



**Township of Southgate
Council Meeting Agenda**

September 7, 2022

9:00 AM

Electronic Participation

Pages

1. Electronic Access Information

If you wish to listen to the Council meeting electronically please wait until the start time of the meeting, then dial in with your phone using the following information:

Phone Number: **1 (647) 497-9373**

Access Code: **990 - 730 - 221 #**

2. Call to Order

3. Land Acknowledgement

As we gather, we recognize and acknowledge the traditional keepers of this land with whom we share today. The Township of Southgate is a part of the traditional territories of the Anishinaabek, Six Nations of the Grand River, Saugeen Ojibway Nation, Haudenosaunee, and Saugeen Métis. The land that surrounds us is part of who we are as it reflects our histories; may we live in peace and friendship with all its diverse people.

4. Open Forum - Register in Advance

If you wish to speak at Open Forum please register with the Clerk in advance of the meeting by email to lgreen@southgate.ca

5. Confirmation of Agenda

Be it resolved that Council confirm the agenda as presented.

6. Declaration of Pecuniary Interest

7. Delegations & Presentations

None

8. Adoption of Minutes 14 - 39

Be it resolved that Council approve the minutes from the August 18, 2022 Council and Closed Session meetings as presented; and
That Council approve the minutes from the August 24, 2022 Special Council and Closed Session meetings as presented.

9. Reports of Municipal Officers

9.1. Chief Building Official Bev Fisher

9.1.1. Noise By-Law No. 2021-132 Exception Request 40 - 42

Be it resolved that Council receive Staff Report CBO2022-009 for information; and
That Council approve the proposed Noise By-law Exemption request received from Dundalk District Agricultural Society for Saturday September 10th, 2022 from 11 pm to 2 am Sunday September 11th, 2022 at the Dundalk Fair Grounds.

9.2. Clerk Lindsey Green

9.2.1. CL2022-026 - Dundalk Annual Oktoberfest Event Support Request 43 - 45

Be it resolved that Council receive Staff Report CL2022-026 for information; and
That Council supports the Dundalk Annual Oktoberfest event being held on October 1, 2022, at the Dundalk Fairgrounds; and
That Council deem the Dundalk Oktoberfest as a municipally significant event and supports the Dundalk Oktoberfest Committee obtaining a Special Occasions Permit through the Alcohol and Gaming Commission of Ontario.

9.2.2. CL2022-027-Appointment of the Grey County Joint Compliance Audit Committee 46 - 61

Be it resolved that Council receive Staff Report CL2022-027 for information; and
That Council considers approval of by-law 2022-130 to appoint individuals to the Grey County Compliance Audit Committee for the 2022-2026 term of Council, as recommended by the Grey County Clerks.

9.2.3. By-law 2022-130 - Appoint Grey County Compliance Audit Committee 2022-2026 Term

62

Be it resolved that by-law number 2022-130 being a by-law to appoint the Grey County Compliance Audit Committee for the 2022 to 2026 term of Council be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

9.3. Public Works Manager Jim Ellis

9.3.1. PW2022-046 Hydrovac & CCTV Services Award Recommendation

63 - 65

Be it resolved that Council receive Staff Report PW2022-046 for information; and
That Council approve the award for services for Hydrovac Excavation / Flusher Truck to CT Horizontal & Vac and CCTV Camera Investigation Services to GFL Environmental Inc.

9.4. Chief Administrative Officer Dave Milliner

9.4.1. CAO2022-046 Southgate Meadows Inc Flato West Subdivision Final Report

66 - 70

Be it resolved that Council receive staff report CAO2022-046 as information; and
That Council approve the Flato Dundalk Meadows Inc. West Subdivision Final Acceptance of the infrastructure services, roads and storm water management facilities for this development.
That Council consider approval of the Flato Dundalk Meadows Inc. West Subdivision Final Acceptance by municipal By-law 2022-116 at the September 7, 2022 Council meeting.

- 9.4.2. **By-law 2022-116 Flato West Phase 1 Subdivision - Final Acceptance and Assumption** 71
- Be it resolved that** by-law 2022-116 being a by-law to assume municipal services in respect to Registered Plan 16M-54 be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.
- 9.4.3. **CAO2022-052 Dundalk Flyers Hockey Club Donation Report** 72 - 73
- Be it resolved that** Council receive Staff Report CAO2022-052 for information; and
That Council approve the Dundalk Flyers Senior Hockey Club Donation Agreement with South-East Grey Community Health Centre with the funding going to the new Dundalk Medical Centre with Southgate acting in a support role to help the donator complete the transaction; and
That Council consider approving the Dundalk Flyers Senior Hockey Club Donation Agreement with South-East Grey Community Health Centre and the Township of Southgate by Municipal By-law 2022-123 at the September 7, 2022 Council meeting.
- 9.4.4. **By-law 2022-123 Donation Agreement - Dundalk Flyers Hockey Club and SEGCHC Dundalk Medical Centre** 74 - 76
- Be it resolved that** by-law 2022-123 being a by-law to authorize a donation agreement between the Dundalk Flyers Senior Hockey Club, South East Grey Community Health Centre and the Corporation of the Township of Southgate be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

9.4.5. CAO2022-053 White Rose Park Phase III Draft Pre Servicing Agreement Report 77 - 109

Be it resolved that Council receive staff report CAO2022-053 as information; and

That Council approve the White Rose Park Phase III Draft Pre-Servicing Agreement with the appropriate Schedules reflecting the necessary approved Engineered drawing, report information and approved securities for the project; and

That Council consider approving the White Rose Park Phase III Pre-Servicing Agreement by Municipal By-law 2022-126 at the September 21, 2022 meeting.

9.4.6. CAO2022-054 White Rose Phase III Development Reserve Capacity Servicing Allocation 110 - 119

Be it resolved that Council receive staff report CAO2022-054 as information; and

That Council approve the allocation of 30 residential units of servicing capacity for Water and Wasterwater to the White Rose Park Phase 11 Residential Development Project to provide 10 single family dwellings and 25 townhomes; and

That Council approve a Hold condition be placed on the remaining 47 units of servicing capacity for Water and Wasterwater to the White Rose Park Phase III for the purpose of services for 20 single family and 33 townhome residential properties and that the Hold condition be reflected in the White Rose Park Phase III Servicing Capacity Allocation Agreement; and

That Council consider approving the allocation of 30 residential units of servicing capacity for Water and Wasterwater to the White Rose Park Phase III Residential Development Project by municipal By-law 2022-127 at the September 7, 2022 meeting.

9.4.7. By-law 2022-127 White Rose Phase III - Final Capacity Servicing Allocation Agreement 120 - 124

Be it resolved that by-law 2022-127 being a by-law to authorize an agreement between 2570970 Ontario Inc and the Corporation of the Township of Southgate be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

9.4.8. CAO2022-055 Flato East Phase 11 Draft Pre-Servicing Agreement Report Final 125 - 145

Be it resolved that Council receive staff report CAO2022-055 as information; and

That Council approve the Flato Dundalk Meadows Inc. project known as Flato East Phase 11 for a Draft Pre-servicing Agreement with the appropriate Schedules reflecting the necessary approved Engineered drawing, report information and approved securities for the project; and

That Council consider approving the Flato Dundalk Meadows Inc. project known as Flato East Phase 11 Pre-servicing Agreement by Municipal By-law 2022-124 at the September 21, 2022 meeting.

9.4.9. CAO2022-056 Flato East Phase 11 Development Reserve Capacity Servicing Allocation Report 146 - 153

Be it resolved that Council receive staff report CAO2022-056 as information; and

That Council approve the allocation of 152 residential units of servicing capacity for Water and Wasterwater to the Flato East Phase 11 Commercial and Residential Development Project to provide 29 units for a commercial use, 42 single family dwellings and 101 townhomes; and

That Council approve that a Hold condition be placed on the remaining 50 units of servicing capacity for Water and Wasterwater to the Flato East Phase 11 for the purpose of servicing for 50 single family detached residential properties and that the Hold condition be reflected in the Flato East Phase 11 Servicing Capacity Allocation Agreement; and

That Council consider approving the allocation of 152 residential units of servicing capacity for Water and wasterwater to the Flato East Phase 11 Commercial and Residential Development Project by municipal By-law 2022-125 at the September 7, 2022 meeting.

9.4.10. By-law 2022-125 Flato East Phase 11 - Final Capacity Servicing Allocation Agreement 154 - 158

Be it resolved that by-law 2022-125 being a by-law to authorize an agreement between Flato Dundalk Meadows Inc and the Corporation of the Township of Southgate be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

9.4.11. CAO2022-057 SEGCHC Dundalk Medical Centre Building Design Report 159 - 166

Be it resolved that Council receive Staff Report CAO2022-057 as information; and

That Council provide feedback to staff on the South-East Grey Community Health Centre, Dundalk Medical Clinic exterior design.

- 9.4.12. **CAO2022-058 South Grey Housing Corporation
Municipal Working Group draft Terms of Reference
Report** 167 - 178
- Be it resolved that** Council receive staff report
CAO2022-058 as information; and
That Council approve the draft South Grey Housing
Corporation Working Group Terms of Reference
document and provide feedback to staff.
- 9.4.13. **CAO2022-059 Eh!tel Networks Inc Southgate Hopeville
Fibre Optic Point of Presence Site Agreement Approval** 179 - 188
- Be it resolved that** Council receive staff report
CAO2022-059 as information; and
That Council approve the Eh!Tel Networks Inc. and
Southgate Hopeville Point of Presence (POP) Site
Agreement, dated September 7th, 2022 as presented;
and
That Council consider approval of the Eh!Tel Networks
Inc. and Southgate Hopeville POP Site Agreement by
Municipal By-law 2022-128, at the September 7, 202
Council meeting.
- 9.4.14. **By-law 2022-128 - EH!Tel Networks Inc. POP Site
Agreement - Hopeville** 189 - 196
- Be it resolved that** by-law number 2022-128 being a
by-law to authorize an agreement between Eh!tel
Networks inc and the Corporation of the Township of
Southgate be read a first, second and third time, finally
passed, signed by the Mayor and the Clerk, sealed with
the seal of the Corporation and entered into the by-law
book.
- 9.4.15. **CAO2022-060 Eh!tel Network Solutions Inc - Southgate
Temporary Tower Agreement Approval Report** 197 - 198
- Be it resolved that** Council receive staff report
CAO2022-060 as information; and
That Council consider approval of the Eh!tel Networks
Inc. Temporary Tower Agreement by Municipal By-law
2022-134, at the September 7th, 2022 meeting.

- 9.4.16. **By-law 2022-134 - Eh!Tel Networks Inc Portable Tower Agreement - Hopeville** 199 - 201

Be it resolved that by-law 2022-134 being a by-law to authorize an agreement between Eh!tel Networks Inc and the Corporation of the Township of Southgate be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

- 9.4.17. **CAO2022-061 Southgate Meadows Inc. Flato East Phase 2B Subdivision Preliminary Acceptance** 202 - 206

Be it resolved that Council receive staff report CAO2022-061 as information; and
That Council approve the Flato Dundalk Meadows Inc., Flato East Phase 2B Subdivision Preliminary Acceptance of the Stages III & IV infrastructure services for this development.

9.5. **Planner Clinton Stredwick**

- 9.5.1. **PL2022-062 – ZBA C6-22 Victor Santos** 207 - 212

Be it resolved that Council receive Staff Report PL2022-062 for information; and
That Council consider approval of by-law 2022-129.

- 9.5.2. **By-law 2022-129 ZBA C6-22 Victor Santos** 213 - 215

Be it resolved that by-law number 2022-129 being a by-law to amend Zoning By-law No. 19-2002 entitled the "Township of Southgate Zoning By-law" be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

- 9.5.3. **PL2022-063-C8-22 - Grey Ridge Metals** 216 - 223

Be it resolved that Council receive Staff Report PL2022-063 for information; and
That Council Consider approval of Bylaw- 2022-131.

9.5.4. By-law 2022-131 - ZBA C8-22 Grey Ridge Metals 224 - 226

Be it resolved that by-law number 2022-131 being a by-law to amend Zoning By-law No. 19-2002 entitled the "Township of Southgate Zoning By-law" be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

9.5.5. PL2022-065-C15-22 – Wilder Lake Subdivision – Removal of Holding 227 - 229

Be it resolved that Council receive Staff Report PL2022-065 for information; and
That Council consider approval of Bylaw- 2022-133.

9.5.6. By-law 2022-133 - Holding By-law Lift Holding on Wilder Lake Phase 1 230 - 231

Be it resolved that by-law number 2022-133 being a by-law to life the Holding (H) Provision from Zoning By-law 19-2002, as amended, be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

10. By-laws and Motions

11. Notice of Motion

12. Consent Items

12.1. Regular Business (for information)

Be it resolved that Council approve the items on the Regular Business consent agenda dated September 7, 2022 (save and except items _____) and direct staff to proceed with all necessary administrative actions.

12.1.1. CAO2022-050 CAOs AMO Conference 2022 Report 232 - 255

12.1.2. COA2022-051 New CAO Transition Plan Report 256 - 263

12.1.3. HR2022-043 - WSIB Excellence Program 264 - 266

12.1.4. HR2022-044 PW Staffing Updates 267 - 268

12.1.5.	HR2022-045 Finance Staff Updates	269 - 270
12.1.6.	PW2022-045 Department Report	271 - 272
12.2.	Correspondence (for information)	
	Be it resolved that Council receive the items on the Correspondence consent agenda dated September 7, 2022 (save and except items _____) as information.	
12.2.1.	Charity Radio Bingo - Southgate Approval Letter	273
12.2.2.	Dufferin County Memorial Walk	274
12.2.3.	GRCA - General Meeting Summary- received August 26, 2022	275
12.2.4.	OACA - 2021-2022 Annual Report - received August 26, 2022	276 - 277
12.2.5.	Ontario's Ombudsman Annual Report 2021-2022- received Sept. 01, 2022	278 - 369
12.2.6.	Seniors for Social Action - Bill 7 - received August 23, 2022	370 - 372
12.2.7.	Southgate Affordable Attainable Housing Advisory Committee - Information Package	373 - 376
12.2.8.	Town of Grey Bruce- Saugeen Hospice South Build Funds Release-received September 1, 2022	377
12.2.9.	Township of Wellington North - Participation Rates Mount Forest Pool - received August 25, 2022pdf -	378
12.3.	Resolutions of Other Municipalities (for information)	
	Be it resolved that Council receive the items on the Resolutions of other Municipalities consent agenda dated September 7, 2022 (save and except items _____) as information.	
12.3.1.	City of Owen Sound- Changes to Amber Alert System- received August 26, 2022	379
12.3.2.	Town of South Bruce Peninsula - Grey Sauble Conservation Authority Resolution - received August 16, 2022	380 - 381

12.3.3. Town of South Bruce Peninsula Letter Physician Shortages 382

12.3.4. Town of Wasaga Beach - Strong Mayor, Building Homes Act - received August 24 2022 383 - 384

12.4. Closed Session (for information)

None

13. County Report

<https://www.grey.ca/council>

14. Members Privilege - Good News & Celebrations

15. Closed Meeting

Be it resolved that Council proceed into Closed Session at [TIME] in order to address matters relating to Litigation or Potential Litigation(Municipal Act, Section 239(2)(e))(Subject: Building Assessment Report - Verbal Report), Advice that is Subject to Solicitor-Client Privilege and Litigation or Potential Litigation(Municipal Act, Section 239(2)(f)and(e))(Subject: Legal update regarding a property easement dispute and Legal Action on a Council decision - Verbal Report), Personal Matters about an Identifiable Individual(Municipal Act, Section 239(2)(b))(Subject: Employee policy non-compliance - Verbal Update); and

That Facilities Manager Kevin Green, Treasurer William Gott, Public Works Manager Jim Ellis, Chief Building Official Bev Fisher, HR Coordinator Kayla Best, Clerk Lindsey Green and Chief Administrative Officer Dave Milliner remain in attendance.

Be it resolved that Council come out of Closed Session at [TIME].

15.1. Litigation or Potential Litigation(Municipal Act, Section 239(2)(e))(Subject: Building Assessment Report - Verbal Report)

15.2. Advice that is Subject to Solicitor-Client Privilege and Litigation or Potential Litigation(Municipal Act, Section 239(2)(f)and(e))(Subject: Legal update regarding a property easement dispute and Legal Action on a Council decision - Verbal Report)

15.3. Personal Matters about an Identifiable Individual(Municipal Act, Section 239(2)(b))(Subject: Employee policy non-compliance - Verbal Update)

16. Confirming By-law

385

Be it resolved that by-law number 2022-135 being a by-law to confirm the proceedings of the Council of the Corporation of the Township of Southgate at its regular meeting held on September 7, 2022 be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

17. Adjournment

Be it resolved that Council adjourn the meeting at [TIME].



Township of Southgate

Minutes of Council Meeting

August 18, 2022

9:00 AM

Electronic Participation

Members Present: Mayor John Woodbury
Deputy Mayor Brian Milne
Councillor Barbara Dobreen
Councillor Michael Sherson
Councillor Jason Rice
Councillor Jim Frew
Councillor Martin Shipston

Staff Present: Dave Milliner, Chief Administrative Officer
Lindsey Green, Clerk
Jim Ellis, Public Works Manager
William Gott, Treasurer
Bev Fisher, Chief Building Official
Kevin Green, Facilities Manager
Lacy Russell, Librarian CEO
Derek Malynyk, Fire Chief
Terri Murphy, Economic Development Officer
Clinton Stredwick, Planner
Kayla Best, HR Coordinator
Holly Malynyk, Legislative Assistant

1. Electronic Access Information

Council recordings will be available on the Township of Southgate [YouTube Channel](#) following the meeting.

2. Call to Order

Mayor Woodbury called the meeting to order at 9:00 AM.

3. Land Acknowledgement

As we gather, we recognize and acknowledge the traditional keepers of this land with whom we share today. The Township of Southgate is a part of the traditional territories of the Anishinaabek, Six Nations of the Grand River, Saugeen Ojibway Nation, Haudenosaunee, and Saugeen Métis. The land that surrounds us is part of who we are as it reflects our histories; may we live in peace and friendship with all its diverse people.

4. Open Forum - Register in Advance

Heather and Tom Arnott spoke at Open Forum related to the Wilder Lake Subdivision approval.

5. Confirmation of Agenda

No. 2022-530

Moved By Councillor Dobreen

Seconded By Councillor Shipston

Be it resolved that Council confirm the agenda as presented.

Carried

6. Declaration of Pecuniary Interest

Deputy Mayor Milne declared a conflict of interest to items 9.5.1 and 9.5.2 - Staff Report CAO2022-045 and By-law 2022-113 - Randharr Investments Inc. Wilder Lake Phase 1 and 2 Residential Development Subdivision Agreement as the developer is a family member and did not participate in the discussion or voting of the items.

7. Delegations & Presentations

7.1 Jammin' for Juniors - Brenda Stewart

No. 2022-531

Moved By Councillor Rice

Seconded By Councillor Frew

Be it resolved that Council receive the Jammin' for Juniors delegation for information.

Carried

7.2 Dufferin County Multicultural Foundation - Althea Alli

No. 2022-532

Moved By Councillor Sherson

Seconded By Deputy Mayor Milne

Be it resolved that Council receive the Dufferin County Multicultural Foundation presentation for information.

Carried

8. Adoption of Minutes

No. 2022-533

Moved By Councillor Shipston

Seconded By Councillor Rice

Be it resolved that Council approve the minutes from the August 3, 2022 Council and Closed Session meetings as presented.

Carried

9. Reports of Municipal Officers

9.1 HR Coordinator Kayla Best

9.1.1 HR2022-041 - CAO Hiring

Moved By Deputy Mayor Milne

Seconded By Councillor Rice

Be it resolved that Council receive Staff Report HR2022-041 for information; and

That Council disband the CAO Hiring Committee; and

That Council announce the hiring of the new Chief Administrative Officer of Southgate.

Councillor Dobreen moved the following amendment to the main motion.

Amendment:

No. 2022-534

Moved By Councillor Dobreen

Seconded By Councillor Rice

Be it resolved that Council add a fourth clause that states: “**That** Council direct the current CAO to report to Council before October 3, 2022, regarding the transition timelines and milestones with the new CAO.”

Carried

Motion as Amended:

No. 2022-535

Moved By Deputy Mayor Milne

Seconded By Councillor Rice

Be it resolved that Council receive Staff Report HR2022-041 for information; and

That Council disband the CAO Hiring Committee; and

That Council announce the hiring of the new Chief Administrative Officer of Southgate; and

That Council direct the current CAO to report to Council before October 3, 2022, regarding the transition timelines and milestones with the new CAO.

