan application, two years from the date the zoning application was approved.

4. Interest rate during deferral and freeze of development charges

Amendments to the Development Charges Act in Schedule 3 to the More Homes, More Choice Act, 2019 would, upon proclamation, provide for municipalities to charge interest on development charges payable during the deferral. It also provides for municipalities to charge interest during the development charge 'freeze' from the date the applicable application is received, to the date the development charge is payable. In both cases, the interest cannot be charged at a rate above a prescribed maximum rate.

Proposed content

The Minister is not proposing to prescribe a maximum interest rate that may be charged on development charge amounts that are deferred or on development charges that are frozen.

5. Additional dwelling units

In order to reduce development costs and increase housing supply the Development Charges Act as amended by Schedule 3 to the More Homes, More Choice Act, 2019 would, upon proclamation, provide that:

- the creation of additional dwelling in prescribed classes of residential buildings and ancillary structures does not trigger a development charge; and
- the creation of a second dwelling unit in prescribed classes of new residential buildings, including ancillary structures, is exempt from development charges.

Proposed content



The existing O. Reg. 82/98 prescribes existing single detached dwellings, semi-detached/row dwellings and other residential buildings as buildings in which additional residential units can be created without triggering a development charge and rules related to the maximum number of additional units and other restrictions. It is proposed that this regulation be amended so that units could also be created within ancillary structures to these existing dwellings without triggering a development charge (subject to the same rules/restrictions).

It is also proposed that one additional unit in a new single detached dwelling; semi-detached dwelling; and row dwelling, including in a structure ancillary to one of these dwellings, would be exempt from development charges.

It is also proposed that within other existing residential buildings, the creation of additional units comprising 1% of existing units would be exempt from development charges.



Appendix B

Draft Regulations - Planning Act (Community Benefit Related)

Draft Regulations – Community Benefits Charge

The More Homes, More Choice Act, 2019 received Royal Assent on June 6, 2019. Schedule 12 of the Act would, upon proclamation, make amendments to the Planning Act to provide the authority for municipalities to charge for community benefits in order to fund a range of capital infrastructure for community services that would benefit new development.

There are provisions in Schedule 12 that require additional details to be prescribed by regulation. The following are matters that the province is proposing to prescribe in regulation.

Regulatory changes

1. Transition

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide transitional provisions for section 37, and section 42 under the Planning Act, and development charges for discounted services (soft services) under the Development Charges Act to provide the flexibility necessary for municipalities to migrate to the community benefits charge authority.

An amendment to the Development Charges Act, 1997 provides for a date to be prescribed in regulation that would effectively establish a deadline as to when municipalities must transition to the community benefits authority if they wish to collect for the capital costs of community benefits from new development. Beyond the date prescribed in regulation:

- Municipalities would generally no longer be able to collect development charges for discounted services
- Municipalities would generally no longer be able to pass by-laws to collect funds under section 37 of the Planning Act

Proposed content

It is proposed that the specified date for municipalities to transition to community benefits is January 1, 2021.



2. Reporting on community benefits

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide for municipalities that pass a community benefits by-law to provide the reports and information that may be prescribed in the regulation to persons prescribed in regulation.

Proposed content

In order to ensure that community benefit charges are collected and spent on community benefits in a transparent manner, and for greater accountability, the Minister is proposing to prescribe reporting requirements that are similar to existing reporting requirements for development charges and parkland under section 42 of the Planning Act.

Municipalities would be required annually to prepare a report for the preceding year that would provide information about the amounts in the community benefits charge special account, such as:

- Opening and closing balances of the special account
- A description of the services funded through the special account
- Details on amounts allocated during the year
- The amount of any money borrowed from the special account, and the purpose for which it was borrowed
- The amount of interest accrued on money borrowed

3. Reporting on parkland

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide that municipalities may continue using the current basic parkland provisions of the Planning Act if they are not collecting community benefits charges. Municipalities with parkland special accounts will be required to provide the reports and information that may be prescribed in the regulation to persons prescribed in regulation.

Proposed content

In order to ensure that cash-in-lieu of parkland is collected and used in a transparent manner, the Minister is proposing to prescribe reporting requirements for parkland.



Municipalities would be required annually to prepare a report for the preceding year that would provide information about the amounts in the special account, such as:

- Opening and closing balances of the special account
- A description of land and machinery acquired with funds from the special account
- Details on amounts allocated during the year
- The amount of any money borrowed from the special account, and the purpose for which it was borrowed
- The amount of interest accrued on money borrowed

4. Exemptions from community benefits

To help reduce the costs to build certain types of development that are in high demand, amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provides for the Minister to prescribe such types of development or redevelopment in respect of which a community benefits charge cannot be imposed.

Proposed content

The Minister is proposing that the following types of developments be exempt from charges for community benefits under the Planning Act:

- Long-term care homes
- Retirement homes
- Universities and colleges
- Memorial homes, clubhouses or athletic grounds of the Royal Canadian Legion
- Hospices
- Non-profit housing

5. Community benefits formula

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019, provide the authority for municipalities to charge for community benefits at their discretion, to fund a range of capital infrastructure for community services needed because of new development.

This capital infrastructure for community services could include libraries, parkland, daycare facilities, and recreation facilities.



For any particular development, the community benefits charge payable could not exceed the amount determined by a formula involving the application of a prescribed percentage to the value of the development land. The value of land that is used is the value on the day before the building permit is issued to account for the necessary zoning to accommodate the development.

Proposed content

It is proposed that a range of percentages will be prescribed to take into account varying values of land.

In determining the prescribed percentages, there are two goals.

- Firstly, to ensure that municipal revenues historically collected from development charges for “soft services”, parkland dedication including the alternative rate, and density bonusing are maintained.
- Secondly, to make costs of development more predictable.

This Ministry is not providing prescribed percentages at this time. However, the Ministry would welcome feedback related to the determination of these percentages. There will be further consultation on the proposed formula in late summer.

6. Appraisals for community benefits

The authority to charge for community benefits under the Planning Act would enable municipalities, at their discretion, to fund a range of capital infrastructure for community services needed because of new development.

For any particular development, the community benefits charge payable could not exceed an amount determined by a formula involving the application of a prescribed percentage to the value of the development land on the day before the building permit is issued.

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide for the owner of land proposing to develop a site, to provide the municipality with an appraisal of the site they are of the view that the community benefits charge exceeds what is legislatively permitted. Similarly, a municipality can also provide the owner of land with an appraisal if it is of the view that the owner of the



land's appraisal is inaccurate. If both appraisals differ by more than 5 percent, a third appraisal is prepared.

Proposed content

The Minister is proposing the following:

- If the owner of land is of the view that the amount of a community benefits charge exceeds the amount legislatively permitted and pays the charge under protest, the owner has 30 days to provide the municipality with an appraisal of the value of land.
- If the municipality disputes the value of the land in the appraisal provided by the owner, the municipality has 45 days to provide the owner with an appraisal of the value of the land.
- If the municipality's appraisal differs by more than 5 percent from appraisal provided by the owner of the land, the owner can select an appraiser from the municipal list of appraisers, that appraiser's appraisal must be provided within 60 days.

7. Excluded services for community benefits

Amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide that community benefits charges cannot be imposed for facilities, services or matters associated with services eligible for collection under the Development Charges Act, 1997. It also provides for the province to prescribe facilities, services or matters in respect of which community benefit charges cannot be imposed.

Proposed content

The Minister is proposing to prescribe that the following facilities, services or matters be excluded from community benefits:

- Cultural or entertainment facilities
- Tourism facilities
- Hospitals
- Landfill sites and services
- Facilities for the thermal treatment of waste
- Headquarters for the general administration of municipalities and local boards



This would be consistent with the ineligible services list currently found under the Development Charges Act.

8. Community planning permit system

The community planning permit system is a framework that combines and replaces the individual zoning, site plan and minor variance processes in an identified area with a single application and approval process. O. Reg. 173/16 "Community Planning Permits" outlines the various components that make up the system, including the matters that must be included in the official plan to establish the system, the process that applies to establishing the implementing by-law and the matters that must or may be included in the by-law.

Proposed content

Amendments to the Planning Act in the More Homes, More Choice Act, 2019 establish a new authority for municipalities to levy charges for community benefits to make requirements in this regard more predictable. As the community planning permit system also allows conditions requiring the provision of specified community facilities or services, it is proposed that a community benefits charge by-law would not be available for use in areas within a municipality where a community planning permit system is in effect.

In considering making a proposed new regulation and changes to existing regulations under the Planning Act, the government will continue to safeguard Ontarians' health and safety, support a vibrant agricultural sector, and protect environmentally and culturally sensitive areas, including the Greenbelt.

Denise Holmes

From: Planning Account <planning@shelburne.ca>
Sent: Friday, July 26, 2019 1:11 PM
To: Planning Account
Subject: Town of Shelburne Planning Applications Circulation - Z19/05 and B19/03 - 218 Greenwood Street
Attachments: Z19 05 and B19 03 - Circulation Letter.pdf; Z19-05 - Application.pdf; B19-03 - Application.pdf; Consent Sketch.pdf; Z19-05 and B19-03 Circulation Response Form.pdf

Good Afternoon,

The Town of Shelburne has received applications for Zoning By-law Amendment and Consent for property municipally known as 218 Greenwood Street.

A copy of the information submitted by the applicant is attached for your review.

We would appreciate receiving any comments, concerns or conditions you may have by Friday, August 16, 2019.

Thank you,

Steve Wever, MCIP, RPP
Town Planner

Total Control Panel

[Login](#)

To: dholmes@melancthontownship.ca
From: planning@shelburne.ca

Message Score: 15
My Spam Blocking Level: High

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

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



TOWN OF SHELburne

Planning & Development Department

July 26, 2019

CIRCULATED TO:

- County of Dufferin**
- MTO**
- NVCA**
- School Boards**
- Township of Melancthon**
- Township of Amaranth**
- OPG*
- Hydro One*
- Enbridge**
- Shelburne EDC**
- Heritage Committee**
- Public Works**
- Engineering**
- Legal**
- Fire Dept**
- Police**
- Council*

*Email and hard copy circulation

**Email circulation only

APPLICATIONS FOR ZONING BY-LAW AMENDMENT AND CONSENT CIRCULATION

FILE NOS: Z19/05 & B19/03

PROJECT: 218 Greenwood Street (Spencer Brown)

Please take notice that applications have been submitted to the Town of Shelburne for the approval of a Consent to create a new residential lot for a proposed new single detached dwelling on the property municipally known as 218 Greenwood Street, and for a related Zoning By-law Amendment to rezone the property from Residential Type Two (R2) Zone to Residential Type Two Exception (R2-#) Zone and Residential Type Three (R3) Zone with site-specific provisions for the proposed retained lot. The retained lot will maintain the existing two-storey single detached dwelling and provide for additional parking spaces to provide the required parking for the proposed conversion of the existing dwelling to a converted dwelling with 3 dwelling units. The application is also seeking to designate the east lot line as the front lot line (Greenwood Street). The severed lot will accommodate the construction of a new single detached dwelling and two parking spaces.

A copy of the completed application forms and severance sketch submitted by the applicant and the Notice of Public Meeting for each application are attached. Please contact me should you require additional information to complete your review.

I would appreciate any comments, concerns or conditions you may have by: **Friday, August 16th, 2019.**

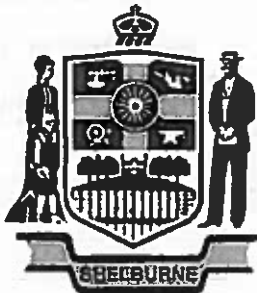
Please provide comments in an electronic format via email, or if you have no comment or objection please complete the attached response sheet and return it by email, to planning@shelburne.ca. Should you have any questions or require any additional information, please contact me.