Carried

9.1.2 HR2022-039 Council Remuneration

No. 2022-536

Moved By Councillor Dobreen

Seconded By Councillor Shipston

Be it resolved that Council receive Staff Report HR2022-039 for information; and

That Council approve updated Policy #21 Council Member Compensation, Expenses & Meeting Claims Guidance and

Approval Policy by Municipal By-Law 2022-114; and
That Council approve updated Policy #2 Conference,
Education & Training Policy by Municipal By-Law 2022-
115; and

That Council approve the updated Council Pay Grid to
come into effect for the new term of Council.

Carried

**9.1.3 By-law 2022-115 - Adopt Conference, Education and
Training Policy for Council, Staff and Volunteer
Firefighters**

Mayor Woodbury requested a recorded vote on the main
motion.

No. 2022-537

Moved By Councillor Sherson

Seconded By Councillor Frew

Be it resolved that by-law number 2022-115, as
amended, being a by-law to adopt a "Conference, Training
and Education Policy for Council, Staff and Volunteer
Firefighters" known as Policy Number 2 be read a first,
second and third time, finally passed, signed by the Mayor
and the Clerk, sealed with the seal of the Corporation and
entered into the by-law book.

Yay (7): Mayor Woodbury, Deputy Mayor Milne, Councillor
Dobreen, Councillor Sherson, Councillor Rice, Councillor
Frew, and Councillor Shipston

Carried (7 to 0)

**9.1.4 By-law 2022-114 - Adopt Council Member
Compensation, Expenses and Meetings Claims Policy**

Mayor Woodbury requested a recorded vote on the main
motion.

No. 2022-538

Moved By Councillor Rice
Seconded By Councillor Sherson

Be it resolved that by-law number 2022-114, as amended, being a By-law to adopt a "Council Member Compensation, Expenses & Meeting Claims Guidance and Approval Policy" known as Policy Number 21 be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

Yay (7): Mayor Woodbury, Deputy Mayor Milne, Councillor Dobreen, Councillor Sherson, Councillor Rice, Councillor Frew, and Councillor Shipston

Carried (7 to 0)

9.1.5 HR2022-042 Finance Staff Update

No. 2022-539

Moved By Councillor Shipston
Seconded By Councillor Dobreen

Be it resolved that Council receive Staff Report HR2022-042 for information; and

That Council approve the internal posting of the Finance Assistant – Utility and General Receivables position.

Carried

9.2 Facilities Manager Kevin Green

9.2.1 REC2022-05 Recreation Hiring Justification Report

No. 2022-540

Moved By Councillor Shipston
Seconded By Councillor Frew

Be it resolved that Council receive Staff Report REC2022-005 as information; and

That Council approve to proceed with internal/external recruitment for a Season Facilities Operator.

Carried

9.3 Treasurer William Gott

9.3.1 FIN2022-022 External Audit Services

No. 2022-541

Moved By Councillor Sherson

Seconded By Councillor Shipston

Be it resolved that Council receive Staff Report FIN2022-022 External Audit Services as information; and

That Council award the external audit services tender to KPMG LLP; and

That Council appoints KPMG LLP as auditors for the 2022 fiscal year.

Carried

9.4 Public Works Manager Jim Ellis

9.4.1 PW2022-044 Four Way Intersection Stop

No. 2022-542

Moved By Councillor Rice

Seconded By Councillor Dobrean

Be it resolved that Council receive Staff Report PW2022-044 for information; and

That Council consider passing the four-way intersection stop recommendation at Hagan Street East and the Grey County Rail Trail by Bylaw No. 2022-112.

Carried

9.4.2 By-law 2022-112 - Stop Sign Approval - Hagan Street East

Mayor Woodbury requested a recorded vote on the main motion.

No. 2022-543

Moved By Councillor Shipston

Seconded By Councillor Frew

Be it resolved that by-law number 2022-112 being a by-law to provide for the erecting of a stop sign at an intersection be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

Yay (7): Mayor Woodbury, Deputy Mayor Milne, Councillor Dobreen, Councillor Sherson, Councillor Rice, Councillor Frew, and Councillor Shipston

Carried (7 to 0)

Council recessed at 10:21 AM and returned at 10:30 AM.

9.5 Chief Administrative Officer Dave Milliner

9.5.1 CAO2022-045 Randharr Investments Inc Wilder Lake Phase I and II Residential Development Subdivision Agreement Report

The electronic meeting lost connection at 10:35 AM and all members were disconnected. No discussion or voting took place on any item during this time. The meeting was called back to order at 10:39 AM after establishing a secure connection and a quorum of members were present.

Deputy Mayor Milne declared a conflict of interest to item 9.5.1 - Staff Report CAO2022-045 - Randharr Investments Inc. Wilder Lake Phase 1 and 2 Residential Development Subdivision Agreement as the developer is a family member and did not participate in the discussion or voting of the item.

No. 2022-544

Moved By Councillor Dobreen

Seconded By Councillor Sherson

Be it resolved that Council receive staff report CAO2022-045 as information; and

That Council approve the Randharr Investments Inc. Phase I & II Subdivision Agreement for the Wilder Lake Residential Development as presented; and

That Council consider approval of the final Randharr Investments Inc. Phase I & II Subdivision Agreement for the Wilder Lake Residential Development by municipal By-law 2022-113 at the August 18, 2022 Council meeting; and

That Council approve the Holding condition be maintained or the placement of an Inhibiting Order on the Randharr Investments Inc. Phase II Subdivision Development for the Wilder Lake Residential Project until Phase I has attained Substantial Completion as determined by the Township of Southgate.

Carried

9.5.2 By-law 2022-113 - Randharr Investments Inc. Wilder Lake Subdivision Approval

Deputy Mayor Milne declared a conflict of interest to item 9.5.2 - By-law 2022-113 - Randharr Investments Inc. Wilder Lake Phase 1 and 2 Residential Development Subdivision Agreement as the developer is a family member and did not participate in the discussion or voting of the item.

Mayor Woodbury requested a recorded vote on the main motion.

No. 2022-545

Moved By Councillor Frew

Seconded By Councillor Rice

Be it resolved that by-law number 2022-113 being a by-law to authorize a subdivision agreement with Randharr Investments Inc. and the Corporation of the Township of Southgate be read a first, second and third time, finally

passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

Yay (6): Mayor Woodbury, Councillor Dobreen, Councillor Sherson, Councillor Rice, Councillor Frew, and Councillor Shipston

Conflict (1): Deputy Mayor Milne

Carried (6 to 0)

9.5.3 CAO2022-047 Pullen -Southgate Development Extension Agreement Report Final

No. 2022-546

Moved By Councillor Dobreen

Seconded By Councillor Shipston

Be it resolved that Council receive staff report CAO2022-047 as information; and

That Council by resolution approve an Amending Agreement between the Township of Southgate and 2391827 Ontario Inc., dated August 18, 2022, to provide the Time Line Contracting a development extension of the original 2018 agreement; and

That Council consider approval of an Amending Agreement with 2391827 Ontario Inc. to authorize the Mayor and the Clerk to sign the agreement and By-law 2022-119 at the August 18, 2022 Council meeting.

Carried

9.5.4 By-law 2022-119 - Development Amending Agreement - Timeline Contracting

Mayor Woodbury requested a recorded vote on the main motion.

No. 2022-547

Moved By Councillor Rice

Seconded By Deputy Mayor Milne

Be it resolved that by-law number 2022-119 being a by-law to authorize an amending agreement between 2391827 Ontario Inc and the Corporation of the Township of Southgate be read a first, second and third time, finally passed, sealed with the seal of the Corporation, signed by the Mayor and the Clerk and entered into the by-law book.

Yay (7): Mayor Woodbury, Deputy Mayor Milne, Councillor Dobreen, Councillor Sherson, Councillor Rice, Councillor Frew, and Councillor Shipston

Carried (7 to 0)

9.5.5 CAO2022-048 Wellington Investments Dundalk Olde Town Hall Purchase and Sale Agreement Extension Report

No. 2022-548

Moved By Councillor Sherson

Seconded By Councillor Shipston

Be it resolved that Council receive Staff Report CAO2022-048 as information; and

That Council approve Wellington Investment Corp. Purchase and Sale agreement request for extension of the Dundalk Olde Town Hall closing date by 180 days for the building and property; and

That Council consider approving Wellington Investment Corp. Purchase and Sale agreement request for extension of the Dundalk Olde Town Hall closing date for the building and property by Municipal By-law 2022-118 at the August 18th, 2022 Council meeting.

Carried

9.5.6 By-law 2022-118 - Purchase and Sale Agreement Amending By-law Wellington Investment Corp - Olde Town Hall

Mayor Woodbury requested a recorded vote on the main motion.

No. 2022-549

Moved By Councillor Dobreen

Seconded By Councillor Shipston

Be it resolved that by-law 2022-118 being a by-law to amend a purchase and sale agreement between Wellington Investment Corp. and the Corporation of the Township of Southgate be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

Yay (7): Mayor Woodbury, Deputy Mayor Milne, Councillor Dobreen, Councillor Sherson, Councillor Rice, Councillor Frew, and Councillor Shipston

Carried (7 to 0)

9.5.7 CA02022-049 South Grey Housing Corporation Proposal Report

No. 2022-550

Moved By Councillor Frew

Seconded By Councillor Dobreen

Be it resolved that Council receive staff report CA02022-049 as information; and

That Council approve staff to develop a draft South Grey Housing Corporation Working Group Terms of Reference document and a framework for the 4 municipal partners of Grey Highlands, Hanover, Southgate and West Grey to meet and explore the opportunity to create a Housing Corporation by developing a short-term plan and longer term strategy for the region.

Carried

Mayor Woodbury lost electronic connection and left the meeting at 11:22 AM.

Deputy Mayor Milne assumed the Chair.

9.6 Planner Clinton Stredwick

9.6.1 PL2022-058-SP11-22-J Fab Mfg Inc

No. 2022-551

Moved By Councillor Shipston

Seconded By Councillor Rice

Be it resolved that Council receive Staff Report PL2022-058 for information; and

That Council consider approval of By-law 2022-110 authorizing the entering into a Site Plan Agreement.

Carried

9.6.2 By-law 2022-110 - SP11-22 - J-Fab Mfg Inc

Deputy Mayor Milne requested a recorded vote on the main motion.

No. 2022-552

Moved By Councillor Dobreen

Seconded By Councillor Sherson

Be it resolved that by-law number 2022-110 being a bylaw to authorize the execution of a Site Plan Control Agreement be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

Yay (6): Deputy Mayor Milne, Councillor Dobreen, Councillor Sherson, Councillor Rice, Councillor Frew, and Councillor Shipston

Absent (1): Mayor Woodbury

Carried (6 to 0)

9.6.3 PL2022-059-SP16-22-Enoch and Naomi Bauman

No. 2022-553

Moved By Councillor Sherson
Seconded By Councillor Shipston

Be it resolved that Council receive Staff Report PL2022-059 for information; and

That Council consider approval of By-law 2022-117 authorizing the entering into a Site Plan Agreement.

Carried

9.6.4 By-law 2022-117 - SP16-22 Enoch and Naomi Bauman

Deputy Mayor Milne requested a recorded vote on the main motion.

No. 2022-554

Moved By Councillor Dobreen
Seconded By Councillor Frew

Be it resolved that by-law number 2022-017 being a by-law to authorize the execution of a Site Plan Control Agreement be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

Yay (6): Deputy Mayor Milne, Councillor Dobreen, Councillor Sherson, Councillor Rice, Councillor Frew, and Councillor Shipston

Absent (1): Mayor Woodbury

Carried (6 to 0)

10. By-laws and Motions

10.1 By-law 2022-121 - Establishment of Highway - Part of Hagan Street

Deputy Mayor Milne requested a recorded vote on the main motion.

No. 2022-555

Moved By Councillor Sherson

Seconded By Councillor Shipston

Be it resolved that by-law number 2022-121 being a by-law to establish and lay out a highway within the Corporation of the Township of Southgate be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

Yay (6): Deputy Mayor Milne, Councillor Dobreen, Councillor Sherson, Councillor Rice, Councillor Frew, and Councillor Shipston

Absent (1): Mayor Woodbury

Carried (6 to 0)

11. Notice of Motion

11.1 Notice of Motion - Councillor Dobreen - Compensation Review 2022

Deputy Mayor Milne requested a recorded vote on the main motion.

No. 2022-556

Moved By Councillor Dobreen

Seconded By Councillor Shipston

Whereas, 2023 budget deliberations will be underway before the new term of Council is inaugurated and meets for the first time; and

Whereas it is important for staff and Council to have a completed compensation market analysis in order to adequately prepare the 2023 budget for consideration;

Therefore, be it resolved that pursuant to section 24.12 of the Procedural By-law, Council amend something previously adopted, being resolution No. 2022-452, approved at the July 6, 2022, regular meeting of Council, concerning Staff Report HR2022-033 – Market Check that stated the following:

"Be it resolved that Council receive Staff Report HR2022-033

*for information; and **That** Council direct staff proceed internally with a Council compensation review; and **That** Council direct staff to discuss hiring a consultant for a staff Market Check during 2023 budget discussions.”; and*

That Council consider amending the previously adopted motion at the August 18, 2022 Council meeting. (2/3 vote required)

Yay (3): Deputy Mayor Milne, Councillor Dobreen, and Councillor Shipston

Nay (3): Councillor Sherson, Councillor Rice, and Councillor Frew

Absent (1): Mayor Woodbury

Failed (3 to 3)

12. Consent Items

12.1 Regular Business (for information)

No. 2022-557

Moved By Councillor Frew

Seconded By Councillor Sherson

Be it resolved that Council approve the items on the Regular Business consent agenda dated August 18, 2022 and direct staff to proceed with all necessary administrative actions.

Carried

Councillor Dobreen moved the following motion.

Deputy Mayor Milne requested a recorded vote on the main motion.

No. 2022-558

Moved By Councillor Dobreen

Seconded By Councillor Shipston

Be it resolved that Council proceed past noon.

Yay (5): Deputy Mayor Milne, Councillor Dobreen, Councillor Sherson, Councillor Rice, and Councillor Shipston

Nay (1): Councillor Frew

Absent (1): Mayor Woodbury

Carried (5 to 1)

12.1.1 EDO2022-015-Historic Southgate – Website and Signage Update Report

12.1.2 HR2022-040 Library Staffing Updates

12.1.3 Building By-law and Canine Reports July 2022

12.1.4 July 2022 Cheque Register

12.2 Correspondence (for information)

No. 2022-559

Moved By Councillor Rice

Seconded By Councillor Dobreen

Be it resolved that Council receive the items on the Correspondence consent agenda dated August 18, 2022 as information.

Carried

12.2.1 Association of Municipalities of Ontario - 2021 Annual Report-

12.2.2 Holstein Agro Expo and Rodeo received July 29, 2022

12.2.3 Ontario Sheep Farmers Livestock Guardian Use in Ontario received July 29, 2022

12.2.4 SMART - Board Meeting Minutes from June 24 2022 - received July 29, 2022

12.2.5 AMO Policy Update - High-Speed Internet Access Announcement - received August 4, 2022

- 12.2.6 Ministry for Seniors and Accessibility - Minister's Call for Nominations 2022 Ontario Senior Achievement Award - received August 4, 2022**
- 12.2.7 LAS Communications - Commodity Newsletter Quarter 2 - received August 8, 2022**
- 12.2.8 Fire Marshal's Public Safety Council - Firefighter Certification - received August 8, 2022**
- 12.2.9 Alex Ruff, MPP Correspondence - Platinum Jubilee Follow Up Letter - received August 8, 2022**
- 12.2.10 Municipal Affairs and Housing - Ontario Empowering Mayors to Build Housing Faster - received August 10, 2022**
- 12.2.11 Ontario Newsroom - Ontario Welcomes \$14.8 Million Investment to Create Good-Paying Manufacturing Jobs**

12.3 Resolutions of Other Municipalities (for information)

Councillor Frew left the meeting at 11:59 AM.

No. 2022-560

Moved By Councillor Sherson

Seconded By Councillor Shipston

Be it resolved that Council receive the items on the Resolutions of other Municipalities consent agenda dated August 18, 2022 as information.

Carried

12.3.1 City of Brantford - Potential Threat to Residential Home Ownership - received July 29, 2022

12.3.2 City of Brantford - Seeking Prosperity and Partnership with Indigenous Nations - received July 29, 2022

12.3.3 Town of Aylmer - Resolution Regarding Letter Warming and Cooling Centre Policy - received Aug 04, 2022

12.3.4 Town of South Bruce Peninsula - Mandatory Firefighter Certification - received August 9

12.4 Closed Session (for information)

No. 2022-561

Moved By Councillor Sherson

Seconded By Councillor Shipston

Be it resolved that Council receive the items on the Closed Session consent agenda dated August 18, 2022 as information and direct staff to proceed with all necessary administrative actions.

Carried

12.4.1 EDO2022-014C - Grant Agreement - Additional Funding

13. County Report

Highlights from the most recent County Council meeting can be reviewed [here](#).

14. Members Privilege - Good News & Celebrations

Councillor Dobreen noted that the Youth Action Committee held a successful International Youth Day at Memorial Park in Dundalk this past Saturday. She also announced that the Friends of the Library are hosting a "Books and BBQ" event that is being held at the Library on Friday August 26th. She also mentioned that the JunCtian Community Initiatives is hosting their first in person "Stars of Southgate" event on Saturday August 27th at the Dundalk Legion, in support of the Legion.

Councillor Sherson reminded members of the Dundalk Fire Department hosing a Community Bonfire Safety event at the Dundalk Fairgrounds tomorrow, August 19th at 7pm.

15. Closed Meeting

None.

16. Confirming By-law

Deputy Mayor Milne requested a recorded vote on the main motion.

No. 2022-562

Moved By Councillor Rice

Seconded By Councillor Sherson

Be it resolved that by-law number 2022-120 being a by-law to confirm the proceedings of the Council of the Corporation of the Township of Southgate at its regular meeting held on August 18, 2022 be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

Yay (5): Deputy Mayor Milne, Councillor Dobreen, Councillor Sherson, Councillor Rice, and Councillor Shipston

Absent (2): Mayor Woodbury, and Councillor Frew

Carried (5 to 0)

17. Adjournment

No. 2022-563

Moved By Deputy Mayor Milne

Be it resolved that Council adjourn the meeting at 12:05 PM.

Carried

Deputy Mayor Brian Milne

Clerk Lindsey Green

Attachment: Objection Letter to Items 9.3.1 and 9.5.2

Matter 1: Agenda Item Number 9.3.1. - FIN2022-022 External Audit Services

I strongly object to the selection process used in this purchase decision, and intend to move to quash any bylaw to assign a contract based on that, should Council approve such a bylaw.

Matter 2: Agenda Item # 9.5.2. – Randharr Investments Inc. Wilder Lake Subdivision Approval

Regarding proposed bylaw 2022-113, I don't believe we have the proper fiduciary controls in place to sign that agreement now, but will withdraw that objection as noted below.

Regarding Matter 1: Agenda Item Number 9.3.1. - FIN2022-022 External Audit Services

The selection criteria used to replace BDO Dunwoody with KPMG as our Auditor are not valid. Given the circumstance; the decision seems punitive.

By choosing a selection criteria that favours by such a wide margin the delivery of the results early in the year, the bylaw unfairly disadvantages BDO, who are this year tasked with a difficult audit that we must assume they as well wish was complete. The focusing on, and weighting inappropriately of, results being delivered early in the year is not a performance requirement that is reasonable for an Auditor. By skewing the selection criteria to allow this early delivery requirement to outweigh proper selection criteria for the critical role of Auditor, the process is entirely biased against BDO, and that entirely by their performance this year only. To be clear; BDO has not presented to Council yet because they cannot get to 'clean' on our books: it's not their fault it's ours. I fully believe skewing the comparison matrix, and making the selection not BDO, and further insisting that selection be done now instead of after the Audit results claimed late are delivered, is prejudicial and against policy. It's not the right decision and there's no rush, what's up?

By all indicators BDO is having a difficult time completing a proper audit of our financial records for 2021; our Financial Information Return filing seems quite late, as is the Audit report itself. Indicating lateness is a problem caused by BDO is not correct, assuming diligent effort by them, and there has been no complaint about their work. Lateness indicates that this year in that contract is difficult for them, as well; probably 400 hours difficult; getting to a properly audited state for us, costs them. Given the Topics below, problems we bring, we should correct the selection criteria to more properly represent what is important to an audit, and repeat the selection with those new criteria.

Nothing in the Municipal Act nor any bylaw we have says early delivery in the year of Audit results is of benefit; but every accountability and finance policy we have says to make sure it's a good one. That's what BDO's doing now. We asked six very reputable firms to bid on this valuable contract; two said yes, one said a flat no and the other three didn't care enough about getting our business ever that they bothered to even respond; we are not a daisy in their world. The Auditor that knows us, and is

working through our issues to their detriment it seems, has given us an honest appraisal of what next year looks like; we should trust it.

The issue is only that honest estimate; BDO says 400hrs because they know best what that work may look like. And they have not committed an early date because they are working the problem this year. Holding that against them for future business does not promote an open and transparent Audit process, nor does not awarding them a contract for something that has nothing to do with that for which we pay them.