Sincerely,

Steve Wever, MCIP, RPP
Town Planner

Attachment(s)

203 Main Street East
Box 69
Shelburne, Ontario
L0N 1S0
Tel: (519) 925-2600
Fax: (519) 925-6134
www.townofshelburne.on.ca



For Office Use Only

File #: Z19/05
Date Received: July 16, 2019
Date Accepted: July 26, 2019
Application Fees:
\$3,550.00

**TOWN OF SHELburne
APPLICATION FORM FOR AN ZONING BY-LAW AMENDMENT**

Date Received: _____

1. APPLICATION INFORMATION

Name of Applicant: Spencer Brown

Mailing Address: 209 Fort York Boulevard, Toronto, ON, M5V4A1

Telephone Number (Home): _____ Fax Number: _____

Telephone Number (Business): _____ Email Address: _____

2. OWNER

If the Applicant is not the Owner of the subject lands, than authorization from the Owner is required, as well as the following information:

Name: Same as above

Mailing Address: _____

Telephone Number: _____ Fax Number: _____

3. MORTGAGES, CHARGES OR OTHER ENCUMBRANCES

Name: _____

Mailing Address: _____

Name: _____

Mailing Address: _____

4. SUBJECT LANDS

Lot: Part of Lot 13 & 14 Concession: _____

Reference Plan: Plan 12 A Part/Block/Lot: All of Block 28

Street Name and Number: 218 Greenwood Street (Greenwood Street and First Avenue)
(if corner lot please include both street names)

Area of subject lands: 1070 square meters, approx Frontage: 45.52 meters

Depth: 26.04 meters

What is the current use of the subject land? residential

What is the proposed use of the subject lands? residential

When were the subject lands acquired by the current owner? 2019/07/03

How long have the existing uses continued on the subject lands? 60+ years

5. ZONING AND OFFICIAL PLAN INFORMATION

What is the present Official Plan designation of the subject lands? R2, low density residential

What is the present zoning? R2

What is the purpose of the proposed Zoning By-law Amendment? _____

Minimal residential intensification, severance of lot

6. PROPOSED DEVELOPMENT

Please describe any proposed development on the subject lands (include buildings, floor area, height, parking spaces, etc. and attached plans with site and development statistics):

We propose a requested zoning for the retained lot to be a site-specific R2-# with a site-specific provision to permit a converted dwelling with a maximum of 3 dwelling units. Furthermore, we request to designate the east lot line as the front lot line, and we request site-specific provisions to allow required parking to be provided partly within the exterior side yard, and partly within the front yard as shown on the attached plan. In addition, we are proposing to re-zone the north portion of the retained lands to R3 and sever to create a new lot for a single family home. The severed lot will contain a garage/carport to allow for at least 1 parking spot not to be provided in the front yard setback.

7. ACCESS

Is the subject land accessible by:

- ☐ Provincial highway
☒ Municipal road (maintained year round)
☐ Right of way
☐ Other, describe _____

8. SERVICING

	<u>Municipal</u>	<u>Private</u>	<u>Other</u>
Water Supply	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frontage on Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is storm drainage provided by:

<input checked="" type="checkbox"/> Storm Sewer	<input type="checkbox"/> Ditch	<input type="checkbox"/> Swale
<input type="checkbox"/> Other, describe _____		

9. STATUS OF OTHER APPLICATION

Are the subject lands the subject of any other applications under the Planning Act?

☒ Yes ☐ No ☐ Unknown

If yes, describe the application(s)? Consent Application for same project

10. DRAWINGS

Drawings shall be provided as required in the Official Plan Amendment Process sheet.

11. PAYMENT OF FEES

As of the date of this application, I hereby agree to pay for and bear the entire cost and expense for any engineering, legal, landscape architectural and/or external planning consulting expenses incurred by the Town of Shelburne during the processing of this application, in addition to any application fee set by the Town of Shelburne.

July 15 2019
Date


Signature of Owner/Applicant

Note: All invoices for payment shall be sent to the person indicated in section 2 of this application, unless otherwise requested.

12. AUTHORIZATION

I/We Spencer Brown am/are the owner(s) of the subject lands for which this application is to apply. I/We Spencer Brown do hereby grant authorization to Jill Seneca / Van Harten to act on my/our behalf in regard to this application.

July 15 2019
Date


Signature of Registered Owner(s)

13. AFFIDAVIT

I, SPENCER BROWN of the CITY in OF the TORONTO solemnly declare that all of the above statements contained herein and in all exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

DECLARED BEFORE ME AT TOWN OF SHELBURNE
in the COUNTY of the DUFFERIN
this 16th day of JULY, 2019


Witness


Signature of Registered Owner (s) or Agent

14. PERMISSION TO ENTER

I hereby authorize the members of staff and/or elected members of Council of the Town of Shelburne to enter upon the subject lands and premises for the limited purpose of evaluating the merits of this application. This is their authority for doing so.

July 15 2019
Date


Signature of Registered Owner (s) or Agent

Personal information contained on this form is collected under the authority of *The Municipal Freedom of Information and Protection of Privacy Act*. This sheet and any additional information provided will be placed on the Council agenda. The agenda is a public document and forms part of the permanent public record. Questions about this collection should be directed to the Clerk at 519-925-2600.

203 Main Street East
Box 69
Shelburne, Ontario
L0N 1S0
Tel: (519) 925-2600
Fax: (519) 925-6134
www.townofshelburne.on.ca



For Office Use Only

File #: B19/03
Date Received: July 16, 2019
Date Accepted: July 26, 2019
Application Fees:
\$4,830.00

**TOWN OF SHELBURNE
APPLICATION FORM FOR CONSENT**

1. APPLICATION INFORMATION

Name of Applicant: Spencer Brown

Mailing Address: 209 Fort York Boulevard, Toronto, ON, M5V4A1

Telephone Number (Home): _____ Fax Number: _____

Telephone Number (Business): _____ Email Address: _____

2. OWNER

If the Applicant is not the Owner of the subject lands, than authorization from the Owner is required, as well as the following information:

Name: Same as above

Mailing Address: _____

Telephone Number: _____ Fax Number: _____

3. MORTGAGES, CHARGES OR OTHER ENCUMBRANCES

Name: \$ [REDACTED]

Mailing Address: [REDACTED]

Name: _____

Mailing Address: _____

4. APPLICATION

What is the type and purpose of the application?

- ☒ new lot
- ☐ lot addition
- ☐ easement
- ☐ charge or lease
- ☐ correction of title

If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased: _____

5. SUBJECT LANDS (LANDS TO BE SEVERED AND LANDS TO BE RETAINED)

Street Name and Number: 218 Greenwood Street

Lot: Part of Lot 13 & 14 Concession: _____

Reference Plan: Plan 12 A Part/Block/Lot: All of Block 28

Area of subject lands: 1070 square meters, Frontage: 45.52 meters

Depth: 26.04 meters approx

What is the current use of the subject lands? residential

What is the proposed use of the subject lands? residential

Are there any easements or restrictive covenants affecting the subject lands? Yes ☐ No ☒

Specify: _____

When were the subject lands acquired by the current owner? 2019/07/03

How long have the existing uses continued on the subject lands? 50+ years

6. LANDS TO BE SEVERED

Area of severed lands: 400 square meters, Frontage: 17.04 meters
approx.

Depth: _____

What is the current use of the lands to be severed? residential

What is the proposed use of the lands to be severed? residential

Number and use of buildings and structures on the lands to be severed:

Existing: 1, residential

Proposed: 1, residential

Are the lands to be severed accessible by?

- ☐ Provincial highway
☒ Municipal road (maintained year round)
☐ Right of way
☐ Other, describe _____

SERVICING

	<u>Municipal</u>	<u>Private</u>	<u>Other</u>
Water Supply	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frontage on Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is storm drainage provided by: ☒ Storm Sewer ☐ Ditch ☐ Swale
☐ Other, describe _____

ZONING AND OFFICIAL PLAN INFORMATION

What is the present Zoning of the lands to be severed? R2

What is the present Official Plan designation on the lands to be severed? low density residential

7. LANDS TO BE RETAINED

Area of retained lands: 670 square meters Frontage: 28.48 meters

Depth: _____

What is the current use of the lands to be retained? residential

What is the proposed use of the lands to be retained? residential

Number and use of buildings and structures on the lands to be retained:

Existing: 1 single dwelling Proposed: 1 single dwelling

Are the lands to be retained accessible by:

- ☐ Provincial highway
☒ Municipal road (maintained year round)
☐ Right of way
☐ Other, describe _____

SERVICING

	<u>Municipal</u>	<u>Private</u>	<u>Other</u>
Water Supply	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frontage on Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is storm drainage provided by: ☒ Storm Sewer ☐ Ditch ☐ Swale
☐ Other, describe _____

ZONING AND OFFICIAL PLAN INFORMATION

What is the present Zoning of the lands to be retained? R2

What is the present Official Plan designation on the lands to be retained? low density residential

8. OTHER APPLICATIONS

Are or have the subject lands been the subject of any other applications under the Planning Act for approval?

☒ yes

☐ no

If yes, what is the file number? TBD - Re-zoning Application submitted co-currently

What is the status of the application? TBD - Re-zoning Application submitted co-currently

9. DRAWINGS

Please include a sketch or survey showing the following:

1. The boundaries and dimensions of the subject land including the lot(s) to be created;
2. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the building or structures from the front yard lot line, rear yard lot line and side yard lot lines;
3. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
4. The current uses on land that is adjacent to the subject land;
5. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way; and,
6. The location and nature of any easement affecting the subject land.

Drawings should be of an adequate size to clearly identify all features and provide dimensions. The drawings should be to scale. The Municipality may require drawings to be prepared on a legal survey, and additional information to be surveyed.

10. PAYMENT OF FEES

As of the date of this application, I hereby agree to pay for and bear the entire cost and expense for any engineering, legal, landscape architectural and/or external planning consulting expenses incurred by the Town of Shelburne during the processing of this application, in addition to any application fee set by the Town of Shelburne.

July 15 2019
Date


Signature of Owner/Applicant

Note: All invoices for payment shall be sent to the person indicated in Section 2 of this application, unless otherwise requested.

11. AUTHORIZATION

I/We Spencer Brown am/are the owner(s) of the subject lands for which this application is to apply. I/We Spencer Brown do hereby grant authorization to Bill Service or Van Harten to act on my/our behalf in regard to this application.

July 15 2019
Date


Signature of Registered Owner(s)

12. AFFIDAVIT

I, SPENCER BROWN of the CITY in of the TORONTO solemnly declare that all of the above statements contained herein and in all exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under other, and by virtue of "The Canada Evidence Act".

DECLARED BEFORE ME AT TOWN OF SHELBURNE

in the COUNTY of DUFFERIN

this 16th day of July, 2019


Witness


Signature of Registered Owner (s) or Agent

13. PERMISSION TO ENTER

I hereby authorize the members of staff and/or members of Committee of Adjustment of the Town of Shelburne to enter upon the subject lands and premises for the limited purpose of evaluating the merits of this application. This is their authority for doing so.

July 15 2019
Date


Signature of Registered Owner (s) or Agent

Personal information contained on this form is collected under the authority of *The Municipal Freedom of Information and Protection of Privacy Act*. This sheet and any additional information provided will be placed on the Council agenda. The agenda is a public document and forms part of the permanent public record. Questions about this collection should be directed to the Clerk at 519-925-2600.



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Zoning By-law Amendment Application and Consent Application

Circulation Response Form

File: Z19/05 and B19/03

Project: Applications for Zoning By-law Amendment and Consent
218 Greenwood Street – Spencer Brown

If you have no comments or objection to the approval of the above noted applications please complete this form and email or fax it to the Town Planner at the Town of Shelburne by August 16, 2019.