Topic of Concern 1 – Litigation Costs and Why Not Recouped

BDO gave an indication in their 2020 Audit Report that our pending litigation that year would be a forward-impact they could not gauge at that time, but was a concern. A matter like that brings myriad cost implications, to an extent that is entirely unusual for our municipality. There are open questions, in BDO's purview now, about recoup of any of those costs; those questions being asked by ratepayers. One must assume this difficult situation of a failed litigation, directly involving those that report financial numbers, and that further certify the numbers overall to our Auditor, might cause some delay and difficulty for that Auditor. I most certainly do not agree with Messrs. Milliner and Gott that their stated criteria are a valid selection basis for Council to execute this contract, at this time.

Topic of Concern 2 – Drainage Works Proper Capitalization Not Apparent

It has come to my attention recently, and is known to the Auditor I know, that a number of Grassed Swale storm sewer works we own; vested as part of several previous subdivision development agreements, over decades; seemingly have not been capitalized properly. Taking ownership of these assets, without properly accounting for their value, is of course a serious concern. Looking at what's published for our operations it seems that only pipes and concrete items are considered capital in the past, and all these other swale assets have just 'disappeared' from the books, not properly depreciated and accounted for each year. They are still there; the assets, of course; just no accounting record it seems. Given the alarming near full depreciation of those parts of the storm sewer infrastructure for which we do account, and no plans to upgrade any of it communicated, one must be concerned of course not just for the misstatement of our capital assets from a fiduciary perspective, but also just how much we'll need to invest in this deficiency moving forward.

Given the two Topics above, BDO being late this year is entirely on us, I say.

In Summary on Matter 1: The criteria used in the selection matrix to exclude BDO from continuing as our Auditor is not valid; it does not properly reflect the aims of performing an Audit per Stature and

Bylaw. The recommendation by Mr. Milliner and Mr. Gott to execute that action now, and further based on those criteria, is not correct or reasonable. In fact, given their proximity to the information we have submitted that is seemingly causing a problem with the audit this year, them being the ones to recommend at all is not appropriate, I believe Council should find. I will happily debate the point before Council with those recommending BDO's single adversary, but if the assignment is made now to KPMG I intend to move forthwith to quash that decision, as I've indicated.

By-law 2022-113 – New Subdivision Agreement

Based on Topic of Concern 2, we should not be signing any new agreements to acquire swale capital assets until that concern about onboarding assets from new subdivisions has been resolved. Should Mr. Gott be willing to provide some visibility to his capital asset list that shows these long-term assets recorded correctly, to whatever extent he may, I will of course be willing to withdraw this objection, with that reasonable evidence my concerns with fiduciary controls are misplaced.



Township of Southgate
Minutes of Special Council Meeting

August 24, 2022

2:30 PM

Administration Office - Meeting Room

Members Present: Mayor John Woodbury
Deputy Mayor Brian Milne
Councillor Barbara Dobreen
Councillor Michael Sherson
Councillor Jason Rice
Councillor Jim Frew
Councillor Martin Shipston

Staff Present: Dave Milliner, Chief Administrative Officer
Lindsey Green, Clerk
Kayla Best, HR Coordinator

1. Call to Order

Mayor Woodbury called the meeting to order at 2:30 PM.

2. Confirmation of Agenda

No. 2022-564

Moved By Councillor Dobreen

Seconded By Deputy Mayor Milne

Be it resolved that Council confirm the agenda as presented.

Carried

3. Declaration of Pecuniary Interest

No one declared a pecuniary interest related to any item on the agenda.

4. Closed Session

No. 2022-565

Moved By Councillor Rice

Seconded By Councillor Frew

Be it resolved that Council proceed into Closed Session at 2:30 PM in order to address matters related to Personal Matters about an Identifiable Individual (Municipal Act, Section 239(2)(b))(Subject: Employee policy non-compliance - Verbal Report); and

That HR Coordinator Kayla Best, Clerk Lindsey Green and CAO Dave Milliner remain in attendance.

Carried

No. 2022-566

Moved By Deputy Mayor Milne

Seconded By Councillor Sherson

Be it resolved that Council come out of Closed Session at 4:00 PM.

Carried

4.1 Personal Matters about an Identifiable Individual (Municipal Act, Section 239(2)(b))(Subject: Employee policy non-compliance - Verbal Report)

No. 2022-567

Moved By Councillor Shipston

Seconded By Councillor Frew

Be it resolved that Council receive the verbal report regarding an employee policy non-compliance as information; and

That staff proceed as directed.

Carried

5. Confirming By-law

No. 2022-568

Moved By Deputy Mayor Milne

Seconded By Councillor Rice

Be it resolved that by-law number 2022-122 being a by-law to confirm the proceedings of the Council of the Corporation of the Township of Southgate at its special meeting held on August 24, 2022 be read a first, second and third time, finally passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and entered into the by-law book.

Carried

6. Adjournment

No. 2022-569

Moved By Deputy Mayor Milne

Be it resolved that Council adjourn the meeting at 4:02 PM.

Carried

Mayor John Woodbury

Clerk Lindsey Green



Staff Report CBO2022-09

Title of Report: Noise By-Law No. 2021-132 Exception Request
Department: Building
Branch: By-law Enforcement
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report CBO2022-009 for information;
and

That Council approve the proposed Noise By-law Exemption request received from Dundalk District Agricultural Society for Saturday September 10th, 2022 from 11 pm to 2 am Sunday September 11th, 2022 at the Dundalk Fair Grounds.

Background:

Municipal Act, 2001 s. 129 authorizes council:

"to prohibit and regulate with respect to noise; and whereas it is in the public interest to reduce the noise level in the Township of Southgate, so as to preserve, protect and promote public health, safety, welfare and peace and quiet of the inhabitants of the Township."

and

Southgate By-law 2021-132, Schedule A.

"a. The noise or sound made or created by any radio, phonograph, public address system, sound equipment, loudspeaker, musical instrument or other sound-producing equipment between the hours of 11:00p.m one day and 7:00 a.m. the next, when the equipment is played or operated in such a manner that the sound or noise made or created thereby disturbs the peace, comfort or repose of any person."

Staff Comments

Staff is recommending approval of a specific noise exemption request for a Truck/Tractor pull event on Saturday September 10th, 2022 from 11 pm to 2 am Sunday September 11th, 2022.

Financial Implications:

There are no financial impacts to the municipality as a result of this report.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public. Southgate Goal – Trusted, Timely, Transparent, Decision Making.

Concluding Comments:

That Council receive this staff report for approval.

Respectfully Submitted,

Dept. Head: ***Original Signed By***
Bev Fisher, Chief Building Official

CAO Approval: ***Original Signed By***
Dave Milliner, CAO

Attachment(s):

1. Attachment: Request from Dundalk Ag Society

To Southgate council and bylaw

Aug 18 2022

It is coming that time of year again that the Dundalk Fall Fair is fast approaching, with that comes the planning of our events. We are asking the township of an exemption of the noise by-law 2021-132 for the weekend of sept 9,10 and 11 2022. Some of our events i.e. Truck and Tractor pulls are huge fan favorites but and run longer then bylaw allows.

We look forward to hearing back any questions or concerns feel free to contact me,

Regards Mark Nicholls/ Dundalk District Ag Society



SATURDAY SEPT 10 2022 UNTIL 2:00 A.M. SUNDAY SEPT 11 2022
AS DISCUSSED WITH M. NICHOLLS *MF*

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1

Dundalk, ON N0C 1B0



Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CL2022-026

Title of Report: CL2022-026 - Dundalk Annual Oktoberfest Event
Support Request

Department: Clerks

Branch: Legislative and Council Services

Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report CL2022-026 for information; and
That Council supports the Dundalk Annual Oktoberfest event being held on October 1, 2022, at the Dundalk Fairgrounds; and

That Council deem the Dundalk Oktoberfest as a municipally significant event and supports the Dundalk Oktoberfest Committee obtaining a Special Occasions Permit through the Alcohol and Gaming Commission of Ontario.

Background:

The first annual Dundalk Oktoberfest event is being held on Saturday October 1, 2022, at the Dundalk Fairgrounds.

Staff Comments:

Staff received a letter (attachment #1) from the Dundalk Oktoberfest Committee advising of their upcoming event with dates and times and several details of what to expect at the event. They are also requesting a resolution where Council deems their event of municipal significance as a requirement of applying for a special occasions permit (liquor license) through the Alcohol and Gaming Commission of Ontario (AGCO).

A requirement of obtaining a special occasion permit for a public event if you are not considered a not-for-profit or charitable organization is to submit a resolution of support deeming the event as a "municipally significant event" received from the local municipality.

Another requirement is to provide notice to the local Fire Department, the Municipal Building Department, Public Health and Police. The Committee has provided notice to all.

The Township's Special Public Event and Road Closure policy would not apply in this case as the event is not being held on municipal property and no road closures, etc. are required.

The proceeds raised from selling the alcohol will go towards the Dundalk Agricultural Society for working with the committee and for the use of their land, etc. The Dundalk Legion will also be selling alcohol during the event under their own, separate license.

Staff recommend approval of deeming the event as municipally significant in order to support the Committee's efforts in obtaining a special occasions permit for their Oktoberfest event.

Financial Implications:

There are no financial implications to the Township as a result of this report.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Concluding Comments:

1. That Council receive Staff Report CL2022-026 for information.
2. That Council supports the Dundalk Annual Oktoberfest event being held on October 1, 2022, at the Dundalk Fairgrounds.
3. That Council deem the Dundalk Oktoberfest as a municipally significant event and supports the Dundalk Oktoberfest Committee obtaining a Special Occasions Permit through the Alcohol and Gaming Commission of Ontario.

Respectfully Submitted,

Dept. Head: *Original Signed By*
Lindsey Green, Clerk

CAO Approval: *Original Signed By*
Dave Milliner, CAO

Attachments: Letter received from Dundalk Oktoberfest Committee



August , 2022

Dear Members of Council,

This letter is in regards to Dundalk's Annual Oktoberfest. We, the members of the community, will be hosting this event on **Saturday October 1st, 2022 at the Dundalk Fairgrounds.**

We are writing to you today to inform you of the details.

11:00am -4:00pm will be a hyper local event. A market, open mic for local musicians, events run as fundraisers for local community groups.

Dundalk Agriculture Society (Fundraiser and donation to them at the end of event)

Dundalk Smoke (Fundraiser)- sausages (public health is notified as of August 12th)

Dundalk Firefighters(Fundraiser)- obstacle course & fire bin to make smores

Dundalk Legion (Fundraiser) - Bake Sale

Southgate Public Library - Craft for kids

McDonald's Home Hardware- a wood cut out selfie station

And more (waiting on confirmation)

Many, Local Dundalk Businesses including businesses from the surrounding area are at the market.

4:00 pm- 11:00pm we will have a beer garden, music & local food trucks

Dundalk Legion will also be hosting their own fundraiser and selling alcohol in the beer garden.

The beer garden will be the host of a local Brewery Neustadt. They will be the ones bringing and serving the alcohol in the beer garden. It will work with a 50:50 beer ticket system, where they get 50% of the ticket sales and Dundalk Oktoberfest gets 50% of the sales.

(The Liquor License has already been purchased for the Fairgrounds)

We are looking forward to running this event. We have had extremely great feedback within the first week of advertising. To continue we need to finish our already purchased liquor license with a Municipality Resolution.

We appreciate the support.

Dundalk Oktoberfest Committee.

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1

Dundalk, ON N0C 1B0



Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CL2022-027

Title of Report: CL2022-027-Appointment of the Grey County Joint Compliance Audit Committee

Department: Clerks

Branch: Legislative and Council Services

Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report CL2022-027 for information; and **That** Council considers approval of by-law 2022-130 to appoint individuals to the Grey County Compliance Audit Committee for the 2022-2026 term of Council, as recommended by the Grey County Clerks.

Background:

In accordance with the Municipal Elections Act, 1996 (MEA), Council shall establish a compliance audit committee before October 1 of an election year. Staff Report [CL2022-017](#) may be reviewed for further information regarding Compliance Audit Committee's. At the May 18, 2022 Council Meeting the following was approved:

No. 2022-300

Moved By Councillor Dobreen

Seconded By Councillor Rice

Be it resolved that Council receive Staff Report CL2022- 017 for information; and

That Council approve the establishment of the Grey County Joint Compliance Audit Committee as required by the Municipal Elections Act for the 2022-2026 term; and

That Council approve the Grey County Compliance Audit Committee Terms of Reference document; and

That Council direct staff to return with a report to appoint individuals to the Grey County Compliance Audit Committee as recommended by the selection Committee following successful recruitment. **Carried**

Staff Comments:

A "Selection Committee" comprised of three Clerks from the nine lower tier Grey County municipalities reviewed applications received and completed reference checks for the selected applicants. The Terms of Reference sets out the criteria considered when appointing Compliance Audit Committee members.

The Grey County Compliance Audit Committee, Terms of Reference and Rules of Procedure are including as attachment 1 and 2 for reference.

On the recommendation of the Selection Committee, each municipality shall appoint the GCCAC for the 2022-2026 term of Council, which shall be comprised of a roster of no more than seven individuals.

By-law 2022-130 appoints the following persons as members of the Grey County Compliance Audit Committee:

- Dan Sullivan
- David Nusko
- John Leslie Hollins; and
- Bryan G. Allendorf

Financial Implications:

Those persons appointed to the GCCAC roster will be paid a retainer of \$1,000 over the term of their appointment, being \$250 per year, with costs shared equally by the municipalities of Grey County. The retainer shall cover attendance at a mandatory training session and review of periodic updates or information supplied by the Clerk of a member municipality.

A rate of \$200 for meetings under 4 hours, and \$300 for meetings over 4 hours plus mileage will be paid to Committee Members convening for a Sitting Committee. The per meeting rate shall cover review of background or agenda materials as required in preparation for a meeting, with the costs being borne by the host municipality.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Concluding Comments:

1. That Council receives Staff Report CL2022-027 as information.
2. That Council considers approval of By-law 2022-130 to appoint individuals to the Grey County Compliance Audit Committee for the 2022-2026 term of Council.

Respectfully Submitted,

Dept. Head: *Original Signed By*
Lindsey Green, Clerk

CAO Approval: *Original Signed By*
Dave Milliner, CAO

Attachment #1 - Compliance Audit Committee, Terms of Reference
Attachment #2 - Compliance Audit Committee Rules of Procedure

Grey County Compliance Audit Committee Terms of Reference

1. Definitions

- 1.1 “Act” means the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended from time to time;
- 1.2 “Applicant” means an eligible elector who makes an application under Section 88.33(1) of the Act;
- 1.3 “Application” means an application for a compliance audit of a candidate or registered third party, accepted by the Clerk pursuant to Subsection 88.33(2) of the Act and using a form prescribed by the Clerk pursuant to the authority granted by Subsections 88.37(6), 12(1) and 12(2) of the Act;
- 1.4 “Auditor” means a Grey County Compliance Audit Committee-appointed auditor pursuant to Subsection 88.33(10) of the Act;
- 1.5 “Auditor’s Report” means a report prepared by an auditor regarding the findings of an audit into the election campaign finances of a candidate or registered third party advertiser;
- 1.6 “Candidate” means the Candidate whose election campaign finances are the subject of an Application;
- 1.7 “Clerk” means the Municipal Clerk or designate;
- 1.8 “Clerk’s Report” is the report of the Clerk to a Sitting Committee that identifies each contributor to a candidate or registered third party who appears to have contravened any of the MEA contribution limits.
- 1.9 “Council” means the Council of each of the member municipalities;
- 1.10 “GCCAC” means the Grey County Compliance Audit Committee being a roster of no more than seven individuals recommended by the Selection Committee and appointed by each Member Municipality;
- 1.11 “Host Municipality” means the Member Municipality who convenes a Sitting Committee to consider a Clerk’s Report or Application;
- 1.12 “Member Municipalities” means all or some of the lower tier municipalities in Grey County participating in the GCCAC;
- 1.13 “Registered Third Party” means the individual, corporation or trade union whose notice of registration has been certified by the Clerk;
- 1.14 “Selection Committee” means the Grey County Clerk, and the Clerks of three Member Municipalities;

1.15 “Sitting Committee” means the three members of the GCCAC convened to consider a particular Clerk’s Report or Application.

2. Mandate

2.1 The Sitting Committee when appointed has full authority pursuant to sections 88.33, 88.34, 88.35, 88.36 and 88.37 of the Act to receive and make decisions on Applications and Clerk’s Reports respecting the 2022 municipal election and any municipal by-elections held during the 2022 to 2026 Council term.

3. Scope of Responsibilities

3.1 The Sitting Committee shall:

	Timeline/Section of the Act
Consider Applications for Candidates and/or Registered Third Parties and decide whether they should be granted or rejected.	Within 30 days after receipt of the Application - s. 88.33(7), s. 88.35(4)
Provide written reasons for the decision to grant or reject the Applications.	s. 88.33(8) s. 88.35(4)
If an Application is granted, appoint an Auditor to conduct a compliance audit of the Candidate’s and/or Registered Third Parties election campaign finances.	s. 88.33(10) and (11) s. 88.35(4)
Receive the Auditor’s Report.	Within 10 days after receiving the report, the clerk of the Host Municipality shall forward to the Sitting Committee - s. 88.33(14), s. 88.35(4)
Once the Auditor’s Report is received, consider if it contains a conclusion of apparent contravention of the Act, and decide whether to commence a legal proceeding against the candidate and/or Registered Third Party for the apparent contravention.	Within 30 days of receipt of the Auditor’s Report - s. 88.33(17), s. 88.35(4)

	Timeline/Section of the Act
Receive a Clerk's Report identifying any contributor to a Candidate or Registered Third Party who appears to have contravened established contribution limits.	s. 88.34(4) s. 88.36(4)
Once the Clerk's Report is received, consider the Report and decide whether to commence a legal proceeding against the Contributor for the apparent contravention.	Within 30 days of receipt of the Clerk's Report - s. 88.34(8), s. 88.36(5)

4. Composition

- 4.1 The GCCAC shall be comprised of a roster of up to seven (7) members.
- 4.2 When a Member Municipality receives either a Clerk's Report or an Application, the Clerk (of the Host Municipality) shall, within 10 days, arrange for three GCCAC members to convene a Sitting Committee to consider the Clerk's Report or Application. The selected GCCAC members shall be required to participate in all Sitting Committee meetings and any other proceedings pertaining to the Clerk's Report or Application.

5. GCCAC Selection Criteria

- 5.1 To the greatest extent possible, the GCCAC membership will be drawn from the following groups:
- accounting and audit – accountants or auditors, preferably with experience in preparing or auditing the financial statements of municipal candidates;
 - academic – college or university professors with expertise in political science or local government administration;
 - legal; and
 - other individuals with knowledge of the campaign financing provisions of the Act or experience with a formal hearing process.

6. Appointment Process

- 6.1 All applicants will be required to submit an application outlining their qualifications and experience with a cover letter and resume or curriculum vitae.

- 6.2 The Selection Committee shall meet to review all applications received based upon the membership selection criteria and may request interviews with applicants.
- 6.3 The Selection Committee, following the review of applications and any necessary interviews, shall make recommendations for appointment to the Clerk of each Member Municipality. The GCCAC roster shall be appointed by each Member Municipality based on those recommendations.

7. Remuneration

- 7.1 Those persons appointed to the GCCAC will be paid a retainer of \$1,000, prorated (\$250 to be paid annually to each GCCAC member), over the term of their appointment (costs will be shared equally by the Member Municipalities). The retainer shall cover attendance at a mandatory training session and review of periodic updates or information supplied by the Clerk of a Member Municipality. Payment of the retainer does not denote membership on any Sitting Committee.
- 7.2 A rate of \$200 for meetings under 4 hours, \$300 for meetings over 4 hours, plus mileage at the applicable County rate per kilometer will be paid to GCCAC members convening as a Sitting Committee. The per meeting rate shall cover review of background or agenda materials as required in preparation for a meeting (costs will be borne by the Host Municipality).

8. Meetings

- 8.1 All individuals appointed to the GCCAC will be required to participate in a training session as a condition of their appointment.
- 8.2 Meetings shall only be held as needed, according to the following:
 - When a Member Municipality is in receipt of either an Application or Clerk's Report, the Clerk of the applicable Member Municipality shall contact GCCAC members for availability. Three members of the GCCAC will be selected to convene a Sitting Committee.
 - The meetings will be held in a location to be determined by the Clerk of the Host Municipality.
 - Subsequent meetings of the same matter will be held at the call of the Clerk.
 - The Clerk from the Host Municipality shall contact the Sitting Committee members to ensure all are available to attend the said meeting.
 - All time frames established in the Act and regulations shall be adhered to.

9. Rules of Procedure

9.1 Meetings of a Sitting Committee shall be conducted in accordance with the Administrative Practices and Procedures that are established jointly by the Clerks of the Member Municipalities.

10. Costs

10.1 All Member Municipalities shall jointly share all costs in relation to the GCCAC operation.

10.2 The Host Municipality shall pay all costs in relation to a Sitting Committee, including, but not limited to general costs associated with convening the Sitting Committee, remuneration for the Committee Members, costs of any audit, legal costs as may be required, and any legal proceeding as may be applicable.

11. Conflict of Interest

11.1 To avoid a conflict of interest, any auditor or accountant appointed to the GCCAC must not have assisted any candidate or registered third party as a volunteer or for compensation, in the 2022 municipal election or any by-elections during Council's term for any of the Member Municipalities.

12. Records

12.1 The records of Sitting Committee meetings shall be retained and preserved by the Host Municipality in accordance with the Act and that municipality's records retention rules.

Grey County Compliance Audit Committee Rules of Procedure

1. General Rules of Procedure:

1. Definitions and references. In these Rules of Procedure:
 - a) the definitions included in the Grey County Compliance Audit Committee Terms of Reference apply;
 - b) a reference to a Candidate may be read as a reference to a Registered Third Party;
 - c) a reference to the Clerk shall be read as a reference to the clerk of the municipality, or designate, with whom the Candidate filed his or her nomination, or in which the registered third party is registered.
2. These Rules of Procedure may be suspended upon a majority vote of the Sitting Committee.
3. If these Rules of Procedure do not provide for a matter of procedure that arises during the tenure of the Sitting Committee, the practice shall be determined by the Chair in coordination with the Clerk. The Chair may do whatever is necessary and permitted by law to enable the Sitting Committee to effectively and completely decide the matter before it.
4. All meetings of the Sitting Committees are open to the public, although the Committee may retire to deliberate its decision in private.
5. The Clerk shall be responsible for arranging for Legal Counsel to advise the Sitting Committee.
6. A chair shall be elected by members of the Sitting Committee at the beginning of the first meeting of the Committee, who shall act as such for all subsequent meetings of the Sitting Committee. The chair shall have the following duties:
 - a) liaise between the members and the Clerk on matters of policy and process;
 - b) enforce the observance of these Rules of Procedure as well as order and decorum among the participants at all meetings;
 - c) put to a vote all motions, which are moved in the course of the proceedings, and shall announce the result;
 - d) adjourn the meeting when the business of the Sitting Committee is concluded.

7. Each member of the Sitting Committee shall have the following duties:
 - a) to deliberate on the business submitted to the Sitting Committee;
 - b) to be present throughout a hearing;
 - c) to vote when a motion is put to a vote; and
 - d) to respect the Rules of Procedure and any guidelines for Sitting Committee members.
8. A quorum of the Sitting Committee is two (2) members and is required in order to proceed with a meeting. If a quorum is not achieved within 30 minutes of the scheduled start of the meeting, the meeting shall be adjourned to a later date.
9. Meetings of the Sitting Committee may be held virtually, at the discretion of the Host Municipality.
10. Where a Host Municipality has elected to host meetings virtually, the following shall apply:
 - i. Members participating electronically in a meeting shall be counted in determining quorum.
 - ii. Electronic participation shall be permitted in closed meeting discussions.
11. At the beginning of each Sitting Committee meeting,
 - a) the chair will advise those present of the hearing procedures;
 - b) members will be asked if they have a conflict of interest subject to the *Municipal Conflict of Interest Act* in regards to the Application in front of them.
12. All motions will be decided by a majority vote
13. Motions do not require a seconder to be recognized by the Chair
14. All communications by the Clerk to the members of the Sitting Committee, Candidate and Applicant will be by email, or regular mail where email is not available
15. All communications by the Clerk to the public will be by posting to the municipal website.

2. Review of Application for Compliance Audit

1. An Application for a Compliance Audit is filed by an eligible elector in writing with the Clerk:
 - a) The application shall include reasons and supporting documentation why the elector believes on reasonable grounds that a Candidate is in contravention of the Act as it relates to campaign finances.
 - b) The Application must be filed with the Clerk within 90 days after the latest of:
 - i. the Filing Date – March 31, 2023; or
 - ii. the date the Candidate or Registered Third Party filed a Statement, if the Statement was filed within 30 days after the Filing Date
 - iii. The Supplemental Filing Date – September 29, 2023; or
 - iv. The date on which the Candidate's extension granted by the Superior Court of Justice, if any, under subsection 88.23(6) expires.
2. Within 10 days of receiving the Application, the Clerk shall:
 - a) Contact members of the GCCAC and arrange for three members to convene as a Sitting Committee (Section 4.4.1 of the Terms of Reference).
 - i. the Clerk shall consider the following factors in selecting members for the Sitting Committee:
 1. availability of members,
 2. whether potential members have been appointed to another Sitting Committee – as much as possible, all GCCAC members should be given opportunity to participate on a Sitting Committee,
 3. to avoid potential conflicts of interest, Sitting Committee members shall not be residents or property owners of the municipality in which the Sitting Committee is being convened,
 4. The Clerk shall ask if the member has a potential conflict with the application.

- b) Forward the Application to the Sitting Committee.
 - c) Set the time and place of meeting to be held within 30 days of the Sitting Committee receiving the Application.
- 3. As soon as possible after setting the time and place of the Sitting Committee meeting, the Clerk shall provide notice, in the form of a meeting agenda, to the Sitting Committee, the Applicant, the Candidate and the public.
- 4. The Applicant and the Candidate (in that order) or their representatives will be permitted to address the Sitting Committee for 5 minutes each. Those addressing the Sitting Committee shall be asked to submit their address in writing.
- 5. Sitting Committee members will have the opportunity to ask questions of the Applicant and the Candidate.
- 6. After all parties have spoken, the Sitting Committee will make a decision to either:
 - a) Grant the application for Compliance Audit and appoint an auditor;
or
 - b) Reject the application.
- 7. Pursuant to the Act, the Sitting Committee may choose to deliberate its decision in private.
- 8. The Sitting Committee may request and receive legal advice regarding any aspect of the Application. The Host Municipality will be responsible for arranging legal counsel to be present at every meeting.
- 9. The decision of the Sitting Committee shall be in writing, and shall include brief reasons for the decision. The Sitting Committee, in consultation with legal counsel, shall prepare the decision.
- 10. The decision of the Sitting Committee is public, will be posted publicly with the minutes of the meeting, and will be forwarded to:
 - a) the Applicant, and
 - b) the Candidate
- 11. As per the Act, the decision can be appealed to the Superior Court of Justice within 15 days after the decision of the Sitting Committee. The Court can make any decision the Sitting Committee could have made.

3. Auditor's Review/Report

1. The Auditor shall conduct an audit of the Candidate's election campaign finances to determine whether he/she has complied with the provisions of the Act and prepare a report outlining whether or not the Candidate was in contravention of the Act.
2. While conducting the audit, the auditor is entitled to have access to all relevant books, papers, documents or things of the Candidate within reasonable hours.
3. The Auditor also has the powers set out in Section 33 of the *Public Inquiries Act*.
4. Once the Auditor has completed his/her report, copies will be forwarded to:
 - a) the Candidate named on the application, and
 - b) the Applicant, and
 - c) the Clerk.
5. The Auditor's report is a public document.
6. The Auditor will be present at the meeting of the Sitting Committee where the report is to be presented to answer any questions.

4. Committee Review and Meeting to Discuss Auditor's Report

1. Within 10 days of receiving the Auditor's report, the Clerk shall:
 - a) set the time and place of the meeting to be held within 30 days of Sitting Committee receiving the report;
 - b) circulate a copy of the report to the Sitting Committee;
 - c) circulate the meeting agenda to the Sitting Committee, Auditor, Applicant and Candidate.
2. The Applicant and the Candidate (in that order) or their representatives will be permitted to address the Sitting Committee for 5 minutes each. Those addressing the Sitting Committee shall be asked to submit their address in writing.
3. Sitting Committee members will have the opportunity to ask questions of the Auditor, Applicant and Candidate.
4. After all parties have spoken, the Sitting Committee will make a decision.
 - a) If the report concludes that the Candidate appears to have contravened provisions of the Act relating to election campaign finances, the Sitting Committee shall decide whether or not to commence a legal proceeding against the Candidate for the contravention.
 - b) If the Sitting Committee decides to commence a legal proceeding, the Sitting Committee shall, in consultation with the Clerk, appoint a prosecutor to carry out same.
5. Pursuant to the Act, the Sitting Committee may choose to deliberate its decision in private.
6. The Sitting Committee may request and receive legal advice regarding any aspect of the Application. The Host Municipality will be responsible for arranging legal counsel to be present at every meeting.
7. The decision of the Sitting Committee shall be in writing, and shall include brief reasons for the decision.
8. The decision of the Sitting Committee is public and will be forwarded to:
 - a) the Candidate named on the application, and
 - b) the Applicant.

9. In accordance with the Act, the decision can be appealed to the Superior Court of Justice within 15 days after the decision of the Sitting Committee. The Court can make any decision the Sitting Committee could have made.

5. Committee Review and Meeting to Discuss Clerk's Report

1. The Clerk shall review the contributions reported on the financial statement submitted by a Candidate to determine whether any contributor, as referred to in the Act, appears to have exceeded any of the contribution limits.
2. As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, the Clerk shall prepare a report identifying each contributor who appears to have contravened any of the contribution limits, and,
 - a) if the contributor's total contributions to a Candidate appear to exceed the limits under the Act, the report shall set out the contributions made by that contributor; and
 - b) if the contributor's total contributions to two or more Candidates appear to exceed the limit, the report shall set out the contributions made by that contributor to all Candidates.
3. The Clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits.
4. The Clerk shall forward each report prepared under subsection (2) to the Sitting Committee.
5. At the time of, or as soon as possible after, forwarding the report to the Sitting Committee, the Clerk shall set the time and place of meeting to be held within 30 days of the Sitting Committee receiving the report.
6. As soon as possible after setting the time and place of the Sitting Committee meeting, the Clerk shall provide notice, in the form of a meeting agenda, to the Sitting Committee, the contributor, the Candidate(s) who received contributions from the contributor, and the public.
7. The contributor or their representative will be permitted to address the Sitting Committee for 5 minutes. Those addressing the Sitting Committee shall be asked to submit their address in writing.
8. Sitting Committee members will have the opportunity to ask questions of the Clerk and Contributor.
9. After all parties have spoken, the Sitting Committee will make a decision whether to commence legal proceedings against the contributor for an apparent contravention of the *Act*.

- a) If the Sitting Committee decides to commence a legal proceeding, the Sitting Committee shall, in consultation with the Clerk, appoint a prosecutor to carry out same.
- 10. Pursuant to the Act, the Sitting Committee may choose to deliberate its decision in private.
- 11. The Sitting Committee may request and receive legal advice regarding any aspect of the Clerk's Report. The Host Municipality will be responsible for arranging legal counsel to be present at every meeting
- 12. The decision of the Sitting Committee shall be in writing, and shall include brief reasons for the decision.
- 13. The decision of the Committee is public and will be forwarded to the contributor.

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE
BY-LAW NUMBER 2022-130

**being a by-law to appoint the Grey County Compliance
Audit Committee for the 2022 to 2026 term of Council**

Whereas section 88.37(1) of the Municipal Elections Act, 1996 requires a council or local board to establish a compliance audit committee before October 1 of an election year for the purposes of this Act; and

Whereas the Act states that the committee shall be composed of not fewer than three and not more than seven members and shall not include:

- a) Employees or officers of the municipality or local board
- b) Members of the council or local board
- c) Any persons who are candidates in the election for which the committee is established; or
- d) Any persons who are registered third parties in the municipality in the election for which the committee is established;

Whereas the Councils of the lower tier municipalities in the County of Grey have agreed to establish a joint Grey County Compliance Audit Committee; and

Whereas the term of the Grey County Compliance Audit Committee is the same as the term of office of the council or local board that takes office following the next regular election, being 2022 to 2026, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed,

Now therefore be it resolved that the Corporation of the Township of Southgate enacts as follows:

1. **That** the Members appointed to the Grey County Compliance Audit Committee for the 2022 to 2026 Term of Council shall be those members as listed below:
 - Bryan G. Allendorf
 - John Leslie Hollins
 - David Nusko
 - Dan Sullivan
2. **That** this by-law shall come into force and take effect upon the enactment thereof.

**Read a first, second and third time and finally passed this 7th day of
September, 2022.**

John Woodbury – Mayor

Lindsey Green - Clerk



Staff Report PW2022-046

Title of Report: PW2022-046 Hydrovac & CCTV Services Award
Recommendation
Department: Public Works
Branch: None
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report PW2022-046 for information; and
That Council approve the award for services for Hydrovac Excavation / Flusher Truck to CT Horizontal & Vac and CCTV Camera Investigation Services to GFL Environmental Inc.

Background:

A Request for Quotes (RFQ) for Hydrovac Excavation / Flusher Truck and CCTV Camera Investigation Services was released and advertised, closing on August 23, 2022 with a virtual opening at 2pm.

Asset Co-Ordinator and Financial Analyst Aakash Desai, Public Works Foreman/Fleet Manager John Watson, Public Works Admin Assistant Lisa Wilson and Public Works Manager Jim Ellis participated in the opening.

Staff Comments:

There were 2 submissions for Hydrovac Excavation / Flusher Truck and one submission for CCTV Camera Investigation Services.

Contractor Hourly Cost

Service	CT Horizontal & Vac	GFL Environmental
Sewer & Catch Basin Clean outs	\$215.00	\$265.00
Day Lighting Locates	\$215.00	\$265.00
Watermain Breaks	\$215.00+\$35.00 after hours charge	\$265.00
Culvert Thawing	\$215.00	\$265.00
Sewer Flushing & Rodding	\$215.00	\$265.00
Hydrovac Excavation	\$215.00	\$265.00
Camera Work	N/A	\$265.00

Financial Implications:

The use of a Hydrovac Excavation / Flusher Truck and CCTC Camera Investigation Services is funded through various 2022 Operational Budgets.

Communications & Community Action Plan Impact:

Goal 5 - Upgrading our "Hard Services"

Action 5:

The residents and businesses of Southgate recognize our linear services - roads, bridges, water and sewer works, for example - to be a fundamental purpose of municipal government. This infrastructure needs to be serviceable and sustainable so that our businesses and communities can thrive and grow.

Concluding Comments:

Staff recommends that Council receive Staff Report PW2022-046 for information, and that Council approve the award for services for Hydrovac Excavation / Flusher Truck to CT Horizontal & Vac and CCTV Camera Investigation Services to GFL Environmental Inc.

Respectfully Submitted,

Dept. Head: *Original Signed By*

Jim Ellis, Public Works Manager

Treasurer Approval: *Original Signed By*

William Gott, CPA, CA Treasurer

CAO Approval: *Original Signed By*

Dave Milliner, CAO

Attachments:

Attachment #1 - Southgate Hydrovac Excavation / Flusher Truck and CCTV Camera Investigation Services RFQ Criteria Evaluation Scoring

**Southgate Hydrovac Excavation / Flusher Truck and CCTV
Camera Investigation Services
RFQ Criteria Evaluation Scoring**

Selection Criteria:

1. **Pricing:** The formula for evaluating pricing will consist of hourly price submissions, meeting budget requirements and value for dollar investment. This sum will represent 40% of the weight factor criteria, with the lowest bid being the base factor, and for every \$10.00 / hour above the base, will deduct 1point from the 40 points allotted.
2. **Qualifications and experience of company:** the previous experience of proposed staff for this project, the stability and reputation of the firm, will consist of 15% of weight factor.
3. **Equipment resources available, capability & reliability:** The assessment of past services experience will include evaluation of the Contractor's success with previous experience of this nature to meet Southgate needs and compliance consists of 20% of the criteria.
4. **References – service delivery & scheduling:** Meeting the Request for Quote criteria are valued at 15%, and will be scored according to information submitted, and reliability.
5. **Approach to Cost Control:** Will be awarded to the respondent who, in the sole judgment of the Township, provides the best overall value and will be worth 10% of the selection criteria.

Consulting Firm	Pricing = 40%	Qualifications = 15%	Equipment =20%	References= 15%	Cost Control=10%	Total 100%
Ct Horizontal	40% =\$215.00/hr	15%	18%	15%	10%	98%
GFL Environmental	35% = \$265.00/hr	15%	20%	15%	9%	94%

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1

Dundalk, ON N0C 1B0

Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CAO2022-046

Title of Report: Flato Dundalk Meadows Inc. West Subdivision Final
Acceptance Report

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive staff report CAO2022-046 as information; and

That Council approve the Flato Dundalk Meadows Inc. West Subdivision Final Acceptance of the infrastructure services, roads and stormwater management facilities for this development.

That Council consider approval of the Flato Dundalk Meadows Inc. West Subdivision Final Acceptance by municipal By-law 2022-116 at the September 7, 2022 Council meeting.

Background:

A Subdivision Agreement (SDA) is required by the Township of Southgate for all residential development projects where the lands being developed with roads and normal municipal services (lighting, sidewalks, stormwater, wastewater and water) and public servicing (cable TV, electricity, internet, natural gas, telephone, etc.) infrastructure. Subdivision development agreements establish the required infrastructure for the project, inspection of the assets installed, initial maintenance of assets, preliminary acceptance, warranty period, final acceptance and ownership transfer of the assets to the municipality.

Staff Comments:

The Crozier Engineers are requesting the Flato Meadows Inc. West Phase 1 development Final Acceptance of this phase of the subdivision by letter included in this report as Attachment #1. The Crozier letter spells out the details of the Final Acceptance, warranty period to begin August 12, 2022 and the CCTV camera inspection repairs will be completed.

Triton Engineering staff has inspected and reviewed the Flato West Phase 1 subdivision public infrastructure installed and the subdivision agreement final acceptance requirements. Triton in their letter report dated August 17, 2022 have confirmed site inspections have been completed, identified services to be repaired, approved and triggered the start of the August 12, 2022 warranty period, received the developers consultant's certification that services have been constructed and

installed in accordance with approved plans, and survey monuments are identified or replaced. The Triton letter is included in this report as the Attachment #2 document.

Financial Impact or Long Term Implications

There is no financial impact to the municipality as a result of this report as all the engineering costs to review the servicing for final acceptance of the Flato West Phase 1 project will be charged to the developer.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 3 - Promoting Health Services and Housing Choices

Action 3: The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-A (2019-2023): By means of appropriate policies, incentives and development partners, the Township will facilitate a significant increase in the supply and comfortable life, even as our population grows and changes.

Concluding Comments:

1. That Council receive this staff report as information.
2. Triton staff has reviewed the Flato West Phase 1 subdivision public infrastructure installed, the subdivision agreement final acceptance requirements and has confirmed by letter their approval in the Attachment #2 document.

Respectfully Submitted,

CAO approval: Original Signed By

Dave Milliner – CAO
dmilliner@southgate.ca
519-923-2110 x223

PW approval: Original Signed By

Jim Ellis – Public Works Mgr.
jellis@southgate.ca
519-923-2110 x224

Planning approval: Original Signed By

Clint Stredwick – Municipal Planner
planning@southgate.ca
519-923-2110 x228

Attachments:

- Attachment 1 – Crozier request letter for Flato West Residential Development Final Acceptance Approval dated August 16, 2022
- Attachment 2 – Triton Report letter on the Flato West Residential Development Final Acceptance Approval dated August 17, 2022

AUGUST 16, 2022

PROJECT NO: 1060-4057

SENT VIA: EMAIL

Township of Southgate
185667 Grey County Rd. 9 RR 1
Dundalk, Ontario N0C 1B0

Attention: Mr. David Milliner, CAO

**RE: REQUEST FOR FINAL ACCEPTANCE OF THE WORKS
FLATO WEST DEVELOPMENT
TOWNSHIP OF SOUTHGATE**

Dear David,

By copy of this letter, C.F. Crozier & Associates Inc. (Crozier) certifies that all works completed for the period ending June 30, 2022 associated with the municipal servicing (sewers, water system, and roadworks) for the Flato West development have been completed and functioning, as per all applicable municipal and provincial standards. On behalf of the Owner (Flato West Meadows Inc.) our firm respectfully requests that the municipality issue Final Acceptance of the works for the Flato West development and proceed to assume the infrastructure.