Email: planning@shelburne.ca
Fax Number: 519-925-6134

(No cover page is necessary)

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

Agency Name
(Please Print)

Representative Name
(Please Print)

Representative Title
(Please Print)

Signature

Date

Denise Holmes

From: Planning Account <planning@shelburne.ca>
Sent: Friday, July 26, 2019 11:43 AM
To: Planning Account
Subject: Town of Shelburne Planning Application Circulation - Z19/04 - 443 Main Street West
Attachments: Z19-04 - Circulation Letter.pdf; Z19 04 - Circulation Response Form.pdf; Z19-04 - Application.pdf; Memo IK World measurements July 18, 2019.pdf

Good Afternoon,

The Town of Shelburne has received an application for Zoning By-law Amendment for property municipally known as 443 Main Street West.

A copy of the information submitted by the applicant is attached for your review.

We would appreciate receiving any comments, concerns or conditions you may have by Friday, August 16, 2019.

Thank you,

Steve Wever, MCIP, RPP
Town Planner

Total Control Panel

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To: dholmes@mcclanctontownship.ca
From: planning@shelburne.ca

Message Score: 15
My Spam Blocking Level: High

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

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



TOWN OF SHELburne

Planning & Development Department

July 26, 2019

CIRCULATED TO:

- County of Dufferin**
- MTO**
- NVCA**
- Township of Melancthon**
- Township of Amaranth**
- OPG
- Hydro One
- Enbridge**
- School Boards**
- Shelburne EDC**
- Heritage Committee**
- Engineering**
- Legal**
- Fire Dept**
- Police**
- Council*
- Public Works**

*Hard copy circulation
**Email circulation only

APPLICATION FOR ZONING BY-LAW AMENDMENT (TEMPORARY USE)

FILE NO: Z19/04 – IK World Trading Company Ltd.
PROJECT: ZONING BY-LAW AMENDMENT – 443 MAIN STREET WEST

Please take notice that an application has been submitted to the Town of Shelburne to request the approval for a Temporary Use By-law for three years to permit the use of a light woodworking production facility within the existing building on the subject land.

A copy of the Zoning By-law Amendment application and supporting information is attached for your consideration. Please contact me should you require additional information to complete your review.

I would appreciate any comments, concerns or conditions you may have by:

Friday, August 16, 2019.

Please provide comments in an electronic format via email to planning@shelburne.ca. Alternatively, if you have no comment or objection, please complete the attached response sheet and return it by email or fax it to the Town of Shelburne Planning Department at (519) 925-6134. Should you have any questions or require any additional information, please contact me.

Steve Wever, MCIP, RPP
Town Planner

Attachment(s):



TOWN OF SHELburnE

PLANNING & DEVELOPMENT

Zoning By-law Amendment

Circulation Response Form

File: Z19/04

Project: Application for Zoning By-law Amendment
443 Main Street West
Part Lot 32, Concession 3, Part 2 of 7R1705, Town of Shelburne

If you have no comments or objection to the approval of the above noted applications please complete this form and email or fax it to the Town Planner at the Town of Shelburne by July 19, 2019.

Email: planning@shelburne.ca

Fax Number: 519-925-6134

(No cover page is necessary)

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

Agency Name
(Please Print)

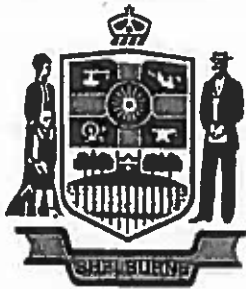
Representative Name
(Please Print)

Representative Title
(Please Print)

Signature

Date

203 Main Street East
Box 69
Shelburne, Ontario
L0N 1S0
Tel: (519) 925-2600
Fax: (519) 925-6134
www.townofshelburne.on.ca



For Office Use Only

File #: Z19/04
Date Received: June 19, 2019
Date Accepted: July 18, 2019
Application Fees:
\$3,465.00

**TOWN OF SHELburne
APPLICATION FORM FOR AN ZONING BY-LAW AMENDMENT**

1. APPLICATION INFORMATION Date Received: _____
Name of Applicant: per Shigetaka Kamata.
IK World Trading Company Ltd.
Mailing Address: 501 Main St. E Shelburne ON L9V3P1
Telephone Number (Home): _____ Fax Number: 519-925-
Telephone Number (Business): _____ Mail Address: _____

2. OWNER

If the Applicant is not the Owner of the subject lands, than authorization from the Owner is required, as well as the following information:

Name: BRUCE MONTGOMERY
Mailing Address: 443 MAIN ST W Shelburne ON
Telephone Number: _____ Fax Number: NA

3. MORTGAGES, CHARGES OR OTHER ENCUMBRANCES

Name: _____
Mailing Address: _____
Name: _____
Mailing Address: _____

4. SUBJECT LANDS

Lot: PT Lt 32, Concession: Con 3 PT2
Reference Plan: 7R1705 Part/Block/Lot: T/W MF 219050
Street Name and Number: 443 Main St W Shelburne.
(if corner lot please include both street names)
Area of subject lands: 1.998 ac. Frontage: 228.13 ft.
Depth: 367.78 ft.
What is the current use of the subject land? Commercial
What is the proposed use of the subject lands? MI Industrial.
When were the subject lands acquired by the current owner? June 30 2014
How long have the existing uses continued on the subject lands? ? 1995?

5. ZONING AND OFFICIAL PLAN INFORMATION

What is the present Official Plan designation of the subject lands? Commercial.
What is the present zoning? C4
What is the purpose of the proposed Zoning By-law Amendment? New owner.
to use for light manufacturing - has Neighboring
property - had fire

6. PROPOSED DEVELOPMENT

Please describe any proposed development on the subject lands (include buildings, floor area, height, parking spaces, etc. and attached plans with site and development statistics):

No New Building
temporary use for
wood working production. minimum 3 yrs.

7. ACCESS

Is the subject land accessible by:

- ☐ Provincial highway
☐ Municipal road (maintained year round)
☒ Right of way
☐ Other, describe _____

8. SERVICING

	<u>Municipal</u>	<u>Private</u>	<u>Other</u>
Water Supply	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Frontage on Road	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Is storm drainage provided by:

<input type="checkbox"/> Storm Sewer	<input checked="" type="checkbox"/> Ditch	<input type="checkbox"/> Swale
<input type="checkbox"/> Other, describe _____		

9. STATUS OF OTHER APPLICATION

Are the subject lands the subject of any other applications under the Planning Act?

☐ Yes ☒ No ☐ Unknown

If yes, describe the application(s)? _____

10. DRAWINGS

Drawings shall be provided as required in the Official Plan Amendment Process sheet.

11. PAYMENT OF FEES

As of the date of this application, I hereby agree to pay for and bear the entire cost and expense for any engineering, legal, landscape architectural and/or external planning consulting expenses incurred by the Town of Shelburne during the processing of this application, in addition to any application fee set by the Town of Shelburne.

June 17/2019.
Date


Signature of Owner/Applicant

Note: All invoices for payment shall be sent to the person indicated in section 2 of this application, unless otherwise requested.

04/04/2013

12. AUTHORIZATION

I/We RUCE MONTGOMERY am/are the owner(s) of the subject lands for which this application is to apply. I/We Shigetaka Kamata do hereby grant authorization to Shigetaka Kamata to act on my/our behalf in regard to this application.

June 17/19
Date


Signature of Registered Owner(s)

13. AFFIDAVIT

I, Shigetaka Kamata of the IK World Trading Company Ltd. in the Town of Shelburne solemnly declare that all of the above statements contained herein and in all exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under other, and by virtue of "The Canada Evidence Act".

DECLARED BEFORE ME AT 1:28 pm
in the Town of the Shelburne
this 14 day of June, 2019.



Signature of Registered Owner (s) or Agent

14. PERMISSION TO ENTER

I hereby authorize the members of staff and/or elected members of Council of the Town of Shelburne to enter upon the subject lands and premises for the limited purpose of evaluating the merits of this application. This is their authority for doing so.

June 14/19
Date


Signature of Registered Owner (s) or Agent

Personal information contained on this form is collected under the authority of *The Municipal Freedom of Information and Protection of Privacy Act*. This sheet and any additional information provided will be placed on the Council agenda. The agenda is a public document and forms part of the permanent public record. Questions about this collection should be directed to the Clerk at 519-925-2600.

6/17/2019

Measure
Site & Structure

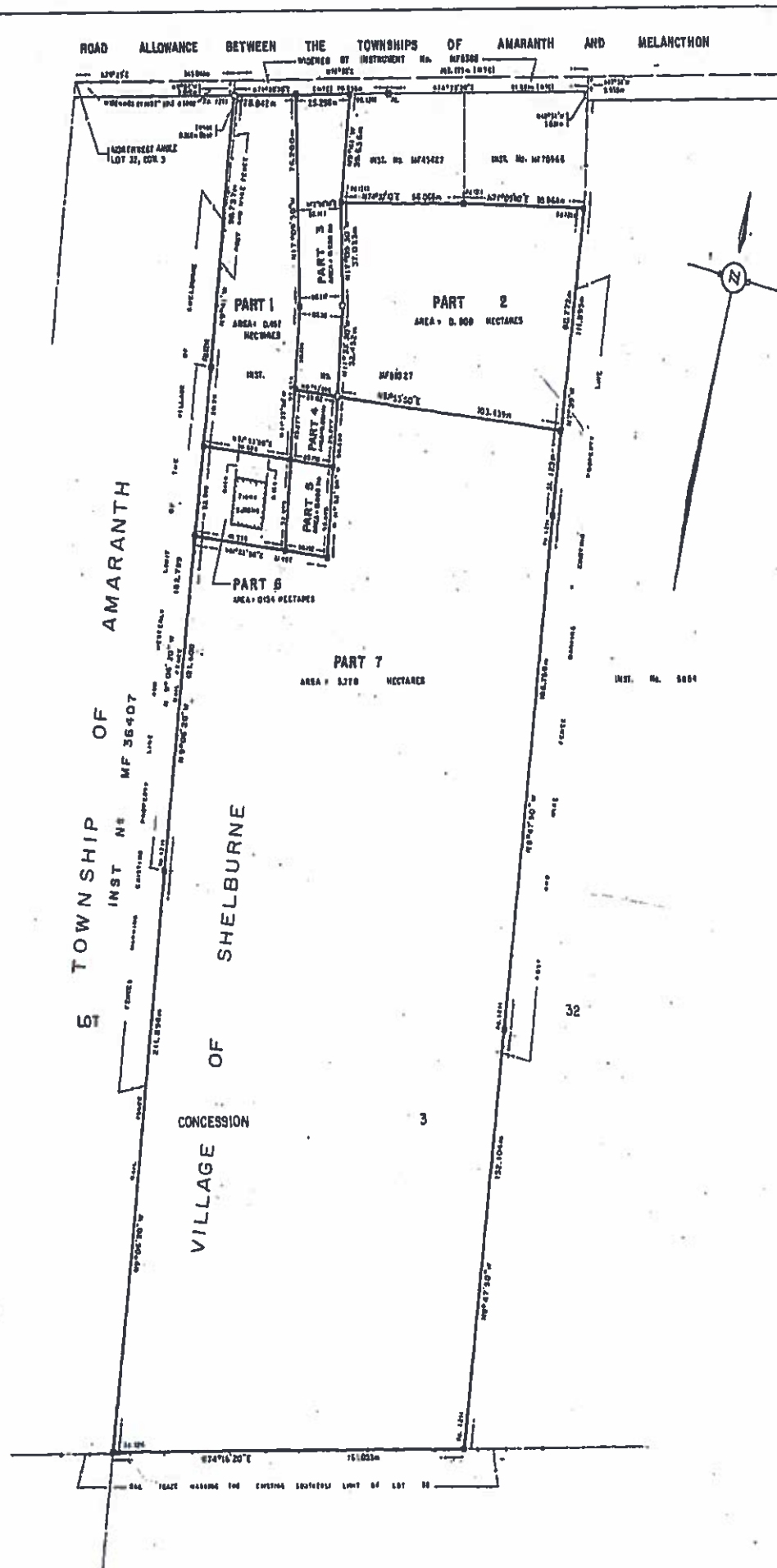
* Front GeoWarehouse
Inspection + showroom

- * - planer
- cutoff saw
- sander
- table saws
- jointer
- panel press
- vacuum system
Dust collector
- & various fabricating.