The one-year guaranteed maintenance period from the date of Preliminary Acceptance Stage IV is understood to have lapsed; however, a one-year guaranteed maintenance period will commence on August 12, 2022 for the following items:

1. Repainted hydrants within development (8 total)
2. Pedestrian barricades adjacent to Elm Street bridge
3. Stormwater management pond topsoil and seed replacement adjacent to maintenance access path and tree re-plantings
4. Trees replanted within right-of-way limits (30 total)
5. East boulevard topsoil and seed along Elm Street, adjacent to Block 71

It is understood that during the final CCTV review several deficiencies within sanitary and storm service laterals were noted past the right-of-way limits and will be the responsibility of the Owner (Flato West Meadows Inc.) to repair. These services are:

1. Lot 5 Storm Service: Major pipe deformations, ponding and debris noted at 21.5 m, 22.98 m, 23.56 m and 24.95m from the storm main. Video unable to continue past deformation at 25 m from the main due to significant ponding.
2. Lot 32/33 Storm Service: Ponding (100%) from 13.13 m to 18.60 m from STMMH5.
3. Lot 44 Storm Service: Ponding noted on service lateral 9.5m from the mainline.
4. Lot 17 Sanitary Service: Significant ponding (100%) starting from 9.85 m from sanitary main.
5. Lot 29 Sanitary Service: Deformation of the pipe at 10.5 m from sanitary main.

Trusting the above to be satisfactory, and the Township will be able to process this request forthwith. Should you have any questions or require clarification, please contact the undersigned. Thank you.

Sincerely,

C.F. CROZIER & ASSOCIATES INC.



Brian Homenuk, C.E.T., rcji
Assistant Contract Administrator
BMH/km

c.c. Shakir Rehmatullah, Flato West Meadows Inc.
 Gianpaolo Lombardo, Flato West Meadows Inc.
 Nazy Majidi, Flato West Meadows Inc.

Enclosure

J:\1000\1060-Flato Dev\4057-Dundalk Res\Letters\2022.07.11 Request for Final Acceptance.docx



105 Queen Street West, Unit 14
Fergus
Ontario N1M 1S6
Tel: (519) 843-3920
Fax: (519) 843-1943
Email: info@tritoneng.on.ca

ORANGEVILLE • FERGUS • HARRISTON

August 17, 2022

Township of Southgate
185667 Grey Country Road 9
Dundalk, Ontario
N0C 1B0

Attention: Dave Milliner, Chief Administrative Officer

Re: Township of Southgate
Flato West Subdivision – Phase 1
Final Acceptance Municipal Services
Our File: A4153A

Dear Mr. Milliner:

Further to the request from Crozier Consulting Engineers (Crozier) dated August 16, 2022 (attached) regarding Final Acceptance for Phase 1 of the Flato West Subdivision, we wish to advise as follows:

- Site inspections have been completed by Triton Engineering Services Limited, Crozier, and municipal staff. These inspections have confirmed that all municipal works have been completed satisfactorily.
- Deficiencies within sanitary and storm services identified beyond the Municipal right-of-way as noted within the request from Crozier will be repaired by the Owner (Flato West Meadows)
- Works recently completed, as identified in the Crozier letter, will be subjected to a one year guaranteed maintenance period effective August 12, 2022.
- The Developer's consultant, Crozier, has provided written certification dated August 16, 2022 (attached) that all services have been constructed and installed in accordance with the approved plans and specifications.
- A certificate from an Ontario Land Surveyor will be provided to confirm that all survey monumentation has been located and, where necessary, replaced.

Based on this information, we recommend that Final Acceptance be granted for Phase 1 of the Flato West Subdivision.

We trust that this information is satisfactory and should you have any questions, please do not hesitate to contact the undersigned.

Respectfully,
Triton Engineering Services Limited

Dustin C. Lyttle, P. Eng.

Cc: Jim Ellis, CRS S, Public Works Manager, Township of Southgate



THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE
BY-LAW 2022-116

being a by-law to assume municipal services
in respect to Registered Plan 16M-54

Whereas the Subdivision Agreement between Flato West Meadows Inc. and the Corporation of the Township of Southgate dated June 15, 2017, provides for the construction and installation of certain municipal services related to Registered Plan 16M-54; and

Whereas the Township of Southgate has received certification that the municipal services set out in the Subdivision Agreement have been constructed and installed in accordance with the Township's specifications and have received recommendation that final acceptance be granted for Phase 1 of the Flato West Subdivision,

Now therefore be it resolved that the Corporation of the Township of Southgate enacts as follows:

1. **That** the municipal services set out in the Subdivision Agreement as noted above, be and are hereby assumed by the Township of Southgate as municipal services; and
2. **That** where the provisions of any other by-law, resolution or action of Council are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

Read a first, second and third time and finally passed this 7th day of September, 2022.

John Woodbury – Mayor

Lindsey Green - Clerk



Staff Report CAO2022-052

Title of Report: **Dundalk Flyers Senior Hockey Club-SEGCHC-Southgate Donation Agreement Report**

Department: **Administration**

Council Date: **September 7, 2022**

Recommendation:

Be it resolved that Council receive Staff Report CAO2022-052 for information; and
That Council approve the Dundalk Flyers Senior Hockey Club Donation Agreement with South-East Grey Community Health Centre with the funding going to the new Dundalk Medical Centre with Southgate acting in a support role to help the donator complete the transaction; and

That Council consider approving the Dundalk Flyers Senior Hockey Club Donation Agreement with South-East Grey Community Health Centre and the Township of Southgate by Municipal By-law 2022-123 at the September 7, 2022 Council meeting.

Background:

The CAO was approached by the Dundalk Flyers Hockey Club in 2022 to discuss making a donation to the new Dundalk Medical Centre to close out their bank account.

Staff Comments:

The CAO has been working with Dundalk Flyers Senior Hockey Club and South-East Grey Community Health Centre (SEGCHC) to find a fitting way to receive and acknowledge a donation from this historic community hockey club. With the Flyers being a sports organization the natural fit after discussion with SEGCHC staff was to apply the donation to the rehabilitation centre in the new medical clinic for exercise equipment. The agreement provided the Flyers with agreed to naming right of the Rehab area being display within the building with a few pictures and memories from the club's history.

Staff recommend that Mayor Woodbury and the Clerk sign the agreement. A copy of the Dundalk Flyers Senior Hockey Club-SEGCHC-Southgate agreement is included as Schedule A in by-law 2022-123.

Financial Implications:

There is no financial impact as a result of this report.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information.

Goal 3 - Promoting Health Services and Housing Choices

Action 3: The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-B (2019-2023): The Township will have been a significant advocate for and contributor to a new and expanded South East Grey Community Health Centre clinic in Southgate.

Concluding Comments:

1. That Council receive this report for information.
2. Staff recommend Council approve the Dundalk Flyers Senior Hockey Club-SEGCHC-Southgate agreement by municipal By-law 2022-123 and have the Mayor and Clerk sign the document.

Respectfully Submitted,

CAO Approval: *Original Signed By*
Dave Milliner – CAO dmilliner@southgate.ca 923-2110 x210

Attachments:

None.

The Corporation of the Township of Southgate

By-law Number 2022-123

being a by-law to authorize a donation agreement between the Dundalk Flyers Senior Hockey Club, South-East Grey Community Health Centre and The Corporation of the Township of Southgate

Whereas the Municipal Act, S.O. 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas it is deemed necessary and desirable that the Council of the Corporation of the Township of Southgate enact a by-law authorizing the Corporation to enter into a donation agreement,

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate hereby enacts as follows:

1. **That** the Donation Agreement between the Dundalk Flyers Senior Hockey Club, South-East Grey Community Health Centre and The Corporation of the Township of Southgate attached hereto as Schedule "A" (the "Agreement"), is hereby ratified and confirmed; and
2. **That** the Mayor and Clerk are hereby authorized and directed to sign the Agreement, in substantially the same form as the agreement attached hereto as Schedule "A", on behalf of the Corporation of the Township of Southgate and all other documents as may be necessary to give effect thereto; and
3. **That** where the provisions of any other by-law, resolution or action of Council are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

Read a first, second and third time and finally passed this 7th day of September, 2022.

John Woodbury – Mayor

Lindsey Green - Clerk

Donation Agreement

Between

South-East Grey Community Health Centre

(hereinafter referred to as the "CHC")

and

Dundalk Flyers Senior Hockey Club

(hereinafter referred to as the "Club")

and

The Corporation of the Township of Southgate

(hereinafter referred to as the "Township")

WHEREAS the CHC is interested in establishing an integrated primary care hub in Dundalk that will improve access to care for clients and patients of Southgate currently receiving care from the CHC;

AND WHEREAS the Club has been a historical sports organization in the Village of Dundalk, Southgate for many years;

AND WHEREAS the CHC has been successful in receiving planning money from the Ministry of Health for a new medical clinic in Dundalk;

AND WHEREAS the Club is interested in donating financially towards a dedicated space in the new Clinic for patient rehabilitation in exchange for naming recognition and the placement of few pictures in the area space;

NOW THEREFORE, in consideration of the mutual covenants and agreements, and subject to the conditions and limitations, set forth herein, and for the mutual reliance of the parties hereto, the parties hereby agree that no commitment or guarantee, or warranty is implied with or binding to any and all of the following undertakings:

1. Dundalk Flyers Senior Hockey Club:

- The Club will donate approximately \$10,000.00 to the CHC Dundalk Medical Centre building project some time after July 14th, 2023 based on evidence of the construction start and the substantial completion of the project proceeding to completion; and
- The Club requests discussion and mutual agreement with the CHC on the naming rights of the Rehabilitation Centre within the medical clinic building that reflects the name of the donor to be displayed and a location provided for a few historical pictures, plaques and/or memorabilia (up to 3 pieces) that can be tastefully mounted on the wall of the rehab area.

2. The Township of Southgate:

- The Township has provided land to the CHC for the erection of a new multi-disciplinary medical clinic in Dundalk; and
- The Township will act as an agent to support the Club as a community group with their donation and the discussions with the CHC.

3. South East Grey Community Health Centre

- The CHC is working through the Ministry of Health Capital Planning process to obtain funding approval to construct an integrated medical facility on land owned by the Township of Southgate; and
- The new CHC Dundalk Medical Centre is being constructed to increase its medical services to the surrounding community; and
- In recognition of a significant contributions of approximately \$10,000.00 by the Club made to CHC Dundalk Medical Centre Building Project the CHC will provide the Club with naming rights of the Rehabilitation Centre and other acknowledgements; and
- The CHC will use the donation by the Club to purchase exercise and fitness equipment such as but not limited to stationary bikes, treadmills, etc.

IN WITNESS WHEREOF the South East Grey Community Health Centre and the Dundalk Flyers Senior Hockey Club and the Township of Southgate have hereto affixed their corporate seals attested by the hands of their duly authorized officers in that behalf.

SOUTH-EAST GREY COMMUNITY HEALTH CENTRE

Date: _____ Per: _____

Alex Hector, Executive Director

Dundalk Flyers Senior Hockey Club

Date: _____ Per: _____

Les Franks, President

Date: _____ Per: _____

Jennifer Thompson, Treasurer

We have authority to bind the Club.

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

Date: _____ Per: _____

John Woodbury, Office of the Mayor

Date: _____ Per: _____

Lindsey Green, Township Clerk

We have authority to bind the Corporation.

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1
Dundalk, ON N0C 1B0

Phone: 519-923-2110
Toll Free: 1-888-560-6607
Fax: 519-923-9262
Web: www.southgate.ca

Staff Report CAO2022-053

Title of Report: White Rose Park Phase III Draft Pre-Servicing Agreement
for Residential Development Project Report

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive staff report CAO2022-053 as information; and

That Council approve the White Rose Park Phase III Draft Pre-Servicing Agreement with the appropriate Schedules reflecting the necessary approved Engineered drawing, report information and approved securities for the project; and

That Council consider approving the White Rose Park Phase III Pre-Servicing Agreement by Municipal By-law 2022-126 at the September 21, 2022 meeting.

Background:

White Rose Park Phase III presently has a Draft Plan Subdivision approval for the their residential development project. They also have a Site Alteration Agreement that was approved by the Township of Southgate on June 6th, 2022 by municipal By-law 2022-091.

The White Rose Park Phase III Residential Development Project now requires a Pre-Servicing Agreement for their project. This agreement has been created as a template document we used for past development pre-servicing projects, that has been reviewed by our lawyer, our engineers and approved by Southgate Council for several past projects.

The Pre-Servicing Agreement is now the next step in the process that will allow the developer to start the site work for the installation of servicing infrastructure and construction of the roadway, based on the approved servicing drawings.

White Rose Park have requested a Pre-Servicing Agreement in advance of the Subdivision Agreement. What this agreement will allow is the installation by the developer of on-site and off-site infrastructure such as water, sewers, stormwater drains, curbs & gutter, and roadway construction with base course asphalt, while the Subdivision Agreement is going through the approval process. During the pre-servicing phase of the project, without a subdivision agreement in place, the Township has minimal liability as the lot fabric has not been approved or registered with title, therefore Southgate would have no responsibility to finish the lot servicing. The responsibility the Township would have with a pre-servicing

agreement would be to make the development site safe by filling in holes and leveling the soil on the property, if there was a failure to complete the project.

The Pre-Servicing Agreement will allow the developer to start the work based on approved servicing drawings and posted securities. By the developer undertaking the work prior to Subdivision Agreement approval, they take on more risk and the municipality has considerably less. Therefore, the required posted securities in favour of the municipality, by the developer, is less because the Township has not committed to an approved Subdivision Agreement. When the Subdivision Agreement is approved, the required securities will be reviewed and posted at the required levels based on the amount of servicing work that has been completed and accepted. The developer securities presently required for a Pre-Servicing Agreement is 5% for on-site and 100% for off-site works. In a Subdivision Agreement, the developer securities required is 100% for on-site and 100% for off-site works because the lots have been created and likely presold. The major cost of servicing of a residential development is the installation of infrastructure during the pre-servicing agreement phase. When it comes to Subdivision Agreement approval, the amount of securities required is considerably less as it only covers sidewalks, street lighting, street signage, lot grading, sodding, fencing, tree planting, final asphalt placement, etc., if all the pre-servicing work has been completed.

Staff Comments:

The White Rose Park Phase III draft Pre-Servicing agreement is included in this staff report as Attachment #1.

The Township approval process of this Pre-servicing agreement is the following steps:

1. Engineering have reviewed the drawings and report documents listed in the "Schedule B" of the agreement;
2. The review and calculation of the securities necessary to support the White Rose Park Phase III project work onsite and offsite work for infrastructure servicing upgrades and costs that will be included in the final version of the Pre-servicing Agreement;
3. The final step is for Council approval of White Rose Park Phase III Pre-servicing Agreement and by municipal By-law 2022-126 for approval at the September 21, 2022 meeting.

Financial Impact or Long Term Implications

There is no financial impact as a result of this report as the developer will be paying for engineering and legal costs related to the creation of this agreement.

The developer will maintain or increase the posted securities through an Irrevocable Letter of Credit (LC) to cover the estimated servicing costs determined by Southgate's engineers.

The Township and the developer will be working with the engineers to determine the required offsite work for the project. This will require a Service Finance Agreement between the Township of Southgate and White Rose Park to identify the required offsite infrastructure upgrades to support the development and the benefit to the existing community in the area. The Service Finance Agreement and cost calculation will be assessed and the requirements developed by the engineers for execution between White Rose Park Phase III developer and the Township of Southgate. The agreement will assess the required project work, project costs and any cost sharing required for all the off-site infrastructure upgrades and site improvements to the roads, sidewalk, drainage and water/wastewater servicing required to support this new residential development's increased needs and servicing demands.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 3 - Promoting Health Services and Housing Choices

Action 3: The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-A (2019-2023): By means of appropriate policies, incentives and development partners, the Township will facilitate a significant increase in the supply and variety of both rental and purchase housing/accommodation within Southgate.

Concluding Comments

1. That Council receive this report as information.
2. That Council approve the White Rose Park Phase III Draft Pre-Servicing Agreement as presented.
3. That Council consider approval of the White Rose Park Phase III for a Final Pre-Servicing Agreement by Municipal By-law 2022-126 at the September 21st, 2022 Council meeting.

Respectfully Submitted,

CAO approval: Original Signed By

Dave Milliner – CAO dmilliner@southgate.ca 519-923-2110 x210

- Attachment #1 – White Rose Park Phase III Draft Pre-Servicing Agreement

SUBDIVISION PRE-SERVICING AGREEMENT

B E T W E E N:

2570970 Ontario Inc. (White Rose Park)
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

The Corporation of the Township of Southgate
(hereinafter called the "Township")

OF THE SECOND PART

WHEREAS the Developer is the owner of the lands in the Township of Southgate, in the County of Grey, described in Schedule "A" hereto (the "Lands");

AND WHEREAS the Developer proposes to subdivide the lands and is proceeding with a plan of subdivision (the "Subdivision"), engineering drawings and a Subdivision Agreement;

AND WHEREAS the Developer warrants that it has received draft plan approval from The Corporation of the County of Grey for the approval of a residential plan of subdivision (the "Plan");

AND WHEREAS the Developer intends to immediately commence with the installation of Stage I and II services as outlined in Article 34 d) herein including underground services and/or storm drainage work and/or road works as further described in the plans, drawings and reports listed in Schedule "B" (the "Works") prior to the execution and the registration of the Subdivision Agreement, and final approval and the registration of the Plan;

AND WHEREAS the Parties hereto have entered into this Subdivision Pre-Servicing Agreement (the "Agreement") for the purpose of defining the terms and conditions upon which the construction, installation and provision of the Works will be carried out;

AND WHEREAS the Developer has obtained written approval of various agencies, including the Grand River Conservation Authority, Grey County Planning Department, Ministry of Environment, Conservation and Parks with respect to the ECA permit, the Township, the Ministry of Transportation and other agencies as applicable to the satisfaction of the Township in so far as these agencies and their comments and requirements relate to the construction, installation or provision of the Works;

AND WHEREAS the parties to this Agreement declare that the recitals herein are true.

NOW THEREFORE, this Agreement witnesseth that in consideration of the covenants herein contained, and other good and valuable consideration, the Parties hereto covenant and agree as follows:

PRE-SERVICING AT DEVELOPER'S RISK

1. The Developer acknowledges and agrees that the installation, construction or provision of the Works to the Lands or external to the Lands is at its sole and complete risk. The Developer acknowledges and agrees that, should the Plan for this development for any reason be refused final approval and the Plan is not registered, any pre-servicing authorized under this Agreement shall cease and the Developer agrees to accept full responsibility and obligation, financial and otherwise, for all servicing provided and Works that have been constructed or installed. Should the Plan be refused final approval, the Developer agrees to remove any or all Works or portions of Works on the unregistered phase(s) if so requested by the Township, acting reasonably, including restoration of the Lands as a result of construction, all to the satisfaction of the Township, if requested by the Township to do so. At all times, the Developer covenants and agrees to comply with all federal, provincial and municipal laws, rules, by-laws and regulations in constructing, installing or otherwise providing the Works.

MODIFICATIONS MAY BE REQUIRED TO ENGINEERING DRAWINGS AND PLANS

2. The Developer acknowledges and agrees that the engineering design drawings and plans as submitted have not been finally accepted by the Township. In order to obtain final approval of the engineering design drawings and plans, modification, alteration, relocation, and reconstruction of all or part of the Works is required, the Developer agrees that it may be required to make modifications and alterations and to relocate and reconstruct some or all or any portions of the Works at its sole cost and expense and at the direction of the Township.

WRITTEN ACCEPTANCE OF PRE-SERVICING BY TOWNSHIP REQUIRED

3. The Developer acknowledges and agrees that the Works for which pre-servicing may proceed must be approved in writing by the Township, and that only those Works that have been approved in writing may be constructed in accordance with the provisions of this Agreement and all other requirements of the Township and its engineers.

TOWNSHIP MAY REQUIRE PRE-SERVICING TO STOP

4. The Developer acknowledges and agrees that if the Works, as set out in the engineering design drawings, are not being carried out in an acceptable manner or the development of the Plan is not proceeding expeditiously to the satisfaction of the Township in its discretion, the Township, acting reasonably, will have the right to require the Developer to cease any or all construction activities, by written notice to the Developer in accordance with Article 24 of this Agreement.

Furthermore, the Developer acknowledges and agrees that the Township is entitled to withdraw its permission granted herein for the installation and construction of the Works if it is determined, in the sole and absolute discretion of the Township, that such withdrawal is in the best interests of the Township. Upon notification of such withdrawal of permission, the Developer covenants and agrees to immediately cease any further construction, installation or other work in respect of the Works. The Developer acknowledges that it shall have no claim against the Township if it exercises its right to withdraw the permission granted under this Agreement and it specifically waives and disclaims its rights to make any claim in connection therewith.

ESTIMATED COSTS

5. The Developer acknowledges and agrees that the total estimated costs of the Works to be constructed pursuant to this Agreement are to be provided by the Developer, for review/acceptance by the Township in advance of this agreement's execution. The total estimated costs are set out in Schedule "C". The Developer acknowledges and agrees that Schedule "C" is only a preliminary estimate and that additional work may be required prior to the acceptance of the Works by the Township. The Developer further acknowledges that the amounts set out in Schedule "C" are estimates only and that the actual cost may be adjusted from time to time at the sole discretion of the Township, including on the basis of, but not limited to, reasonable tender prices.

The estimated costs on Schedule "C" may be provided and posted on a phase by phase basis.