Outside yard used for Lumber Storage. inside - showroom and light wood working *

Map data © 2019 Imagery © 2019, DigitalGlobe



I ACQUIRE THIS PLAN TO BE
DEPOSITED WITH PART II OF THE
REGISTRY ACT.

ACCEPTED AND DEPOSITED AS:

PLAN 7R- 1705

DATED: 26th OCT, 1978

DATED: 13, 1977

Peter J. Williams
P. J. WILLIAMS, O.L.S.

R. J. Williams
R. J. WILLIAMS, O.L.S.
A.L. WOODWARD, LAND REGISTRAR FOR
THE REGISTRY DIVISION OF DUFFERIN
(Vol. 7)

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN
THE MEANING OF SECTIONS 29, 32 OR 33 OF THE PLANNING ACT.

SCHEDULE OF PARTS

PART	INSTRUMENT	LOT	CON.	VILLAGE	AREA
1	MF 8027	PL 32	3	SHELBURNE	0.433 Ha
2	MF 8027	PL 32	3	SHELBURNE	0.000 Ha
3	MF 8027	PL 32	3	SHELBURNE	0.226 Ha
4	MF 8027	PL 32	3	SHELBURNE	0.034 Ha
5	MF 8027	PL 32	3	SHELBURNE	0.016 Ha
6	MF 8027	PL 32	3	SHELBURNE	0.004 Ha
7	MF 8027	PL 32	3	SHELBURNE	0.270 Ha

PLAN OF SURVEY OF

PART OF LOT 32,
CONCESSION 3,
VILLAGE OF SHELBURNE,
COUNTY OF DUFFERIN

SCALE: 1:1000

P. J. WILLIAMS, O.L.S.

1978

METRIC

MEASUREMENTS SHOWN ON THIS PLAN
ARE IN METERS AND MAY BE CONVERTED
TO FEET BY DIVIDING BY 0.3048

NOTE

Surveyors are directed to be cautious, and are referred
to the Northern half of Lot 32, Concession 3 in the
Township of Amaranth as shown on Instrument No.
MF 3308, or N 74° 25' E.

LEGEND

- All lines are plotted unless directed (74)
- denotes 0.025m x 0.025m long bar-ben.
- denotes 0.025m x 0.025m long bar-ben.
- denotes Ministry of Transportation and Communications road mark.
- MF denotes P. J. Williams, O.L.S.
- etc denotes Road
- etc denotes Ministry of Transportation and Communications

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT:

- (1) This survey and plan are correct and in accordance with
THE SURVEYS ACT AND THE REGISTRY ACT and
the regulations made thereunder.
- (2) This survey was completed on the 14, OCT 77

DATED: 26th OCT 78

Peter J. Williams
P. J. WILLIAMS, O.L.S.

PETER J. WILLIAMS

ONTARIO LAND SURVEYOR
P.O. BOX 104, 7 FIRST STREET
DUNDAS, ONTARIO, CANADA, L9A 2H3
1101 041-020

July 18, 2019

VIA E-MAIL TO: Steve Wever swever@gspgroup.ca

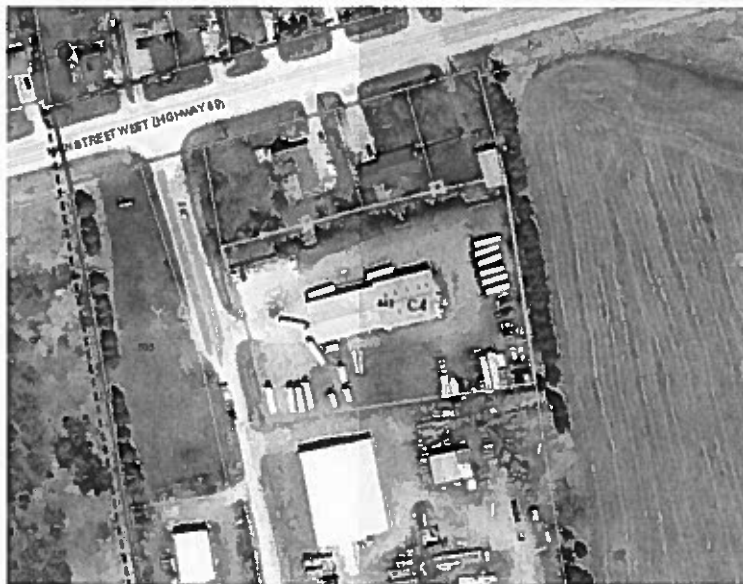
Steve Wever MCIP, RPP
Associate - Senior Planner
GSP Group Inc.
Planning | Urban Design | Landscape Architecture
72 Victoria Street South, Suite 201
Kitchener, ON N2G 4Y9
519 569 8883

Re: IK World, Additional Sound Measurements
Shelburne, Ontario

Dear Steve,

As requested, we are providing this letter as a summary of the additional noise measurements completed for IK World at their temporary location at the Dufferin Windows property on Centennial Road. Our latest noise report which references IK World was prepared for the proposed residential subdivision (Hyland Village) and is entitled, "Noise Impact Study, Proposed Residential Development (Hyland Village) South of Main Street West (Hwy 89), Town of Shelburne, Ontario" dated September 7, 2018.

We understand that IK World has applied to the Town for temporary use zoning to permit their operations to relocate to an existing building at 443 Main Street West (outlined in blue). There are two existing residences to the north of the existing building at 443 Main Street West. This site is adjacent to their original site west of the Hyland Village subdivision development as indicated in the aerial photo below.



As noted in our noise report dated September 7, 2018, since our 2015 site visit, IK World had a significant fire that destroyed their main building. The large shed at the north end of their property remains. IK World has temporarily relocated their operations to a rented space at Centennial Road in Shelburne. At the temporary location, the woodsaw operation is housed inside the building.

A site visit was conducted by HGC Engineering on Tuesday, August 7, 2018. The saw operation was housed inside of a loading bay. The bay door was open along with a man-access door. The measurements were conducted using a RION sound level meter correctly calibrated before and after the measurements. The weather conditions were suitable for noise measurements. Sound levels were measured at the location indicated on the attached aerial photo with the saw operating and the doors open, and again with the saw in operation with all the doors closed. The measurement location was 27 m from the closed bay door. The saw operations were barely audible at this distance with the bay doors closed.



In summary, it was determined that if the woodsaw is located internal to a building with the doors closed, the sounds would be minimal at any neighbouring residential receptors, proposed and existing.

If the sawing operations are to occur with doors open, high barriers will be required to protect the existing residences to the north and the proposed residences to the east.

We trust that this is sufficient information for your present needs. Please do not hesitate to call if you have any further questions or require additional information.

Yours truly,
Howe Gastmeier Chapnik Limited

Sheeba S. Paul
Ms. Sheeba Paul, MEng, PEng



TOWNSHIP OF MELANCTHON
HIRING POLICY
APPROVED BY COUNCIL _____

PURPOSE

The Township endeavours to provide consistent, fair and unbiased hiring practices in the hiring of personnel.

POLICY

1. Overall Responsibility and Authority

The CAO has the responsibility for the proper implementation and functioning of the Hiring Policy and shall ensure that the Township recruits and employs the highest reasonable standard of work force.

2. Authorization to Create a New Position and filling vacancies

These steps shall be followed:

- (a) The Department Head will ensure that the appropriate authorization to add or replace staff complement is in place. In the case of new positions, a staffing report detailing the requirements including salary grade will be approved by Council before proceeding with the hiring process. For existing position vacancies, the Department Head will confirm with the CAO, that an operational requirement still exists and that the salary costs will be contained within the Department's budget.
- (b) The Department Head will agree upon the job posting description and will post the vacancy in a standardized format for (5) five working days at the Township of Melancthon municipal office and at the Township of Melancthon public works garage. All submissions should be directed to the Department Head.
- (c) If necessary, concurrently or subsequently, the Department Head may prepare an advertisement for insertion in newspapers, professional association's magazines, journals and web sites as deemed appropriate based on the level of the position being recruited for. The Department Head in consultation with the CAO will approve the advertisement alternatives. The advertisement shall contain position title, salary range (optional), minimum qualifications, term of employment for contract positions, date and time by which resumes must be received and the statement: *"The Township of Melancthon is an equal opportunity employer. We thank all applicants for their interest, however, only those selected for an interview will be contacted. In accordance with the Municipal Freedom of Information and Protection of Privacy Act, personal information is collected and will only be used for the purposes of candidate selection. If you require an accessible format, please email dholmes@melancthontownship.ca. Accessibility accommodations are*

available for all parts of the recruitment process. Applicants need to make their needs known in advance."

- (d) Following the closing date for submission of applications, the Department Head will review or short list the applications as appropriate with the CAO if necessary and determine the candidates to be interviewed.
- (e) For competitions with internal and external candidates, the Department Head or designate will arrange the interview dates and times.
- (f) Upon final selection, all résumés are to be returned to the CAO. The Department Head, or designate will inform, in writing, the unsuccessful candidates that were interviewed and also prepare an appointment letter to inform the successful candidate as to the specifics of his or her new position. Copies of this letter will be forwarded to the payroll section and the Treasurer.

3. Hiring of Relatives Staff and/or Council

Councillors: For the purpose of this policy, a "relative" is a person's spouse through marriage, common law, or companion, parent, child, or sibling and includes the corresponding step or in-law relationship. Therefore the policy prohibits the hiring of these relatives while the member is in office. In accordance with the provisions of the Municipal Act, this section also applies, where applicable, to members of local boards as defined in the Act.

Staff: The hiring policy for staff means that no member of an employee's family may work in a full or part time - time capacity under the direct supervision of that employee.

- (a) For the purpose of this policy, a "relative" is a person's spouse through marriage, common law, or companion, parent, child, or sibling and includes the corresponding step or in-law relationship.
- (b) Related Township employees cannot work in positions where one supervises the other, or exerts a significant influence over the work or career advancement of the other.
- (c) The determination of whether a relative is in a position to exert a significant influence over the work or career advancement of another relative is determined through consultation between the employee, their Department Head and the CAO.
- (d) Employees who become related while they are employed by the Township must adhere to the same requirements as job applicants who are related to current employees in that they cannot work in positions where one supervises the other, or where one is in a position to exert a significant influence over the work or career advancement of the other. Such employees will be notified that they are in conflict with this policy by the Department Head or by the CAO.

- (e) Employees in a conflict shall attempt to secure alternative employment within the Township with the Township's assistance.
- (f) No employee will suffer termination through the terms of this article if a familial relationship develops during their tenure of employment; save and except should any degree or level of supervision occur as a result of a relationship, the Department Head and CAO will review the reporting relationship and report to Council. Any resultant action will not violate either effected employee's rights as established in applicable Ontario law.
- (g) An employee who applies for a position where he or she is the successful candidate, and therefore, would supervise or exert significant influence over a relative, will be advised by the Township that they are eligible for the competition, provided that they resolve the conflict of interest to the satisfaction of the Township.

4. Ratification and Records Retention

All Council ratification motions for Department Heads and above must contain the following:

- name of employee
- position title
- date of hire
- salary grade

All documentation received from unsuccessful applicants responding to advertisements for employment will be retained by the CAO until the end of the probationary period of the successful applicant.