PROFESSIONAL ENGINEER

6. The Developer covenants and agrees to retain a consulting Professional Engineer (the "Engineer"), skilled and experienced in municipal work, to design, supervise, layout, inspect and maintain the Works and remedy any defects, and to be responsible to the Township for the design, supervision, layout, inspection, maintenance and remedies until the time of final acceptance of the Works. Prior to the commencement of any work, the Developer must advise the Township of its choice of Professional Engineer, and the Township shall have the right to refuse the Developer's choice of Professional Engineer, at the sole discretion of the Township.

COSTS OF CHECKING PLANS AND SPECIFICATIONS

7. The Developer agrees to pay the Township and/or its agent the ongoing reasonable costs for legal, planning and engineering costs for the review of plans and specifications, and for the reasonable construction observation of the Works on behalf of the Township.

AT DEVELOPER'S COST

8. Every provision of this Agreement by which the Developer is obligated in any way is deemed to include the words "at the expense of the Developer and to the Township's satisfaction", unless specifically stated otherwise.

TOWNSHIP TO HAVE UNRESTRICTED ACCESS TO LANDS

9. The Developer agrees to permit unrestricted access to the Lands to the Township and its agents and to the various authorities involved with approval of the Plan and construction of the Works including for the purpose of observation of the construction activities and the Works.

REGULAR MUNICIPAL CONSTRUCTION OBSERVATIONS

10. The Township will make regular site visits as deemed necessary to review that construction methods conform to acceptable engineering practice and in accordance with the accepted drawings and specifications. If, in the opinion of the Township, acceptable supervision is not being provided or construction is not satisfactory, the Township will have the authority to order that construction operations immediately cease by providing written notice to the contractor in charge of the construction or to the Developer's Engineer.

SILTATION AND EROSION CONTROL

11. The Developer agrees to complete the Works as required by the applicable agencies where they relate to pre-servicing and construction activities and to provide and maintain all siltation and erosion control facilities during and after construction to the satisfaction of the Township and the applicable Conservation Authority(ies), acting reasonably. The Developer covenants and agrees to implement the erosion, sedimentation and dust control plan in accordance with the approved Site Alteration Agreement, or otherwise in compliance with the direction of the Township, in order to effectively reduce soil erosion, minimize the transport of silt, minimize standing water, control dust and to minimize and manage mud tracking onto adjacent roads.

DEVELOPER'S SOLELY RESPONSIBLE FOR DESIGN, PLANS AND SPECIFICATIONS

12. Notwithstanding any acceptance of the engineering design given by the Township, neither the Township nor the Consulting Engineer retained by the Township shall in any way be responsible for the design drawings, plans or specifications and the Developer shall bear sole responsibility for the soundness of the engineering design and for ensuring that the Works required to be constructed will function as intended and will be compliant with the final approved services and Municipal Servicing Standards, as approved by council and provided to the Developer prior to execution of this Agreement.

NO CONNECTION TO MUNICIPAL SERVICES

13. The Developer expressly covenants and agrees not to connect any Works to any municipal or public services on any Township or public right-of-way except in accordance with a fully executed subdivision or model home agreement. However, the Developer may install servicing up to the property line of the homes within the Subdivision. The Township will allow physical connections to existing sewers and watermains with certain requirements in order to have one construction activity to facilitate the required video inspection, testing and commissioning of the services.

NO WORK ON LANDS BY DEVELOPER WITHOUT APPROVAL

14. The Developer acknowledges and agrees that no work shall be carried out on lands not owned by it without the prior written consent of the owner of such lands and that such consent shall be forthwith filed with the Township.

OTHER APPROVALS

15. The Developer agrees that it shall forthwith obtain any and all other governmental approvals necessary for the Subdivision and that it shall submit to the Township all the normal and usual plans and documents that may be required by the Township and to enter into a Subdivision Agreement.

The Developer expressly acknowledges and agrees that it will not obtain any advantageous planning or other consideration or treatment, including final approval of a draft plan of subdivision for the Lands, by virtue of it having entered into this Agreement.

OFF-SITE NUISANCE

16. The Developer covenants and agrees to take any and all necessary steps, to the satisfaction of the Township, to ensure that off-site nuisance/damage is mitigated including erosion, sediment, flooding, ponding, dust, and weeds. Notwithstanding the foregoing, reasonable and ordinary construction nuisance, as determined by the Township, shall be permitted.

INSURANCE

17.
 - (a) The Developer agrees to file with the Township, prior to commencement of the Works provided for in this Agreement, a public liability insurance policy in an amount of no less than five million dollars (\$5,000,000.00) (subject to the Township's right to set higher limits if it considers necessary) naming the Township for insurance against all damages or claims for damages. The form, content and type of insurance policy are to be subject to approval by the Township. The Developer shall keep the aforesaid insurance policy in effect until the guaranteed maintenance period has expired and the Works have been assumed by the Township.
 - (b) The premiums for the insurance policy shall initially be paid for a period of one (1) year. Upon execution of this Agreement and prior to commencement of each policy year the Developer shall provide a copy of the policy to the Township indicating full payment.
 - (c) The issuance of the policy of insurance shall not be construed as relieving the Developer from responsibility for other or larger claims, if any, for which it may be held responsible.

TREE REMOVAL

18. The Developer shall remove only those trees required for the installation of Works comprising underground services, as determined in the field by the Engineer and as previously approved by the Township in writing.

SECURITY

19. (a) In order to guarantee the due performance of its covenants in this Agreement, the Developer shall, prior to execution of this Agreement, provide the Township with a Letter of Credit ("Letter of Credit") or cash security in the amount of **\$1,433,854.00** less the amount of security posted under the Site Alteration Agreement. Notwithstanding the foregoing, the minimum security amount required under this Agreement shall be 10% of the total estimated cost of the internal works for the Subdivision plus 100% of the total cost of the entire external works associated with the Subdivision.
- (b) This irrevocable letter of credit will be maintained on a go forward basis to provide assurance for security for this agreement and future phases of the Developer's residential development projects. As new phases come forward for development and as projects within each phase of the developments are completed the amount of securities required will increase and decrease from time to time. If the aggregate amount of the total securities required to satisfy the Township's assurance of the Developer's due performance in this and other agreements increases above \$1,000,000.00 the Developer will provide the required security in the amount of \$100,000.00 increments to satisfy the Township. In order to maintain the appropriate amount of securities every 6 months, the Developer's engineering consultant will provide a Securities Reconciliation Report with a recommendation to the Township based on the work completed by the Developer and the Township approved projects added for construction. The Township's engineering consultant will review this report and provide a recommendation to the Township.
- (c) The Developer acknowledges and agrees that no reduction in the amount of the securities filed by the Developer with the Township in accordance with the terms of this Agreement shall be permitted until such time as the Developer has entered into a Subdivision Agreement with the Township for the Lands. Thereafter, any changes in the Letter of Credit posted by the Developer shall be completed in accordance with the terms of the said Subdivision Agreement and may be maintained, supplemented, or reduced for the future development phases or agreements. Nothing in this paragraph, however, is intended to prohibit the Township from drawing on the said securities in accordance with this Agreement.
- (d) The Letter of Credit or cash security shall comprise of an irrevocable letter of credit from a Canadian Chartered Bank issued in accordance with terms satisfactory to the Township's Treasurer in the form set out in Schedule "D" and shall provide that if in the sole opinion of the Township, there is a default under the terms of this Agreement the Letter of Credit or cash security may thereupon be drawn or cashed in whole or in part.

DEPOSIT

20. (a) Prior to execution of this Agreement, the Developer shall deposit with the Township a cash deposit of \$10,000.00, for engineering and legal fees for the review of drawings and observation of the performance of the Works and the Township's legal costs attributable to this Agreement and other legal advice related to the development contemplated by this Agreement. The Developer agrees to reimburse the Township for all engineering and legal costs incurred.
- (b) The Developer agrees that any accounts relating to engineering and legal work that are not covered by the deposit must be paid within thirty (30) days of submission by the Township and, if not paid within thirty (30) days, the Township shall, at its discretion, be entitled to draw on the aforementioned Letter of Credit or cash security for payment of any outstanding accounts plus an administration fee of \$100.00 per outstanding account together with interest at the rate of the prime rate of the Township's Bank from the date the invoice was first issued. If the Township draws on the securities to pay any outstanding accounts, the Developer is considered to be in default of this Agreement in which case, the Township, at its sole discretion, may issue a stop work order and the Developer agrees that no work may proceed until such time as the securities are increased to its original amount.

LIMITED CONSTRUCTION ACCESS

21. The Developer covenants and agrees to:
- (a) limit construction access to such roads as the Township may determine from time to time;
- (b) maintain all access roads in good repair at all times and meet all the requirements of the Township's Public Works Department if public roadways are involved; and
- (c) provide dust and mud tracking control in order to prevent any dust/mud problem to traffic or home occupants.

SIGNAGE

22. The Developer agrees to construct, at its expense, signs at each access point to the Lands stating that the property is "PRIVATE PROPERTY" and "NO ACCESS IS PERMITTED AT ANY TIME". The signs shall be at least 1.2 metres by 1.2 metres and the lettering and colouring shall be to the Township's satisfaction. The signs shall not be removed until the Subdivision Agreement has been executed at which time signs as required by the Subdivision Agreement must be posted in their place. The Developer acknowledges that all roads and services on the Lands are private roads/services and the Township is under no obligation to assume or maintain them.

TOWNSHIP NOT OBLIGATED TO COMPLETE ANY OUTSTANDING WORKS

23. The Developer agrees that should it fail to complete any of the Works contemplated by this Agreement, the Township is under no obligation whatsoever to complete all or any portion of the Works but the Township has the right to complete or stabilize or disconnect the Works if it chooses to. Notwithstanding the foregoing, the Developer agrees that the Township shall, at its sole discretion, have the right to enter onto the Lands to take whatever action it deems necessary to safeguard the health and welfare of the residents of the Township including, but without limiting the generality of the foregoing, to filling in holes, blocking off access, posting signs, stabilizing and leveling terrain, at the Developer's expense. The Developer further agrees to indemnify the Township, its agents or servants, from any and all claims that may arise as a result of any actions taken by the Township pursuant to this clause.

If the Works proposed to be installed or constructed pursuant to this Agreement are not commenced or a subdivision agreement relating to the Lands has not been executed between the developer and the Township within 2 years from the date of execution of this Agreement, the Township may, at its option and on (30) days written notice to the Developer in accordance with Section 24, declare this Agreement to be null and void and of no further effect.

NOTICE

24. Where this Agreement requires notice to be delivered by one party to the other, such notice shall be in writing and delivered either personally or by facsimile/e-mail transmission by one party to the other party at their addresses and facsimile numbers noted below. Such notice shall be deemed to have been given, if by personal delivery, on the date of delivery, and if by facsimile transmission or e-mail, on date of delivery of electronic confirmation of receipt obtained:

(a) To the Township:

The Corporation of the Township of Southgate
Attn: Dave Milliner – CAO
185667 Grey Road #9
Dundalk, Ontario NOC 1BO

Email address:
dmilliner@southgate.ca

Fax #: 519-923-9262

(b) To the Developer:

2570970 Ontario Inc.
Attn: **Vittorio De Palma**, Director
Address: 7941 Jane Street
Concord, Ontario
L4k 2M7

Email address:
victor@whiterosepark.com
phone: 416-746-8880
Cell: 416-991-1037

or such other address as the Developer has provided to the Township Clerk in writing and any notice faxed or delivered shall be deemed good and sufficient notice under the terms of this Agreement.

INDEMNITY

25. (a) The Developer agrees to indemnify and save harmless the Township, its agents or servants against all actions, causes of action of any kind including causes of action of negligence, suits, claims and demands whatsoever in tort, contract or otherwise which may arise either directly or indirectly by reason of the Developer undertaking pre-servicing pursuant to this Agreement.
- (b) It is specifically understood and agreed that inspections of any aspect of construction, review by the Township, or any damage or interference resulting from winter road maintenance or any other works or actions undertaken by the Township, its agents or servants (which are hereinafter specifically agreed to be acting as agents of the Developer with respect to such work) shall impose no liability upon the Township to the Developer and the Developer specifically agrees that it will make no such claim.

SEVERABILITY

26. If any of the provisions of this Agreement are found by a court of competent jurisdiction to be unenforceable it shall not affect the enforceability of each and every other clause contained herein.

TRANSFER OF OWNERSHIP

27. In the event of any transfer of any beneficial ownership of interest in the Lands or in the event of any change in the ownership of the principals of the Developer, then, at the sole discretion of the Township, this Agreement may be terminated upon written notice by the Township being provided in accordance with Clause 24.

NOT BINDING ON SUCCESSORS AND ASSIGNS

28. This Agreement shall be binding on the Parties hereto but unless this Agreement is registered in accordance with the requirements of the Township pursuant to Clause 30 of this Agreement, it shall not enure to the benefit of their successors and assigns.

SCHEDULES

29. The following schedules attached hereto form an integral part of this Agreement:

- (a) Schedule "A" – Legal Description of the Lands;
- (b) Schedule "B" – Drawings and Supporting Documentation;
- (c) Schedule "C" – Estimated Construction Costs and Securities Calculation; and
- (d) Schedule "D" – Form of Letter of Credit

REGISTRATION OF AGREEMENT

30. The Developer covenants and agrees that this Agreement and any schedules attached hereto may be registered upon title to the Lands and that such registration shall be at the instance of the Township and at the Township's sole and absolute discretion. The Developer further covenants and agrees to pay all costs associated with the preparation and registration of this Agreement, as well as all other costs incurred by the Township as a result of the registration of any other documents or instruments pertaining to this Agreement, including but not limited to, any amendment thereto.

NO FETTERING OF DISCRETION

31. Notwithstanding any other provision of this Agreement, the Developer expressly acknowledges and agrees that none of the provisions of this Agreement (including a provision stating the parties' intention) is intended to operate, nor shall have the effect of operating, in any way to fetter the discretion of the Township and its Council in the exercise of any of its discretionary power, duties or authorities, including without limitation, the authority to approve, approve with conditions or deny draft plan approval of the Plan filed by the Developer. The Developer expressly acknowledges and agrees that it will not obtain any advantageous planning or other consideration or treatment, including approval of a draft plan of subdivision for the Lands, by virtue of it having entered into this Agreement.

NO BUILDING PERMITS UNTIL REGISTRATION OF PLAN

32. The parties agree that the provisions of this Agreement constitute "other applicable law" pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, and that the Developer expressly agrees to not apply for any building permits until final approval of the Plan has been obtained and a Subdivision Agreement is registered on title to the Lands or through the provisions of a model home agreement and that this provision may be pleaded by the Township in any action or proceeding as an estoppel of any denial of such right.

STARTING CONSTRUCTION

33. Prior to starting construction of the Works the Developer shall:

- a) Notify the Township at least ten (10) days before the commencement of construction and provide the Township with all information and material required by the Township;
- b) Deposit with the Township the securities as required by Article 19 of this Agreement;
- c) Erect silt fences or other siltation and erosion control measures to the satisfaction of the Township. The silt fences and erosion control measures shall be erected prior to initiating any grading or construction on the site, and shall remain in place and in good repair during all phases of grading and construction;
- d) Prepare and submit an approximate timeline of progress and completion which shall set out how the construction of the services and utilities will be scheduled to be completed within the one (1) year.
- e) Obtain all consents, approvals, and permits required by law and provide written evidence of same to the Township.

CONSTRUCTION OF SERVICES

34. Conditions for construction of services as follows:

(a) Service to be provided

The Developer, at the Developer's sole cost, shall be permitted to construct and install Stage I and II municipal services outlined in Article 34 (d).

(b) As-recorded drawings

The Developer shall cause its engineers to deliver to the Township three complete sets, and to the Township's Municipal Planner one complete set, of as-recorded drawings and an electronic file of such drawings upon completion (following approval of the preliminary certification of the services by the Township) showing each of the said services as constructed.

(c) Installation, supervision and inspection

All services required to be constructed or installed by the Developer hereunder shall be constructed or installed under the full-time supervision of the Developer's engineers and to the satisfaction of the Township, who, acting reasonably, may:

- (i) conduct such test of materials, methods and workmanship as they may determine including the use of close circuit television cameras for inspection of underground

services prior to either preliminary or final acceptance of any of the required services; and,

- (ii) require that any and all work shall cease until any breach of plans or specifications or its requirements (of which such engineers shall be the sole judge) has been remedied (other than the work required to be done to remedy such breach) and if such engineers deem it necessary to engage technical supervision the expense of such technical consultants, if engaged, shall be a debt due to the Township by the Developer recoverable on demand.

(d) Stages of construction for services

The Developer acknowledges that the Township will only grant preliminary acceptance, on the basis of four distinct stages of construction and where the subdivision development is phased, within the whole of each phase as approved by the Township. The stages are as follows:

- (i) Stage I services for purposes of this Agreement consist of all underground works including
 - a) all storm and sanitary sewers;
 - b) watermain;
 - c) conduits or pipes for electrical services;
 - d) all other utilities such as gas, telephone and cable TV under roadways and including all water, storm and sanitary sewer service connections to the limit of the street allowance for each proposed building lot;
 - e) storm water management facilities including fencing;
- (ii) Stage II services include all works up to and including
 - a) curbs;
 - b) gutters;
 - c) base asphalt;
 - d) placement of all required street signs and traffic control signs;
 - e) erection of a sign at least twelve (12) feet by eight (8) feet to be approved by the Township Engineer at each entrance to the subdivision from a public road, which shall depict the plan of subdivision and shall indicate the locations of all sidewalks, restricted parking zones, mailboxes, and fencing including the type of fencing;
 - f) erection of a sign at least three (3) feet by three (3) feet to be approved by the Township Engineer at each point of entry to the subdivision stating that the services including the streets have not been assumed by the Township, and that anyone using the services or streets does so at their own risk; and
 - g) completion of parkland with grading, topsoil, approved vegetation including sod and/or seed, and required fencing;
 - h) fencing.

(iii) Stage III services involve the completion of the electrical distribution system, including street lighting, which shall be completed within six weeks of the date upon which Preliminary Acceptance is granted for Stage II works.

(iv) Stage IV services include

- a) surface course of asphalt;
- b) sidewalks;
- c) street lighting;
- d) boulevards;
- e) all other services required by this Agreement.

35. Preliminary Acceptance will not be granted until the Subdivision Agreement has been executed and all of the requirements for Preliminary Acceptance pursuant to the Subdivision Agreement have been complied with. Construction of services beyond Stage I and II will not be permitted until the Subdivision Agreement has been executed.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their corporate seals under the hands of their officers properly authorized in that behalf. Authorized by By-law # 2022-XXX

SIGNED, SEALED & DELIVERED

DEVELOPER

2570970 Ontario Inc. (White Rose Park)

Per: _____ Date: _____
Vittorio De Palma Director

I have authority to bind the Corporation

The Corporation of the Township of Southgate

Per: _____ Date: _____
Mayor John Woodbury

Per: _____ Date: _____
Clerk Joanne Hyde

We have authority to bind the Corporation

SCHEDULE "A"

LEGAL DESCRIPTION OF THE LANDS

***PART OF LOT 227, CONCESSION 2 SWTSR
PART 1 17R2183 AND AS IN R480846
(VILLAGE OF DUNDALK)
NOW IN THE TOWNSHIP OF SOUTHGATE
(GEOGRAPHIC TOWNSHIP OF PROTON)
COUNTY OF GREY***

SCHEDULE "B"

DRAWINGS & REPORTS

SUBDIVISION: White Rose Park Phase 3 (88 lots)

List of Drawings

Drawings prepared by Triton Engineering Services Limited dated August 18, 2022;

1. EROSION, SEDIMENT CONTROL PLAN
2. GENERAL SERVICING PLAN
3. LOT GRADING PLAN
4. STREET A PLAN AND PROFILE, FROM STA 0+000 TO 0+095
5. STREET C PLAN AND PROFILE, FROM STA 0+095 TO 0+335
6. STREET D PLAN AND PROFILE, FROM STA 0+335 TO CUL DE SAC
7. STREET B PLAN AND PROFILE, FROM STA 0+520 TO 0+500
8. STORM SEWER DRAINAGE PLAN
9. SANITARY SEWER DRAINAGE PLAN
10. STORM WATER MANAGEMENT FACILITY PLAN
11. STORM WATER MANAGEMENT FACILITY PROFILE, SECTION AND DETAILS
12. NOTES AND DETAILS
13. DETAILS

List of Reports

Archeology Report

December 19, 2019

Fisher Archaeological Arch Report Stage 1 and Stage 2

Environmental Impact Study

January 22, 2018

SAAR

Environmental Impact Study

May 23, 2018

SAAR

Wetland Memo

February 17, 2020

SAAR

Wetland Memo

Functional Servicing Report

July 2022

Triton

Functional Servicing Report

Geotechnical Report

July 31, 2019

Peto MacCallum

Geotechnical Report

Hydrogeological Site Assessment

October 17, 2019

Peto MacCallum

HAS memo

December 16, 2019

Peto MacCallum

HAS memo revised

July 8, 2020

Peto MacCallum

Hydrogeological Site Assessment

Planning Report

August 2, 2018

Cuesta Planning

Planning Report

DRAFT

SCHEDULE "C"

ESTIMATED CONSTRUCTION COSTS

See the following pages for Consulting Engineer's cost estimates.