5. Organization Chart and Job Description

As a first step in filling either a new position or hiring a replacement for a vacated position, the Department Head shall review the organization chart and the job description to verify that both are current. If not, they shall be updated and approved by the CAO before any further action is taken.

6. Interviews

Interviews shall be conducted in accordance with the **PROCEDURES** of this Policy, beginning on Page 4.

7. Organization Levels

There shall be specific hiring procedures for the various levels in the organization (i.e.) for:

- (a) CAO
- (b) Department Heads and Statutory Officers (e.g. Clerk, Treasurer)
- (c) Other Managerial Staff

- These positions have managerial and/or supervisory and/or statutory responsibilities as determined by the Department Head and CAO.
- (d) **Non-Managerial Staff**
 - These positions have no managerial and/or supervisory responsibilities.

8. Skills Testing

Various forms of skills testing, including verbal and written testing, may be carried out on potential employees to determine if they have the required skills for the position. Any methods or forms of testing shall be approved by the CAO before being used.

9. Probationary Period

A formal review shall be conducted approximately half way through the prescribed probationary period. A record of review and evaluation shall be kept as part of the employee personnel file.

PROCEDURES

Specific procedures for the above levels shall cover:

- Recruitment
- Application formats
- Receiving and recording applications
- The appropriate probation period
- Screening to develop a "short list"
- Interviews and procedures (i.e.) the number of interviews, with whom, and the evaluation technique
- Qualification, reference (minimum of two), and experience checks
- Ratification system and terms of employment (i.e.) by whom and when

1. CAO

- a) **Recruitment**
 - Township Council may retain a Consultant, whose involvement will be designed by the Mayor, Council and incumbent CAO (if appropriate).
 - Conduct advertising in local papers, outside papers, magazines and journals (e.g. Municipal World & AMCTO).
 - Other measures as appropriate
 - Council may determine to hold internal competition only.
- b) **Application Format**
 - Shall be applicant's own with attached resume
- c) **Receiving and Recording Applications**
 - Shall be Council and/or Consultant's responsibility if so instructed
- d) **Probation Period**

- 6 months
- e) Screening to Develop "Short List"
 - Council and/or Consultant's responsibility (if instructed) to make recommendations to Council.
- f) Interviews and Procedures
 - The Consultant or the Mayor will have the obligation to explicitly notify all members of council of the date, time and location of any meetings where the selection process will occur;
 - Council and/or Consultant shall (if instructed) assist with interviewing the "short listed" candidates.
 - Council and/or the Consultant shall recommend an evaluation technique/questionnaire that shall be followed during the selection interview and which will treat all candidates in a uniform manner;
 - Council shall determine the appropriate step within the salary grade based upon the experience and qualifications of the successful applicant
- g) Qualification, Reference, and Experience Checks
 - The Mayor and/or Consultant shall check and document the above to be presented to Council at the time of the selection interview
- (h) Ratification of Selection
 - By Township of Melancthon Council at its next regularly scheduled meeting, or at a special meeting of Council as circumstances dictate

2. Department Heads

- (a) Recruitment
 - The CAO may conduct advertising in local papers or as appropriate by advertising in outside papers, magazines, journals and through appropriate associations.
 - Council may determine to hold internal competition only, or direct the use of a consultant.
- (b) Application Format
 - Shall be applicant's own with attached resume
- (c) Receiving and Recording Applications
 - Shall be done by the CAO
- (d) Probation Period
 - 6 months
- (e) Screening to Develop "Short List"
 - shall be performed by the CAO and at least one other person (chosen by the CAO)
- (f) Interviews and Procedures

- A Committee composed of the CAO and the two Members of the Human Resources Sub-Committee shall interview the short list of candidates
- The CAO shall recommend to Council the appropriate salary grade
- (g) Qualification, Reference, and Experience Checks
 - The CAO shall check and document the above to be presented to Council at the time of the selection interview
- (h) Ratification of Selection
 - By Township Council at its next regularly scheduled meeting, or at a special meeting of Council if circumstances so dictate

3. Other Managerial Staff

- (a) Recruitment
 - The appropriate Department Head shall advertise in local papers or alternatives as appropriate
 - The Department Head may determine to hold internal competition only.
- (b) Application Format
 - shall be applicant's own with attached resume
- (c) Receiving and Recording Applications
 - shall be the Department Head's responsibility
- (d) Probation Period
 - 6 months
- (e) Screening to Develop "Short List"
 - Applicable Department Head's and CAO responsibility
- (f) Interviews and Procedures
 - CAO and Department Head shall interview the short list
 - CAO and the Department Head shall determine the appropriate step within the salary grade based upon the experience and qualifications of the successful applicant
 - The Department Head shall recommend the selection to the CAO
- (g) Reference, Experience and Qualification Checks
 - The Department Head shall check and document the above to be available at the time of the selection interview

4. Non-Managerial Staff

- (a) Recruitment
 - The Department Head shall advertise in the local papers
 - The Department Head may determine to hold internal competition only.
- (b) Application Format
 - Shall be applicant's own

- (c) Probation Period
 - 3 or 6 months at the discretion of the Department Head
- (d) Screening to Develop "Short List"
 - The Department Head's and supervisor's responsibility
- (e) Interviews and Procedures
 - The CAO and the Department Head shall interview and make the selection
 - The new employee shall be hired by the Department Head,
- (f) Qualification, Reference, and Experience Checks
 - The supervisor or Department Head shall check and document the above at the time of the selection interview
- (g) The Department Head may delegate their responsibilities under Section 4 "Non-Managerial Staff" to other staff in the chain of supervision if circumstances so dictate.

5. Offers of Employment

- (a) Following the interview process, an offer of employment will first be made verbally by the Department Head and will be contingent upon delivery of Driver's Abstract (if required). A final offer of employment will then be made in writing by way of an Employment Agreement. Salary will be in accordance with the salary range approved for that position.
- (b) An offer of employment by the Township may be conditional to the prospective employee providing satisfactory medical results by the medical doctor agreed upon by the Township.

6. Employment Criteria

- (a) Age Restriction

All employees must be over age 16 at the start of their employment. For secondary school students working in student positions, the minimum requirements of the Employment Standards Act may apply.
- (b) Proof of Age

All employees must file proof of age, when they have been accepted for employment.
- (c) Proof of Social Insurance Number

All employees must file proof of their social insurance number when they have been accepted for employment.

Variance:

Council may at its discretion, waive or vary any procedural component under this policy.

The Hiring Policy approved on December 2, 2004 is hereby repealed.

Denise Holmes

From: Sara Wicks <swicks@dufferincounty.ca>
Sent: Friday, July 26, 2019 3:50 PM
To: suestone@amaranth-eastgary.ca; Jessica Kennedy; tmcqueen@amaranth.ca; Jane Wilson (External) (jwilson@townofgrandvalley.ca); Meghan Townsend; dholmes@melancthontownship.ca; Mark Early (mark@townofmono.com); fred.simpson@townofmono.com; Mike Dunmore; tatkinson (tatkinson@mulmur.ca); Ed Brennan; Allison Myles; klandry@orangeville.ca; rphillips@orangeville.ca; Susan Lankheit; 'Denyse Morrissey'; Jennifer Willoughby
Cc: Scott Burns
Subject: EV Charging Station Partnership
Attachments: Sample-letter-of-support.docx

Good afternoon,

The County of Dufferin is committed to taking action on climate change and transitioning the community towards a low-carbon future. Electrification is one of the keys to decarbonizing the transportation sector, so providing visible and localized charging infrastructure is key to alleviate consumer concerns about where to charge their vehicle.

We recognize the leadership of some who have already installed Electrical Vehicle (EV) charging stations around the community, and, with the support of our municipal partners, we would like to expand the EV charging station network in Dufferin under the project name *Charge Up in Dufferin*.

Natural Resources Canada's Zero-Emission Vehicle Infrastructure Program covers 50% of project costs related to the installation of EV Charging Stations such as capital costs and installation, and must include the installation of a minimum of 20 stations to be eligible. The County of Dufferin is currently exploring funding scenarios, including the potential of committing funds to cover all remaining costs of this project.

We have identified four County-owned buildings suitable for installations. To maximize the reach of this project, we propose that two level-2 EV connectors (one unit) be installed at each local municipal office building, or other appropriate municipally-owned building. To partner on this project, we are asking for a letter outlining your support in principle for the following:

- Allowing Dufferin County to install a level-2 EV charging station with two connectors at your municipal building.
- Dedicating two parking spaces for the charging unit.
- Allowing Dufferin County to install signage and markings to identify the purpose of the charging electrical vehicle stations.

We view this as an opportunity to build capacity within Dufferin County to address climate change, build community resilience, attract business and economic development to the County, and continue to build urban-rural cohesiveness.

Understanding that you may need or require Council involvement, we are currently asking for support in principle in order to enable us to move forward with an application for funding. The provided letter allows for this flexibility as well as further future discussion with your political decision makers.

Please return a signed letter by September 3, 2019. Please don't hesitate to reach out if you have any questions.

Thanks,
Sara

Sara Wicks | Climate Change Coordinator

County of Dufferin | 519.941.2816 x2624 | swicks@dufferincounty.ca | 55 Zina Street, Orangeville, ON L9W 1E5

Join in Dufferin - Share your stories. Connect with your community. Have your say on new projects. **Sign Up and Speak Up!**

DISCLAIMER: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the County of Dufferin. Finally, the recipient should check this email and any attachments for the presence of viruses. The County of Dufferin accepts no liability for any damage caused by any virus transmitted by this email. The Corporation of the County of Dufferin, 55 Zina Street, Orangeville, Ontario. www.dufferincounty.ca

Total Control Panel

[Login](#)

To: dholmes@melancthontownship.ca

From: swicks@dufferincounty.ca

You received this message because the domain dufferincounty.ca is on the enterprise allow list. Please contact your administrator to block messages from the domain dufferincounty.ca

[corporate letterhead]

[municipal office address and contact information]

[date]

Natural Resources Canada
c/o Zero Emission Vehicle Infrastructure Program
580 Booth Street
18th Floor
Ottawa, ON K1A 0E4

Dear Sir/Madam

Re: Letter of support for The County of Dufferin's EV charging station installation, *charge up in Dufferin*

[municipality name] is providing a letter of support for the County of Dufferin's *charge up in Dufferin* initiative to install EV charging stations throughout the County.

As a member of the Partners for Climate Protection, *[municipality name]* has committed to becoming a low-carbon community, and this partnership with the County helps us fulfil our goal of reducing greenhouse gas emissions.

[Municipality name] will support Dufferin's EV charging installation by:

- Allowing Dufferin County to install an EV charger with two connectors on *[Municipality name]*-owned property
- Dedicating two parking spaces for the charging unit (one to each connector at the site)
- Allowing Dufferin County to install signage and markings to identify the purpose of the charging electrical vehicle stations

Subsequent to further consultation and discussion we are truly excited to bring EV charging stations to our community and to continue our working relationship with the County to demonstrate leadership on climate action in Dufferin.

Yours truly,

[scanned signature]

[name of CAO]
[contact information]

Denise Holmes

From: Brown, Carey (MNRF) <Carey.Brown@ontario.ca>
Sent: Monday, July 29, 2019 4:43 PM
To: Jenny Li; Denise Holmes; eperry@nvca.on.ca; planning@nvca.on.ca
Cc: Watt, Rick (MNRF)
Subject: 20-9086.NEC.Request for Comments
Attachments: 20-9086.NEC.Request for Comments.pdf

Please find the attached Request for Comments for NEC File# M/R/2019-2020/9086 – Salcin Haulage Inc.

We would appreciate receiving your comments by email to: necthornbury@ontario.ca by August 19, 2019

Thank you,

Carey Brown
Administrative Support Coordinator



Niagara Escarpment Commission

An agency of the Government of Ontario

99 King Street E. Box 308 | Thornbury, ON | N0H 2P0

Tel: 519-599-3340 | Fax: 519-599-6326

Website: www.escarpment.org

To enable us to serve you better, please call ahead to make an appointment.

Total Control Panel

[Login](#)

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

From: carey.brown@ontario.ca

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

99 King Street East
P.O. Box 308
Thornbury, ON N0H 2P0
Tel. No. (519) 599-3340
Fax No. (519) 599-6326
www.escarpment.org

99, rue King est
p.o.b. 308
Thornbury ON N0H 2P0
No de tel. (519) 599-3340
Télécopieur (519) 599-6326
www.escarpment.org

July 29, 2019

Via Email

To: County of Dufferin, Nottawasaga Valley Conservation Authority,
Township of Melancthon

REQUEST FOR COMMENTS

FILE NUMBER: M/R/2019-2020/9086

APPLICANT: Salcin Haulage Inc. c/o Murray McGlaughlin
AGENT: David Metz
OWNER: same as applicant

LOCATION: Part Lot 16, Concession 1 OS
625435 15th Sideroad
Township of Melancthon, County of Dufferin
ARN 221900000103600

RELATED FILES: M/R/2018-2019/9253

PROPOSED DEVELOPMENT:

To construct a two storey, ± 288 sq m (3,100 sq ft) single dwelling with attached garage, having a maximum height of ± 9.4 m (31ft); construct a ± 18.2 sq m (196 sq ft) porch on the proposed dwelling; demolish an existing ± 35.7 sq m (384 sq ft) accessory building (garage); and install a private sewage disposal system and a driveway on a 0.1 ha (0.25 ac) existing lot.

The attached Development Permit application, which is summarized above, is being sent to you for your review. Your comments and recommendations are requested for the Niagara Escarpment Commission's consideration.

We would appreciate receiving your comments via email to necthornbury@ontario.ca by: **August 19, 2019**. If we do not receive your comments by this date we will assume you have no objection to this proposal. If you require additional time to provide comments please notify us at least one week prior to this date.

If you require further information, please contact Rick Watt at (519) 599-3740 or email: rick.watt@ontario.ca

FILE # M/R/2019-2020/9086

(For NEC office use only)



NIAGARA ESCARPMENT DEVELOPMENT PERMIT APPLICATION

(FMS #0113 - Revised November 29, 2018)

THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT, R.S.O. 1990, AS AMENDED

<p>NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p>Phone: 905-877-5181 Fax: 905-873-7452 Website: www.escarpment.org Email: neccgeorgetown@ontario.ca</p> <p>Serving the areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p>	<p>NIAGARA ESCARPMENT COMMISSION Box 308, 99 King Street East Thornbury, ON N0H 2P0</p> <p>Phone: 519-599-3340 Fax: 519-599-6328 Website: www.escarpment.org Email: neccthornbury@ontario.ca</p> <p>Serving the areas of: Bruce County Grey County Simcoe County Dufferin County (Mumr, Melancthon)</p>
--	--

RECEIVED
JUL 12 2019
NIAGARA ESCARPMENT COMMISSION

- Please ensure that the information you provide in this application is complete and accurate.
- Incomplete or inaccurate information will delay the processing of your application.
- Please contact your local Commission office if you have any questions about your proposal or this application.

1. APPLICANT

Name: DAVID METZ

Mailing Address: Box 33 SHELBURNE ON L9V 3L8

Phone: [REDACTED] Fax: [REDACTED] E-mail: [REDACTED]

2. AGENT (if any)

Name: DAVID METZ

Mailing Address: Box 33 SHELBURNE ON L9V 3L8

Phone: [REDACTED] Fax: [REDACTED] E-mail: [REDACTED]

3. OWNER (if different from applicant)

Name: Salcin Haulage Inc. (Murray McGlaughlin)

Mailing Address: [REDACTED] RR 7 Tillsonburg N4G 4H1

Phone: [REDACTED] Fax: [REDACTED] E-mail: [REDACTED]

4. CONTRACTOR (if applicable)

Name: METZ HOMES LTD

Mailing Address: Box 33 SHELBURNE ONT L9V 3L8

Phone: [REDACTED] Fax: [REDACTED] E-mail: [REDACTED]

5. PROPERTY LOCATIONCounty/Region DUFFERIN Municipality MELANCTHON (former) Municipality _____Lot 16 Concession 105 and/or Lot _____ Plan _____Civic Address # 625435 (Fire/Emergency #) Street Address 15 SIDEROADAssessment roll number 22 19 000 001 03600 0000**6. LOT INFORMATION**Lot Size 10890 sq. ft. Frontage 66' Depth 165'**7. SERVICING**

Existing Road Frontage:	<input checked="" type="checkbox"/> Municipal	<input type="checkbox"/> Private	<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Year-round
Proposed Road Frontage:	<input checked="" type="checkbox"/> Municipal	<input type="checkbox"/> Private	<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Year-round
Existing Water Supply:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Communal	<input type="checkbox"/> Private Well	<input type="checkbox"/> Other: _____
Proposed Water Supply:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Communal	<input checked="" type="checkbox"/> Private Well	<input type="checkbox"/> Other: _____
Existing Sewage System:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Communal	<input type="checkbox"/> Private Septic	<input type="checkbox"/> Other: _____
Proposed Sewage System:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Communal	<input checked="" type="checkbox"/> Private Septic	<input type="checkbox"/> Other: _____

8. EXISTING and PROPOSED DEVELOPMENT

Note: "Development" includes the construction of buildings and structures, alterations to the landscape, (e.g. placing fill, drainage alterations, pond construction or alteration), any change of use or new use (e.g. residential to commercial, new home business, etc). If additional space is required please include a separate attachment.

Existing Development: (describe)

Proposed Development: (describe)

Residential VACANT LOTSINGLE FAMILY HOME w/ ATTACHED GARAGE

Recreational _____

Agricultural _____

Commercial _____

Other _____
(e.g. Industrial, Institutional)**9. EASEMENTS, COVENANTS, AGREEMENTS**

Describe the type and terms of any easements, right-of-ways, covenants, agreements or other restrictions registered on or affecting the title of the property and/or attach a copy:

N/A**10. DATE OF PURCHASE**Date the property was purchased by the current owner May 9 2019.Date the property will be purchased by the applicant (if purchasing from current owner): ASAP ** SUBJECT TO PERMIT AVAILABILITY

Note regarding Sections 11, 12, 13, 14, 15, 16:

Depending on the type or nature of the proposed development and/or the characteristics of the property, supporting information such as Environmental Impact Studies, Landscape Plans, Lighting Plans, Visual Assessments, Grading Plans, Erosion Control Plans, Slope Stability Studies, etc., may be required in support of the following information.

11. CONSTRUCTION DETAILS

PLEASE NOTE

Ground Floor Area is the total exterior measurements of any building, including attached garages and enclosed decks (as applicable).

Total Floor Area (i.e., total mass) is based on the exterior measurements of the building and includes the total of the ground floor area (including attached garages, etc.), plus walkout basements, plus full or half second storeys, etc.

Maximum Height is measured from the lowest grade (e.g., walkout side), to the peak of the roof.

	Ground Floor Area (Exterior measurements)	Total Floor Area	# of Storeys	Maximum Height (to peak)	Use of structure
Dwelling	2200 SF	3100 SF	2	31'	
Dwelling Addition					
Accessory Building 1					
Accessory Building 2					
Accessory Building Addition					
Other Building					
Demolition (specify what structure)	+1384 SF	+1384 SF	1		Garage

*If fill is required for any of the developments proposed above please provide details in Section 12 below.

12. ACCESSORY FACILITIES, STRUCTURES, FILLING, GRADING, etc.

(e.g.: Driveways, Decks, Gazebos, Swimming Pools, Tennis Courts, Lighting, Signs, Wind Turbines, free-standing Solar Panels, Hydro Poles/Lines, Retaining Walls, Placement of Fill, Grading, Berms, Parking Areas, Tree/Site Clearing, etc.) (See next page for Ponds)

Describe and provide information such as: dimensions, size, height, amount of fill etc.

- BUILD DRIVEWAY FROM ROAD TO GARAGE
- BUILD DECK ON REAR OF HOUSE (+/- 14' x 14')
- DEMOLISH EXISTING GARAGE ON SITE

13. HOME BUSINESS, CHANGE OF USE, NEW USE

(e.g. Establishing a Home Business, Home Occupation, Home Industry or Bed and Breakfast business.
Converting or changing the use or establishing a new use on a property or within any dwelling building or structure on a property.)

Describe the proposed business or new use and provide information such as:

Type of business or use, size or area of building &/or land to be occupied or altered by the use, construction or alteration details, number of employees, access, parking, storage details, sales, hours of operation, signage, etc.

Note: A separate, detailed, business overview or plan should be provided.

N/A

14. PONDS – New pond / Existing pond work – dredging, maintenance, repair, etc.)

N/A

The following information is the minimum information that is required for pond construction or alteration/maintenance. Generally, a hydrology/hydrogeology report and/or an environmental impact assessment is also required.

Pond is: ☐ Proposed ☐ Existing ☐ Other (e.g., on-stream, by-pass) _____

Type of Pond: ☐ Dug ☐ Spring-fed ☐ Irrigation ☐ Other _____

Use of Pond: ☐ Recreation ☐ Livestock/farm ☐ Well ☐ Other _____

Water Source: ☐ Precipitation/run-off ☐ Springs

Size of Pond: Water Area _____ Depth of Water _____

Height of Banks _____ Width of Banks _____

Setbacks: Distance to nearest watercourse, wetland and/or roadside ditch: _____

Distance to nearest existing or proposed septic system: _____

Construction Details/Inflow/Outflow Details, Emergency Outflow/Spillway Details: (describe type of construction, water supply, receiving area or watercourse, etc.)