DRAFT

White Rose Park, Phase III
CONSTRUCTION COST ESTIMATE

ITEM NO.	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL PRICE
SECTION 1 - SITE ALTERATION					
1.01	Supply, Excavate For and Install Mud Mat	1	Each	\$ 7,107.00	\$ 7,107.00
1.02	Stripping and Stockpiling Topsoil	8200	m ³	\$ 7.35	\$ 60,270.00
1.03	Supply, Install and Maintain Heavy Duty Silt Fence Barrier (OPSD-219.131)	870	m	\$ 15.30	\$ 13,311.00
1.04	Supply, Install and Maintain Straw Bale Flow Check Dam (OPSD-219.180)	17	Each	\$ 587.00	\$ 9,979.00
1.05	Clearing and Grubbing	100%	L.S.	\$ 29,355.00	\$ 29,355.00
1.06	Earth Excavating (Grading) to 0.7m pre-grade	46,600	m ³	\$ 9.90	\$ 461,340.00
1.07	Supply, Excavate for and Install Sediment Basin including Hickenbottom Drain				
	South-West Sediment Basin	100%	L.S.	\$ 27,005.00	\$ 27,005.00
	South-East Sediment Basin	100%	L.S.	\$ 20,545.00	\$ 20,545.00
1.08	Maintenance for Sediment Basins	100%	L.S.	\$ 7,500.00	\$ 7,500.00
1.09	Excavate for and Grade Temporary Interceptor Swale	510	m	\$ 19.60	\$ 9,996.00
1.10	Excavate for and Grade Outlet Spillway	80	m	\$ 105.50	\$ 8,440.00
1.11	Supply, Excavate For and Install 200 mm Diameter Storm Sewer	55	m	\$ 319.00	\$ 17,545.00
1.12	Supply, Excavate For and Install Temporary 450 mm Diameter CSP Culvert	12	m	\$ 533.50	\$ 6,402.00
1.13	Supply, Excavate For and Place Rip Rap Including Geotextile	45	m ²	\$ 99.80	\$ 4,491.00
SUB-TOTAL - SECTION 1 - SITE ALTERATION					\$ 675,786.00

White Rose Park, Phase III
CONSTRUCTION COST ESTIMATE

ITEM NO.	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL PRICE
SECTION 2 - ROADS & DRAINAGE					
2.01	Traffic Control	100%	L.S.	\$ 5,871.00	\$ 5,871.00
2.02	Tree Protection	100%	L.S.	\$ 2,500.00	\$ 2,500.00
2.03	Removal of Full Depth Bituminous Pavement	100	m ²	\$ 41.10	\$ 4,110.00
2.04	Removal of Concrete Curb and Gutter	43	m	\$ 93.90	\$ 4,037.70
2.05	Supply, Excavate For and Install 600 mm Diameter Concrete Storm Sewer	21	m	\$ 460.00	\$ 9,660.00
2.06	Supply, Excavate For and Install 525 mm Diameter Concrete Storm Sewer	76	m	\$ 376.00	\$ 28,576.00
2.07	Supply, Excavate For and Install 450 mm Diameter Concrete Storm Sewer	57	m	\$ 346.00	\$ 19,722.00
2.08	Supply, Excavate For and Install 375 mm Diameter Storm Sewer	67	m	\$ 381.50	\$ 25,560.50
2.09	Supply, Excavate For and Install 300 mm Diameter Concrete Storm Sewer	22	m	\$ 274.50	\$ 6,039.00
2.10	Supply, Excavate For and Install 300 mm Diameter Storm Sewer	354	m	\$ 277.00	\$ 98,058.00
2.11	Supply, Excavate For and Install 250 mm Diameter Storm Sewer	194	m	\$ 241.00	\$ 46,754.00
2.12	Supply, Excavate For and Install 100 mm Diameter Perforated Corrugated Plastic Sub-Drain With Geotextile	1180	m	\$ 26.50	\$ 31,270.00
2.13	Supply, Excavate For and Install 100 mm Diameter (DR-28, PVC) Storm Service	78	Each	\$ 1,624.00	\$ 126,672.00
2.14	Break Into and Connect to Existing Storm Structure	1	Each	\$ 2,292.00	\$ 2,292.00
2.15	Construct 1500 mm Diameter Twin Inlet Catchbasin Maintenance Hole (OPSD-701.011)	4	Each	\$ 11,790.00	\$ 47,160.00
2.16	Construct 1200 mm Diameter Catchbasin Maintenance Hole (OPSD-701.010)	11	Each	\$ 6,839.00	\$ 75,229.00
2.17	Construct 1200 mm Diameter Maintenance Hole (OPSD-701.010)	2	Each	\$ 7,782.00	\$ 15,564.00
2.18	Construct 600 mm x 1450 mm Twin Inlet Catchbasin (OPSD-705.020)	4	Each	\$ 5,543.00	\$ 22,172.00
2.19	Construct 600 mm x 600 mm Catchbasin (OPSD-705.010)	13	Each	\$ 3,304.00	\$ 42,952.00
2.20	Supply and Install Catchbasin Frame and Grate (OPSD-400.110)	40	Each	\$ 1,000.00	\$ 40,000.00
2.21	Supply and M.H. Frame and Cover (OPSD-401.010 Type B)	2	Each	\$ 1,000.00	\$ 2,000.00
2.22	Adjust and Rebuild Existing Maintenance Hole and Catchbasin (Year 2023)	42	Each	\$ 675.00	\$ 28,350.00
2.23	Granular "B", Type 1	8550	Tonne	\$ 37.30	\$ 318,915.00
2.24	Granular "A"	2700	Tonne	\$ 45.10	\$ 121,770.00
2.25	Calcium Chloride	600	Kg	\$ 1.50	\$ 900.00
2.26	Water For Compaction and Dust Control	100	m ³	\$ 20.00	\$ 2,000.00
2.27	Sacrificial Concrete Curb (OPSD-600.020)	1180	m	\$ 147.00	\$ 173,460.00
2.28	Concrete Curb and Gutter (All Types) (Year 2023)	1180	m	\$ 135.00	\$ 159,300.00

White Rose Park, Phase III
CONSTRUCTION COST ESTIMATE

ITEM NO.	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL PRICE
2.29	Concrete Sidewalk (OPSD-310.010, 310.020, & 310.030) (Year 2023)	750	m ²	\$ 147.00	\$ 110,250.00
2.30	Tactile Warning Plates (Year 2023)	18	m	\$ 587.00	\$ 10,566.00
2.31	Sawcut Bituminous Pavement	45	m	\$ 58.70	\$ 2,641.50
2.32	Cold Planing of Existing Asphalt (Minimum Depth 40mm) (Year 2023)	50	m ²	\$ 117.50	\$ 5,875.00
2.33	Hot Mix Asphalt HL4 Binder Course	725	Tonne	\$ 176.00	\$ 127,600.00
2.34	Hot Mix Asphalt HL3 Surface Course (Year 2023)	585	Tonne	\$ 182.00	\$ 106,470.00
2.35	Hot Mix Asphalt HL3C In Driveways and Boulevards (Year 2023)	1320	m ²	\$ 76.30	\$ 100,716.00
2.36	Topsoil from Stockpile for Boulevards (150mm thickness) (Year 2023)	3650	m ²	\$ 4.70	\$ 17,155.00
2.37	Sodding Boulevards (Year 2023)	3650	m ²	\$ 14.00	\$ 51,100.00
SUB-TOTAL - SECTION 2 - ROADS & DRAINAGE					\$ 1,993,267.70

White Rose Park, Phase III
CONSTRUCTION COST ESTIMATE

ITEM NO.	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL PRICE
SECTION 3 - SANITARY SEWERS					
3.01	Break Into and Connect to Existing Sanitary Maintenance Hole	1	Each	\$2,292.00	\$ 2,292.00
3.02	Supply, Excavate For and Install 200 mm Diameter Sanitary Sewer	567	m	\$321.00	\$ 182,007.00
3.03	Construct 1200 mm Diameter Maintenance Hole (OPSD-701.010)	11	Each	\$10,060.00	\$ 110,660.00
3.04	Supply and Install Maintenance Hole Frame and Cover (OPSD-401.010, Type "A")	11	Each	\$ 1,000.00	\$ 11,000.00
3.05	Adjust and Rebuild Existing Maintenance Hole to Surface Asphalt (Year 2023)	11	Each	\$675.00	\$ 7,425.00
3.06	Supply Excavate For and Install 125 mm Dia. (DR-28, PVC) Sanitary Service Including 50 mm X 75 mm Marker At Property Line	78	Each	\$1,745.00	\$ 136,110.00
SUB-TOTAL - SECTION 3 - SANITARY SEWERS					\$ 449,494.00

White Rose Park, Phase III
CONSTRUCTION COST ESTIMATE

ITEM NO.	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL PRICE
SECTION 4 - WATERWORKS					
4.01	Connection To Existing Watermain	2	each	\$5,030.00	\$ 10,060.00
4.02	Supply, Excavate For and Install 150 mm Dia. (DR-18, CL 150 PVC) Ring- Tite Watermain Including Tracer Wire	710	m	\$322.00	\$ 228,620.00
4.03	Supply, Excavate For and Install 150 mm Dia. Gate Valve and Box	8	Each	\$3,016.00	\$ 24,128.00
4.04	Supply, Excavate For and Install Hydrant Set	3	Each	\$8,073.00	\$ 24,219.00
4.05	Supply and Install Anodes (DZP-12, 5.4 Kg) On Iron Fittings and Valves	65	Each	\$ 125.00	\$ 8,125.00
4.06	Supply, Excavate For and Install 25 mm Dia. Water Service Including Connection To New PVC Watermain Including 50 mm X 75 mm Marker At Property Line	78	Each	\$1,808.00	\$ 141,024.00
4.07	Adjust Valve Boxes to Finished Grade (Year 2023)	8	Each	\$675.00	\$ 5,400.00
SUB-TOTAL - SECTION 4 - WATERWORKS					\$ 441,576.00

White Rose Park, Phase III
CONSTRUCTION COST ESTIMATE

ITEM NO.	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL PRICE
SECTION 5 - STORMWATER MANAGEMENT FACILITY & OUTLET					
5.01	Supply, Excavate For and Install Concrete Headwall Structure (OPSD-804.040) Including Grate (OPSD-804.050) and Railing	1	Each	\$ 37,240.00	\$ 37,240.00
5.02	Supply, Excavate For and Install Outlet Structure	100%	L.S.	\$ 27,295.00	\$ 27,295.00
5.03	Supply, Excavate For and Install 300 mm Diameter Storm Sewer	41	m	\$ 409.50	\$ 16,789.50
5.04	Construct 600 mm x 600 mm Ditch Inlet Catchbasin (OPSD-705.030, Type A)	1	Each	\$ 6,103.00	\$ 6,103.00
5.05	Shape and Grade Stormwater Management Pond	100%	L.S.	\$ 32,875.00	\$ 32,875.00
5.06	Supply, Excavate For and Place Rip Rap Including Geotextile	140	m ²	\$ 99.80	\$ 13,972.00
5.07	Granular "B", Type 1	100	Tonne	\$ 76.30	\$ 7,630.00
5.08	Granular "A"	50	Tonne	\$ 76.30	\$ 3,815.00
5.09	"Dura-Mat" Interlocking Access Road	180	m ²	\$ 193.50	\$ 34,830.00
5.10	Supply and Install Chain Link Fence	140	m	\$ 150.00	\$ 21,000.00
SUB-TOTAL - SECTION 5 - SWM FACILITY & OUTLET					\$ 201,549.50

White Rose Park, Phase III
CONSTRUCTION COST ESTIMATE

ITEM NO.	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL PRICE
SECTION 6 - MISCELLANEOUS					
6.01	Construction Layout	100%	L.S.	\$ 46,965.00	\$ 46,965.00
6.02	Lot Trees (Year 2023)	90	Each	\$ 200.00	\$ 18,000.00
SUB-TOTAL - SECTION 6 - MISCELLANEOUS					\$ 64,965.00
SUB-TOTAL - SECTION 1 - SITE ALTERATION					\$ 675,786.00
SUB-TOTAL - SECTION 2 - ROADS & DRAINAGE					\$ 1,993,267.70
SUB-TOTAL - SECTION 3 - SANITARY SEWERS					\$ 449,494.00
SUB-TOTAL - SECTION 4 - WATERWORKS					\$ 441,576.00
SUB-TOTAL - SECTION 5 - SWM FACILITY & OUTLET					\$ 201,549.50
SUB-TOTAL - SECTION 6 - MISCELLANEOUS					\$ 64,965.00
SUB-TOTAL (CONSTRUCTION COSTS)					\$ 3,826,638.20
ENGINEERING (CONTRACT ADMIN, GEOTECHNICAL)					\$ 575,000.00
CONTIGENCY (10%)					\$ 385,000.00
SUB-TOTAL					\$ 4,786,638.20
PLUS 13% H.S.T. (of above Sub-Total)					\$ 622,262.97
TOTAL ESTIMATED CONTRACT COST					\$ 5,408,901.17

WHITE ROSE PHASE III, EXTERNAL WORKS (BRADLEY AND HIGHPOINT)						
ITEM NO.	SPEC. NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
SECTION 2 --- ROADS AND DRAINAGE						
2.01	M706 M708 S.P.	Traffic and Pedestrian Control	100%	L.S.	\$10,000.00	\$10,000.00
2.02	M801 S.P.	Tree Protection	100%	L.S.	\$2,500.00	\$2,500.00
2.03	M180 M510 S.P.	Removal of Full Depth Bituminous Pavement	2,900	m ²	\$ 5.00	\$14,500.00
2.04	M180 M510 S.P.	Removal of Full Depth of Bituminous Pavement in Driveways and Boulevards	330	m ²	\$ 5.00	\$1,650.00
2.05	M206 S.P.	Earth Excavation (Grading)	2,500	m ³	\$ 35.00	\$87,500.00
2.06	M180 M510 S.P.	Removal of Concrete Driveway	50	m ²	\$ 25.00	\$1,250.00
2.07	M355 M510 S.P.	Remove and Salvage Existing Paving Brick Driveways and Sidewalks	5	m ²	\$ 30.00	\$ 150.00
2.08	M180 M510 S.P.	Remove Existing Culvert Headwall	6	Each	\$ 250.00	\$1,500.00
2.09	M180 M510 S.P.	Remove Existing 450 mm Diameter CSP Culvert	71.5	m	\$ 40.00	\$2,860.00
2.10	M180 M510 S.P.	Remove Existing 375 mm Diameter CSP Culvert	17.9	m	\$ 30.00	\$ 537.00
2.11	M180 M510 S.P.	Remove Existing 300 mm Diameter CSP Culvert	6.3	m	\$ 30.00	\$ 189.00
2.12	M180 M510 S.P.	Remove Existing 300 mm Diameter Storm Sewer	156.5	m	\$ 30.00	\$4,695.00
2.13	M180 M510 S.P.	Removal of Existing Storm Structures	9	Each	\$ 850.00	\$7,650.00

WHITE ROSE PHASE III, EXTERNAL WORKS (BRADLEY AND HIGHPOINT)						
ITEM NO.	SPEC. NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
2.14	M510 S.P.	Connect to Existing Storm Sewer	2	Each	\$3,000.00	\$6,000.00
2.15	M410 S.P.	Supply, Excavate For and Install 375 mm Diameter Storm Sewer	16.3	m	\$ 375.00	\$6,112.50
2.16	M410 S.P.	Supply, Excavate For and Install 300 mm Diameter Storm Sewer	238	m	\$ 320.00	\$76,160.00
2.17	M410 S.P.	Supply, Excavate For and Install 250 mm Diameter Storm Sewer	15.6	m	\$ 325.00	\$5,070.00
2.18	M410 S.P.	Supply, Excavate For and Install 200 mm Diameter Storm Sewer	56.5	m	\$ 270.00	\$15,255.00
2.19	M405 S.P.	Supply, Excavate For and Install 100 mm Diameter Perforated Corrugated Plastic Sub-Drain with Geotextile	420	m	\$ 25.00	\$10,500.00
2.20	407 S.P.	Construct 1200 mm Diameter Storm Maintenance Hole (OPSD-701.010)	1	Each	\$7,600.00	\$7,600.00
2.21	407 S.P.	Construct 1200 mm Diameter Catch Basin Maintenance Hole (OPSD-701.010)	7	Each	\$7,600.00	\$53,200.00
2.22	407 S.P.	Construct 600mm x 600 mm Catchbasin (OPSD-705.010)	2	Each	\$2,750.00	\$5,500.00
2.23	407 S.P.	Supply, Excavate For and Install Inline Drain	7	Each	\$2,100.00	\$14,700.00
2.24	407 S.P.	Supply and Install Catchbasin Frame and Grate (OPSD-400.110)	7	Each	\$ 950.00	\$6,650.00
2.25	407 S.P.	Supply and Install Adjustable Frame and Cover (OPSD-401.010, Type "B")	1	Each	\$1,150.00	\$1,150.00
2.26	408 S.P.	Adjust and Rebuild Maintenance Hole and Catchbasin to Surface Course Asphalt Grade (Year 20**)	7	Each	\$ 650.00	\$4,550.00
2.27	M314 M501 S.P.	Granular "B", Type II	3,550	Tonne	\$ 20.00	\$71,000.00
2.28	M314 M501 S.P.	Granular "A"	1,150	Tonne	\$ 23.00	\$26,450.00

WHITE ROSE PHASE III, EXTERNAL WORKS (BRADLEY AND HIGHPOINT)						
ITEM NO.	SPEC. NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
2.29	M506	Calcium Chloride	1,000	kg	\$ 1.50	\$1,500.00
2.30	M501	Water For Compaction and Dust Control	100	m ³	\$ 20.00	\$2,000.00
2.31	M353 S.P.	Concrete Curb and Gutter (All Types)	420	m	\$ 60.00	\$25,200.00
2.32	351 S.P.	Concrete Sidewalk (OPSD-310.010, 310.020, & 310.033)	450	m ²	\$ 85.00	\$38,250.00
2.33	351 S.P.	Concrete Driveway	50	m ²	\$ 150.00	\$7,500.00
2.34	351 S.P.	Tactile Warning Plates	8	Each	\$ 350.00	\$2,800.00
2.35	S.P.	Re-Install Salvaged Paving Brick Driveways and Sidewalks	5	m ²	\$ 175.00	\$ 875.00
2.36	M310 S.P.	Sawcut Bituminous Pavement	80	m	\$ 9.00	\$ 720.00
2.37	M310 S.P.	Sawcut Concrete Pavement	13	m	\$ 30.00	\$ 390.00
2.38	M310 S.P.	Cold Planing Existing Asphalt (Minimum Depth 40 mm)	35	m ²	\$ 30.00	\$1,050.00
2.39	M310 S.P.	Hot Mix Asphalt HL 4 Base Course	375	Tonne	\$ 110.00	\$41,250.00
2.40	M310 S.P.	Hot Mix Asphalt HL3 Surface Course (Year 20**)	300	Tonne	\$ 100.00	\$30,000.00
2.41	M310 M311 S.P.	Hot Mix Asphalt HL 3F For Residential Driveways and Boulevards	500	m ²	\$ 35.00	\$17,500.00
2.42	802 S.P.	Topsoil (Imported)	1,500	m ²	\$ 11.00	\$16,500.00
2.43	M803	Sodding	1,500	m ²	\$ 10.00	\$15,000.00
2.44	703 S.P.	Remove, Salvage and Re-Install Existing Signs	100%	L.S.	\$ 750.00	\$ 750.00
SUB-TOTAL - SECTION 2 --- ROADS AND DRAINAGE						\$646,163.50

WHITE ROSE PHASE III, EXTERNAL WORKS (BRADLEY AND HIGHPOINT)						
ITEM NO.	SPEC. NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
SECTION 2 --- SANITARY SEWERS						
2.441	S.P.	Maintenance of Existing Sewage Flow	100%	L.S.	\$1,000.00	\$1,000.00
2.442	M410 S.P.	Repair Existing Sanitary Sewer	1	m	\$4,500.00	\$4,500.00
2.443	408 S.P.	Adjust and Rebuild Existing Sanitary Maintenance Hole to Base Course Asphalt Grade	6	Each	\$ 650.00	\$3,900.00
2.444	408 S.P.	Adjust and Rebuild Existing Sanitary Maintenance Hole to Surface Course Asphalt Grade (Year 20**)	6	Each	\$ 650.00	\$3,900.00
SUB-TOTAL - SECTION 2 --- SANITARY SEWERS						\$13,300.00
SECTION 2 --- WATER WORKS						
2.456	408 S.P.	Adjust Valve Boxes to Base Course Asphalt Grade	6	Each	\$ 500.00	\$3,000.00
2.457	408 S.P.	Adjust Valve Boxes to Surface Course Asphalt Grade (Year 20**)	6	Each	\$ 500.00	\$3,000.00
SUB-TOTAL - SECTION 2 --- WATER WORKS						\$6,000.00
SECTION 3 --- MISCELLANEOUS						
3.01	S.P.	Construction Layout	100%	L.S.	\$5,000.00	\$5,000.00
3.02		Provide Bonding	100%	L.S.	\$10,000.00	\$10,000.00
3.03	S.P.	Pre Condition Survey	100%	L.S.	\$2,500.00	\$2,500.00

WHITE ROSE PHASE III, EXTERNAL WORKS (BRADLEY AND HIGHPOINT)						
ITEM NO.	SPEC. NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
TOTAL - SECTION 3 --- MISCELLANEOUS						\$17,500.00
ROADS AND DRAINAGE						\$646,163.50
SANITARY SEWERS						\$13,300.00
WATER WORKS						\$6,000.00
SECTION 3 --- MISCELLANEOUS						\$17,500.00
SUB-TOTAL (CONSTRUCTION COST)						\$682,963.50
CONTINGENCY ALLOWANCE (15%)						\$105,000.00
ENGINEERING (CONTRACT ADMIN, GEOTECHNICAL)						\$105,000.00
TOTAL CONTRACT PRICE (Excluding H.S.T.)						\$892,963.50

SCHEDULE "D"

FORM OF LETTER OF CREDIT

Sample - Letter of Credit to be provided as security to the Township for the completion of all site works as approved in the _____ Pre-Servicing Agreement.