Erosion/sediment control measures: _____

Placement of excavated material: _____

Finish grading and landscaping: _____

NA

☐ Small Scale Commercial Use Accessory to Agriculture _____

☐ Mobile Dwelling Accessory to Agriculture: _____

☐ Dwelling in Agricultural Area (near barns – MDS I): _____

☐ Livestock Facility (MDS II): _____

☐ Equestrian Facility (e.g. arenas, riding rings, events): _____

☐ Farm Pond: _____

☐ Winery: _____

☐ Winery Event: _____

☐ Farm Vacation Home: _____

☐ 'Agricultural Purposes Only' (APO) Lot Creation: _____

$$N/\Delta$$

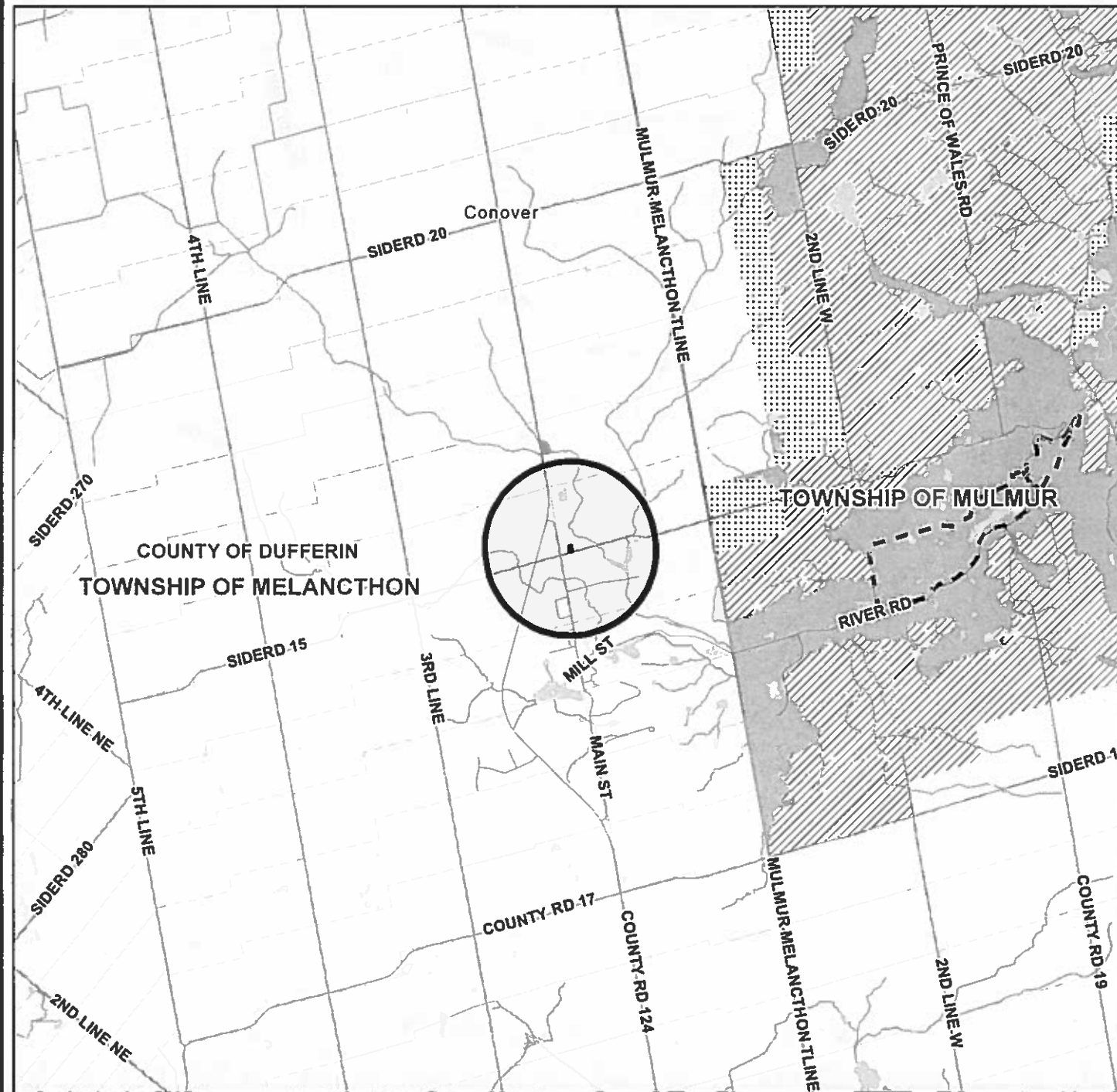
i) Existing Lot: Frontage _____ Depth _____ Size _____	ii) Proposed Lot: Frontage _____ Depth _____ Size _____	iii) Retained Lot: Frontage _____ Depth _____ Size _____	iv) Use of new Lot <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural/APO <input type="checkbox"/> Conservation <input type="checkbox"/> Lot Addition <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial
--	---	--	--

Additional information to clarify your proposal may be submitted here or on a separate attachment: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

Map 1A Niagara Escarpment Plan

METZ
File: M/R/2019-2020/9086



- Subject Property
- Plan Designations**
 - Escarpment Natural Area
 - Escarpment Protection Area
 - Escarpment Rural Area
 - Public Land (in Parks and Open Space System)
 - Roads
 - Waterbodies
 - Watercourse
 - Upper Tier Municipality
 - Lower/Single Tier Municipality
 - Lot and Concession Boundary

NOTE: The Niagara Escarpment Plan Designation boundaries shown on this map are approximate and subject to confirmation through Site Inspection and the application of the 'Interpretation of Boundaries' section of the Niagara Escarpment Plan.

Scale 1:50,000
0 380 760 1140 1520

Metres

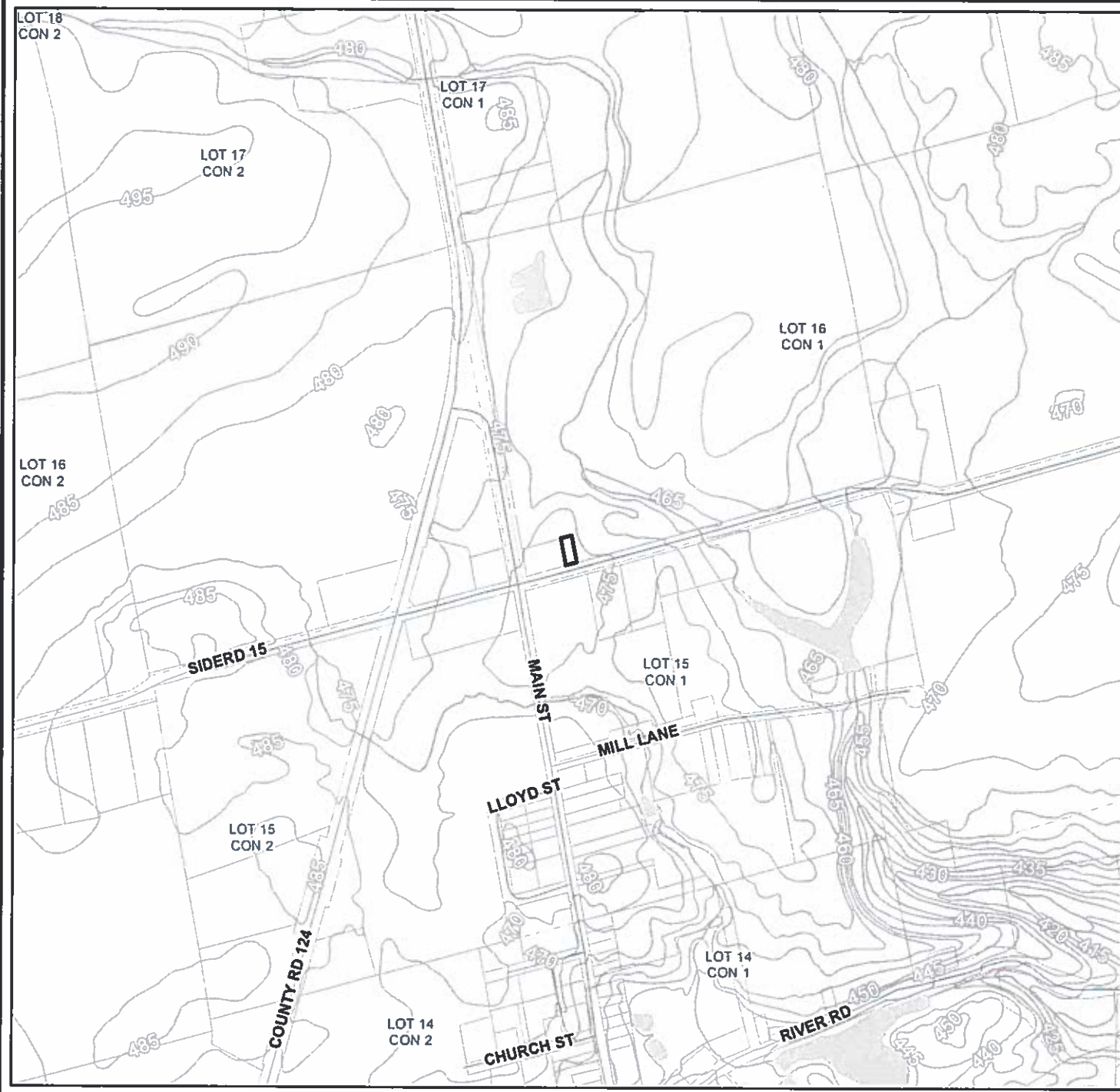
Printed on July 24, 2019

THIS IS NOT A PLAN OF SURVEY.
This map is illustrative only. Do not rely on it as being a precise indicator of routes, location of features, nor as a guide to navigation. Data derived from various sources.
Map compiled and produced by the Geographic Information Systems
(GIS) Department of the Niagara Escarpment Commission,
Ministry of Natural Resources.



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Map 2 Lot Configuration

METZ
File: M/R/2019-2020/9086

- Subject Property
- Roads
- Waterbodies
- Watercourse
- Contour (5 metre intervals)
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Lot and Concession Boundary
- Parcel Boundary



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Map 2C Orthophoto

METZ
File: M/R/2019-2020/9086

- Subject Property
- Roads
- Waterbodies
- Watercourse
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Lot and Concession Boundary
- Parcel Boundary

Orthophoto Date: 1995-2015

Scale 1:10,000

0 75 150 225 300

Metres

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Map 2C Orthophoto

METZ
File: M/R/2019-2020/9086



- Subject Property
- Roads
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Lot and Concession Boundary
- Parcel Boundary

Orthophoto Date: 1995-2015

Scale 1:1,000



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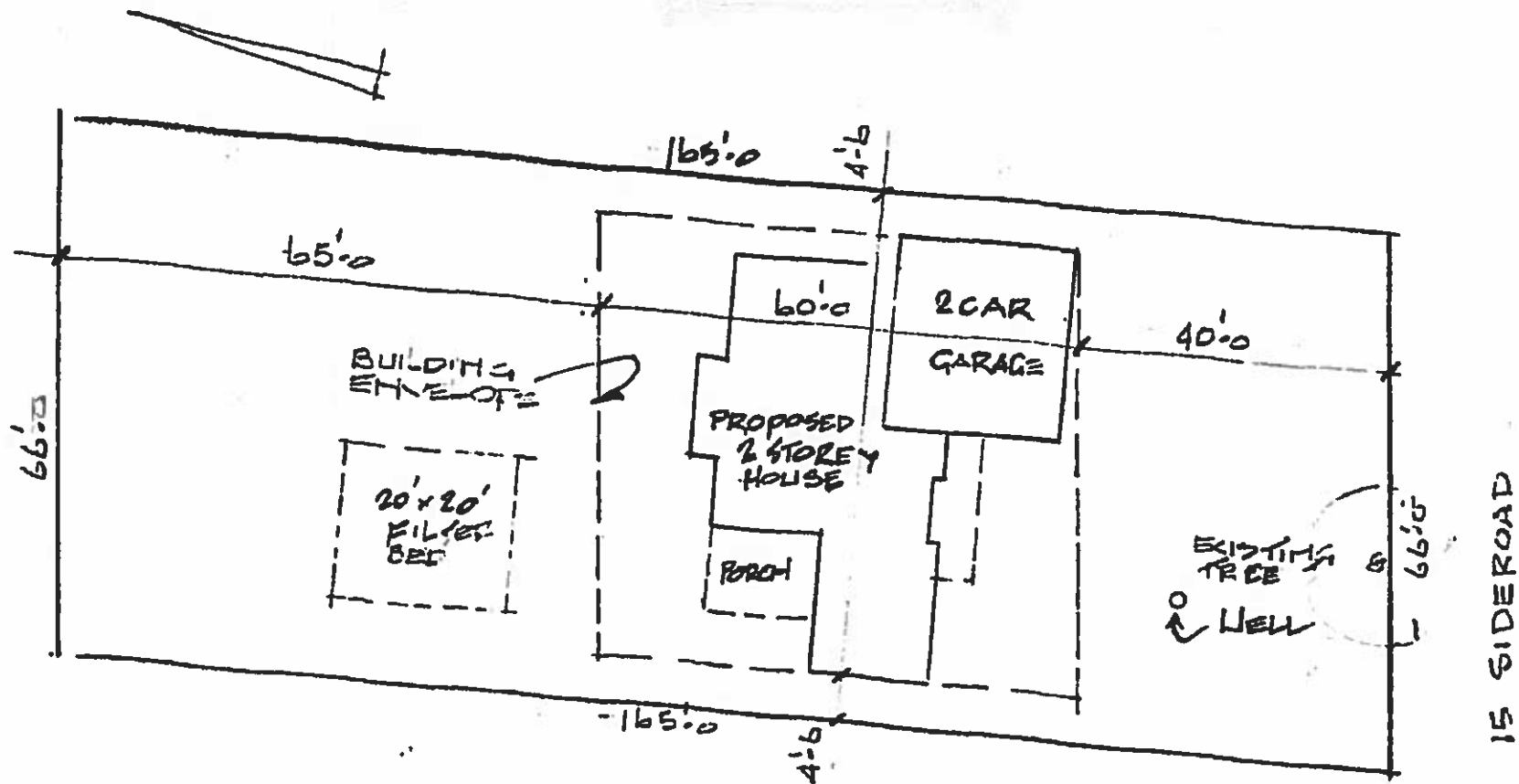
Ontario



MAP 3 - SITE PLAN

APPLICANT: SALCIN HAULAGE INC.

FILE: M/R/2019-2020/9086



SITE PLAN

1" = 20'0"

EMERGENCY NO 625 435
15 SIDEROAD
MELANCTHON TWP
ONT.

AREA

HOUSE 1600 SF
GARAGE 600 SF
LOT 10,890 SF
COVERAGE 20.2 %
HEIGHT OF BLDG 31'0" ABOVE GRADE

METZ HOMES LTD

ENGINEER B. J. 12/07
JUL 11 2019



Corporation of the Township of Melancthon

Moved by "M. Mercer"

Seconded by

Date, 2019

Be it resolved that:

WHEREAS the Township of Melancthon and other townships are facing serious safety issues from aggressive speeding and careless driving on our highways and roads;

AND WHEREAS traffic volume has increased on highways and roads in and around Melancthon Township due to an increase in population moving through the area;

AND WHEREAS set fines for speeding offences under the Highway Traffic Act (Section 128) have not increased in over 20 years;

AND WHEREAS given no increases in over 20 years a thorough review in terms of deterrence may be required;

AND WHEREAS the Chief Justice of the Ontario Court of Justice determines fines under the Provincial Offences Act (Section 91.1)(2);

AND WHEREAS an increase in fines may also require a change in regulations;

BE IT RESOLVED the Township of Melancthon requests the Chief Justice of the Ontario Court of Justice to review Set Fines under the Highway Traffic Act, especially those involving speeding offences (Section 128) and careless driving (Section 130) that takes into consideration the length of time since the last increase and the increase in the frequency and severity of offences;

AND THAT this motion be sent to the Chief Justice, Dufferin County municipalities, MPP Sylvia Jones, the Detachment Commander of the Dufferin OPP and the Association of Municipalities of Ontario

GB #2.1

AUG 15 2019

<u>Recorded Vote</u>	<u>Yea</u>	<u>Nay</u>
Mayor Darren White		
Deputy Mayor David Besley		
Councillor Wayne Hannon		
Councillor Margaret Mercer		
Councillor David Thwaites		

Carried/Lost: _____
MAYOR

WHEREAS the Township of Melancthon and other townships are facing serious safety issues from aggressive speeding and careless driving on our highways and roads;

AND WHEREAS traffic volume has increased on highways and roads in and around Melancthon Township due to an increase in population moving through the area;

AND WHEREAS set fines for speeding offences under the Highway Traffic Act (Section 128) have not increased in over 20 years;

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AND WHEREAS the Chief Justice of the Ontario Court of Justice determines fines under the Provincial Offences Act (Section 91.1)(2);

AND WHEREAS an increase in fines may also require a change in regulations;

BE IT RESOLVED the Township of Melancthon requests the Chief Justice of the Ontario Court of Justice to review Set Fines under the Highway Traffic Act, especially those involving speeding offences (Section 128) and careless driving (Section 130) that takes into consideration the length of time since the last increase and the increase in the frequency and severity of offences;

AND THAT this motion be sent to the Chief Justice, Dufferin County municipalities, MPP Sylvia Jones, the Detachment Commander of the Dufferin OPP and the Association of Municipalities of Ontario.

**NOTICE OF A PUBLIC MEETING
TO INFORM THE PUBLIC OF A PROPOSED
ZONING BY-LAW AMENDMENT**

RECEIPT OF COMPLETE APPLICATION

TAKE NOTICE that Township of Melancthon has received a complete application to amend Municipal Zoning By-law 12-79. The purpose of the rezoning is to amend the Township's Comprehensive Zoning By-law to zone an existing lot of record to the Rural Residential (RR) Zone.

AND PURSUANT to Section 34 (10) and 39 of the Planning Act, the application file is available for review at the Municipal Office. Please contact the Municipal Clerk to arrange to review this file.

NOTICE OF PUBLIC MEETING WITH COUNCIL

TAKE NOTICE that the Council for The Corporation of the Township of Melancthon will be holding a public meeting (described below) under Section 34 of the Planning Act, R.S.O. 1990, c.P. 13 as amended, to allow the public to comment on the proposed Zoning By-law Amendment.

DATE AND LOCATION OF PUBLIC MEETING

Date: Thursday, August 15, 2019
Time: 5:20 p.m.
Location: Township of Melancthon Municipal Office (Council Chambers)

DETAILS OF THE ZONING BY-LAW AMENDMENT

The application affects a vacant lot located on the 4th Line OS in the West Part Lot 17, Concession 3 O.S., RP7R-4184, Part 1, Part 2 and Part 3 in the Township of Melancthon. A key map has been appended to this Notice which identifies the subject lands.

The purpose of the proposed by-law is to amend the Restricted Area (Zoning) By-Law No. 12-79 as amended to rezone the subject lands from the General Agricultural Exception (A1-129) Zone to the Rural Residential (RR) Zone. The proposed amendment will allow the subject lands to be used for rural residential purposes.

Information relating to this application is available at the Township of Melancthon Municipal Office for public review during regular office hours.

FURTHER INFORMATION AND MAP OF LAND SUBJECT TO THE APPLICATION

A key map has been appended that identifies the lands that are subject to this amendment.

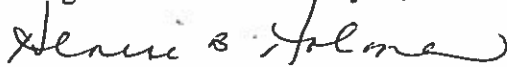
The purpose of this meeting is to ensure that sufficient information is made available to enable the public to generally understand the proposed Zoning By-law Amendment. Any person who attends the meeting shall be afforded an opportunity to make representations in respect of the proposed amendment.

If you wish to be notified of the decision of the Council for the Corporation of the Township of Melancthon in respect to the proposed Zoning By-law Amendment, you must submit a written request (with forwarding addresses) to the Clerk of the Township of Melancthon at 157101 Highway 10, Melancthon, Ontario, L9V 2E6 or fax (519) 925-1110

If a person or public body files an appeal of a decision of the Council for the Corporation of the Township of Melancthon, as the approval authority in respect of the proposed Zoning By-law Amendment, but does not make oral submissions at a public meeting or make written submissions to Council before the proposed amendment is approved or refused, the Local Planning Appeal Board may dismiss all or part of the appeal.

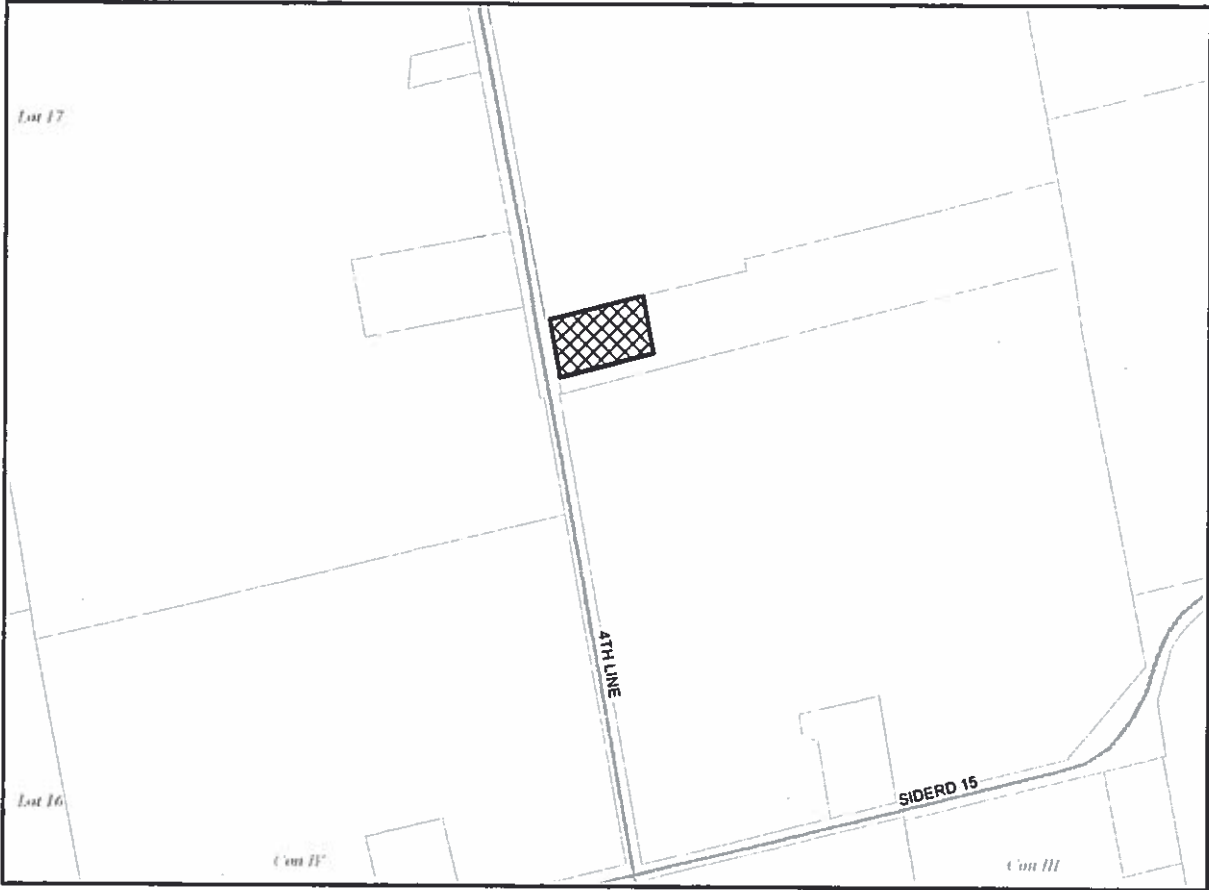
Further information regarding the proposed amendment is available to the public for inspection at the Township of Melancthon Municipal Office on Monday to Friday, between the hours of 8:30 a.m. and 4:30 p.m.

Mailing Date of this Notice: July 24, 2019


Denise Holmes, CAO/Clerk
Township of Melancthon

DEL# 1
AUG 15 2019

LANDS SUBJECT TO APPLICATION FOR
ZONING BY-LAW AMENDMENT



 Subject Lands

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY-LAW NO. _____

Being a By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon for lands legally described as Parts 1, 2 and 3, Plan 7R-4184, located in Part of Lot 17, Concession 3 O.S, in the Township of Melancthon, County of Dufferin.

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it advisable to amend By-Law 12-79, as amended;

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

1. Schedule 'A' to Zoning By-law No. 12-79 as amended, is further amended by zoning lands legally described as Parts 1, 2 and 3, Plan 7R-4184, located in Part of Lot 17, Concession 3, O.S. from the General Agricultural Exception (A1-129) Zone to the Rural Residential (RR) Zone, as shown on Schedule A-1 attached hereto, which forms part of this By-law.
2. In all other respects, the provisions of By-law 12-79, as amended shall apply.

This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the 15th day of August 2019.

READ A THIRD TIME and finally passed this 15th day of August 2019.

Mayor

Clerk

Schedule 'A-1'
By-law 2019-_____
Part of Lot 17, Concession 3 O.S.
Township of Melancthon



 Lands to be rezoned from the General Agricultural Exception (A1-129) Zone to the Rural Residential (RR) Zone

This is Schedule 'A-1' to By-law _____

Passed this _____ day of _____, 2019.

Mayor

Clerk