**NAME OF BANK
BRANCH OR DEPARTMENT
ADDRESS**

DATE

LETTER OF CREDIT NO. _____

TO: The Corporation of the Township of Southgate

We hereby authorize you to draw on Bank Name and Address, for the account of our customer, up to an aggregate amount of _____00/100 Dollars () available on demand as follows:

Pursuant to the request of our Customer, we Bank Name hereby establish and give to you an irrevocable Standby Letter of Credit (the "credit") in your favour in the total amount of _____00/100 Dollars (____) which may be drawn on by you at any time and from time to time upon written demand for payment made upon us by you, which demand we shall honour without inquiring whether you have a right as between yourself and our Customer to make such demand and without recognizing any claim of our customer.

Provided, however, that you are to deliver to us at such time as written demand for payment is made upon us a certificate purported to be signed by an authorized officer of the Township of _____, agreeing and/or confirming that monies drawn pursuant to this Credit No. _____ will be retained and used by you to meet any obligations in connection with the Agreement.

The amount of this Credit shall be reduced from time to time as advised by notice in writing given to this branch from time to time by you.

This credit will continue to the _____ day of _____, _____ and will expire at the Branch address at the close of banking business on that date.

It is condition of this Credit that it shall be deemed to be automatically extended for one year from the present or any future expiration date hereof, unless 30 days before any such date we notify you in writing by Registered Mail that we elect not to consider this Credit renewed for any such additional period. Upon receipt by you of such notice, you may draw by means of your demand accompanied by your written certification, that the amount will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. Partial drawings are permitted.

Bank

SIGNED

SIGNED

[This wording cannot be altered and must be printed on official bank letterhead with original signatures.]
6745696.1

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1

Dundalk, ON N0C 1B0

Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CAO2022-054

Title of Report: White Rose Park Phase III Development Project - Servicing Allocation for Water & Wastewater Capacity

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive staff report CAO2022-054 as information; and **That** Council approve the allocation of 30 residential units of servicing capacity for Water and Wasterwater to the White Rose Park Phase 11 Residential Development Project to provide 10 single family dwellings and 25 townhomes; and

That Council approve a Hold condition be placed on the remaining 47 units of servicing capacity for Water and Wasterwater to the White Rose Park Phase III for the purpose of services for 20 single family and 33 townhome residential properties and that the Hold condition be reflected in the White Rose Park Phase III Servicing Capacity Allocation Agreement; and

That Council consider approving the allocation of 30 residential units of servicing capacity for Water and Wasterwater to the White Rose Park Phase III Residential Development Project by municipal By-law 2022-127 at the September 7, 2022 meeting.

Background:

The Township of Southgate allocates servicing capacity for water and wastewater to development in the Village of Dundalk for these area rated services.

The present Dundalk Water and Sewage Treatment Reserve Capacity from the 2022 Reserve Firm Capacity Report has 1,999 equivalent residential units (ERU) of available allocation for water and 182 ERU of wastewater capacity remains available allocations. A copy of the Triton Report dated March 28, 2022, reporting on the 2022 Dundalk Servicing Capacity is included with this staff report as Attachment #1.

Staff Comments:

The White Rose Park Phase III residential development project is now at the stage where the Township needs to consider the allocation servicing capacity for the 77 ERU being constructed for this project. The Township only has 182 units of ERU of capacity to allocate to 2 developments. The White Rose Park Phase III request for

30 single family dwellings (SFD) needing 30 ERU and 58 townhome units needing 47 ERU.

Note: The Townhouse residential unit allocation factor is 0.8 to calculate the allocated servicing capacity of this development type.

The 2022 Triton Report on the Dundalk Reserve Servicing Capacity does not support this amount of water and wastewater allocation. The letter from White Rose Park's Construction Manager is included in this staff report as Attachment #2.

The White Rose Park Phase III Residential Development project will allocate 10 ERU for 10 SFD homes and 20 ERU for 25 Townhouses for a total of 30 ERU of water and wastewater allocation capacity being required. The Township will place a hold on 47 ERU of servicing capacity for the White Rose Park Phase III project for the allocation of 20 SFD homes and 33 Townhomes, until it becomes available when the Township's wastewater upgrades begin construction in 2023.

Staff recommends that Council approve this service capacity allocation for the White Rose Park Phase III commercial and residential development project by Municipal By-law and authorize the Final Servicing Capacity Allocation Agreement for signing by the Mayor and Clerk.

Financial Impact or Long Term Implications

There is no financial impact to the municipality as a result of this report that will impact the normal municipal operating costs. We are presently working at expanding our wastewater treatment capacity that will require capital investments and the use of Development Charges we are collecting for this purpose.

The allocation of 30 ERU of capacity will be consumed with the construction of this residential development and will start to generate taxation dollars, plus water and sewer user revenues for the Township.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 3 - Promoting Health Services and Housing Choices

Action 3: The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-A (2019-2023): By means of appropriate policies, incentives and development partners, the Township will facilitate a significant increase in the supply and variety of both rental and purchase housing/accommodation within Southgate.

Concluding Comments:

1. That Council receive this staff report as information.
2. That Council approve the allocation of 30 residential units of reserve servicing capacity of water and wastewater to the White Rose Park Phase III residential development project by Township By-law 2022-127 at the September 7, 2022 meeting.
3. That Council approve the White Rose Park Phase III Residential Development Project Water and Wastewater Final Servicing Capacity Allocation Agreement. A copy of the White Rose Park Phase III approved Final Servicing Capacity Allocation Agreement in by-law 2022-127.

Respectfully Submitted,

CAO approval.: <u>Original Signed By</u>	Public Works Mgr: <u>Original Signed By</u>
Dave Milliner – CAO	Jim Ellis – PW Mgr.
dmilliner@southgate.ca	jellis@southgate.ca
519-923-2110 x223	519-923-2110 x224

- Attachment #1 – Triton 2022 Reserve Service Capacity Calculations report dated March 28, 2022
- Attachment #2 – White Rose Park letter dated August 19, 2022 requesting Project Servicing Capacity Allocation



105 Queen Street West, Unit 14
Fergus
Ontario N1M 1S6
Tel: (519) 843-3920
Fax: (519) 843-1943
Email: info@tritoneng.on.ca

ORANGEVILLE • FERGUS • HARRISTON

March 28, 2022

Township of Southgate
R.R. #1
185667 Grey Road 9
Dundalk, Ontario
N0C 1B0

ATTENTION: Jim Ellis,
Public Works Manager

RE: Township of Southgate
Dundalk Water Supply and
Sewage Treatment Systems
2022 Reserve Capacity Calculations
Our File: A4160(22)-R04

Dear Sir:

The attached tables outline the 2022 reserve capacity calculations for the water supply and sewage treatment systems in Dundalk. The reserve capacities have been calculated in accordance with Ministry of Environment and Conservation and Parks (MECP) guidelines. 251 new residential units were connected to and 232 occupied within the municipal systems of Dundalk in 2021.

Table 3 provides a summary of Committed Developments which include White Rose Phases 1 and 2, Flato Phases 2-8 and 10, Flato Glenelg Development Phase 1 and the Flato West Apartment Building, totalling 534 equivalent residential units (ERUs). As Committed Units, these ERUs will not come out of the Uncommitted Reserve Capacity figures indicated on Tables 1 and Table 2. Table 3 further outlines the various potential developments that have been granted Draft Plan Approval, or are being considered, however have not been granted allocation.

Water System:

The three (3) year average maximum day demand of the water system increased from 918m³/d to 941m³/d over the past year. The 2022 uncommitted reserve capacity of the water system is 1,999 ERU. This is based on the Townships' amount of water taking permitted by the Permit to Take Water and committed developments as outlined in Table 3. The Permit to Take Water, indicates an allowable water taking of 2,817m³/day.

Refer to Table 1 for additional information regarding water system reserve capacity calculations.



Sewage Treatment Facility:

Table 2 summarizes the sewage treatment reserve capacity calculations for 2022. The three-year annual average day flow increased from 1,127 m³/d to **1,165m³/d**. Despite an increase in the serviced population in 2021, the 2021 uncommitted reserve capacity for the sewage treatment facility has increased from 127 ERUs to **182** new development ERUs.

Refer to Table 2 for additional information regarding sewage treatment system reserve capacity calculations.

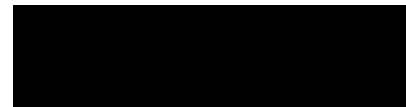
Extraneous Flow:

In conjunction with the reserve capacity calculations, we have completed a high-level assessment of the extraneous flows within the Dundalk sewage collection system. This assessment compares the precipitation, temperature, average day demand of water and the average day sewage flow measured at the WWTP on a monthly basis. The results indicate that the extraneous flows over and above the expected amount within a typical system is, on average, **367m³/day**, which equates to an estimated **395 ERUs**. The relationship between the wastewater flows, precipitation and temperature is indicative of a system that is subject to both groundwater infiltration, and direct inflow. This is based on peaking of wastewater flows noted during the spring melt (i.e., March) and correlation noted to times of high precipitation but lower groundwater levels (i.e., July). Sump pump connections are likely a significant contributor.

Recommendation:

Following Council's review and adoption of the attached report, we would recommend that a copy of the report be forwarded to the MECP District Office in Owen Sound and the Grey County Planning Department. We trust you will find the enclosed to be in order. Should you have any questions, please do not hesitate to contact this office.

Respectfully,
Triton Engineering Services Limited



Dustin Lyttle, P. Eng.

cc: Dave Milliner, Township of Southgate
Clinton Stredwick, Township of Southgate
Bev Fisher, Township of Southgate

TABLE 1
TOWNSHIP OF SOUTHGATE
2022 RESERVE CAPACITY
DUNDALK WATER SYSTEM

DESCRIPTION	2021
1 Available Capacity ¹	2,817
2 Max Day Flow (m ³ /d) ²	941
3 Reserve Capacity (m ³ /d) (1) - (2)	1,876
4 Serviced Occupied Households ³	1,299
5 Persons Per Existing Residential Unit (2016 Census Data)	2.60
6 Population Served (4) x (5)	3,377
7 Maximum Day Per Capita Flow (m ³ /d) (2) ÷ (6)	0.279
8 Additional Population that can be Served (3) ÷ (7)	6,737
9 Person Per New Equivalent Residential Unit (2017 DC Background Study)	2.66
10 Additional ERUs that can be served. (8) ÷ (9)	2,533
11 Committed Development ERUs (Table 3)	534
12 Uncommitted Reserve Capacity (ERUs) (10) - (11)	1,999
¹ Available Capacity is based on lesser of Firm Capacity or Permit to Take Water. Firm capacity is 2,819m ³ /day, PTTW is 2,817m ³ /d. Well Production is 4,780m ³ /day.	
² Max day flow is the average of the maximum day flows from 2019, 2020 and 2021 (913, 905 and 1,004m ³ /d respectively). 2020 and 2019 Maximum day flows have been adjusted to account for high demands during various infrastructure works.	
³ Serviced occupied households is 1,067 (2020) + 232 units occupied in 2021.	

**TABLE 2
TOWNSHIP OF SOUTHGATE
2022 RESERVE CAPACITY
DUNDALK SEWAGE TREATMENT FACILITY**

DESCRIPTION	2021
1 Design Capacity of Sewage Treatment Facility (m ³ /d)	1,832
2 Average Day Flow ¹ (m ³ /d) (Average of 2019, 2020 and 2021 Average Day Flows)	1,165
3 Reserve Capacity (m ³ /d) (1) - (2)	667
4 Average New Development Per Capita Flow ² (m ³ /d)	0.350
5 Additional Population that can be Served (3) ÷ (4)	1,906
6 Person Per Equivalent Residential Unit (2017 DC Background Study)	2.66
7 ERU Flow Rate (m ³ /d) (4) x (6)	0.931
8 Additional ERUs that can be Served (5) ÷ (6)	716
9 Committed Development ERUs (Table 3)	534
10 Uncommitted Reserve Capacity (ERUs) (7) - (8)	182
¹ Average of the average day flows in 2019, 2020 and 2021 (1,114m ³ /day, 1,161m ³ /day and 1,220m ³ /day respectively).	
² As determined by new development flow analysis supported by flow monitoring program.	

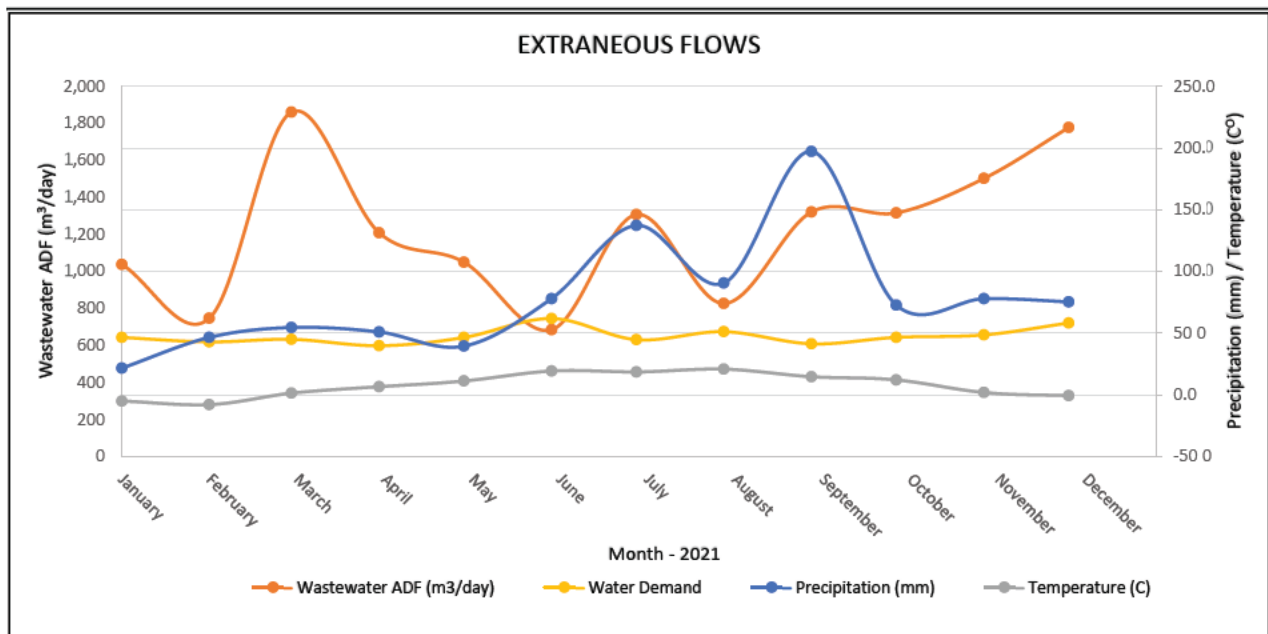


TABLE 3
TOWNSHIP OF SOUTHGATE
2022 RESERVE CAPACITY
SUMMARY OF DUNDALK DEVELOPMENTS

COMMITTED DEVELOPMENTS	TOTAL UNITS	UNITS OCCUPIED IN 2021	REMAINING UNITS AT END OF 2021
White Rose (Phase 1 & 2)	66	63	3
Flato North (Phase 2A)	72	72	0
Flato North (Phase 3)	46	42	4
Flato North (Phase 4)	22	22	0
Flato North (Phase 5)	59	10	49
Flato North (Phase 6)	68	20	48
Flato Glenelg (Phase 1)	183	0	183
Flato West Block 75 (Phase 2) Apartment Building ¹	56	0	56
Flato East (7, 8 & 10)	188	0	188
INFILL LOTS ²		3	3
SUB-TOTAL		232	534
TOTAL COMMITTED UNITS			534
UNCOMMITTED DEVELOPMENT (DRAFT PLAN APPROVED)	TOTAL UNITS		
White Rose (Phase 3)	88		
Flato East (Phase 9)	47		
Flato East (11)	193		
Glenelg (Phase 2)	155		
Dundalk Commercial	24		
SUB-TOTAL	507		
¹ Apartment units based on assumption that each unit is 0.7 ERU.			
² 3 Infill Lots allocated annually.			

TABLE 4
TOWNSHIP OF SOUTHGATE
2022 RESERVE CAPACITY
DUNDALK EXTRANEOUS FLOWS

MONTH	PRECIPITATION (mm) ⁴	AMBIENT TEMP. (C°) ⁴	WASTEWATER ADF (m ³ /day)	WATER ADD (m ³ /day)	EXTRANEOUS FLOW (m ³ /day) ¹
January-2021	21.6	-4.9	1,038	643	395
February-2021	46.6	-7.8	747	620	127
March-2021	54.6	1.4	1,860	633	1,227
April-2021	50.9	6.7	1,209	598	611
May-2021	39.5	11.2	1,050	643	407
June-2021	77.9	19.4	685	745	0
July-2021	137.2	18.7	1,306	632	674
August-2021	90.7	20.8	827	674	153
September-2021	196.9	14.7	1,320	609	711
October-2021	72.6	12.2	1,316	644	672
November-2021	77.9	1.9	1,501	657	844
December-2021	75.4	-0.7	1,776	722	1,054
AVERAGE			1,220	652	573
REASONABLE EXTRANEOUS FLOW BASED ON POPULATION(m³/day)²					203
EXTRANEOUS FLOW OVER AND ABOVE REASONABLE AMOUNT(m³/day)					370
EQUIVALENT RESIDENTIAL UNITS USED BY EXTRANEOUS FLOWS (ERU)³					398
¹ This is the Wastewater ADF minus the Water ADD, used to determine Sanitary Flow over and above expected.					
² Expected infiltration is 60 Litres per person per day based on modified historic MOE Standard.					
³ Based on New Development Equivalent Residential Unit Sanitary Flow Rate					
⁴ As recorded at Mount Forest Station.					





August 19th, 2022

The Corporation of the Township
Of Southgate
185667 Grey Cty Rd 9
RR 1 Dundalk, ON N0C 1B0

Att: Mr. Dave Milliner

Re: Request for Pre-Servicing Agreement for White Rose Park Subdivision – Phase 3,
Dundalk, Ontario

Dear Dave

2570970 Ontario Inc. o/a White Rose Park would like to formally request a Subdivision Pre-Servicing Agreement with regards to the following:

Plan of Subdivision,
County of Grey File #42T-2018-08 White Rose Park
Part Lot 227, Concession 2 SWTSR, geographic Township of Proton
Township of Southgate
Owner: 2570970 Ontario Inc. o/a White Rose Park

Furthermore, 2570970 Ontario Inc. o/a White Rose Park acknowledges that sewage treatment capacity allocation is not available to service this development. However, we are under the understanding that The Corporation of the Township of Southgate is currently undertaking the necessary approvals to provide the required sewage treatment capacity and required servicing for the above referenced Phase 3 White Rose Park Subdivision

Finally, 2570970 Ontario Inc. o/a White Rose Park further acknowledges that all pre-servicing work is at our own financial risk and that final approval shall only be given by The Corporation of the Township of Southgate to each phase of development when sanitary servicing capacity is available and constructed to the subdivision.

Please do not hesitate to contact the undersigned with any questions or concerns.

Regards

Mauro Chiappetta, P.Eng.



**cc. Paul Ziegler, Triton Engineering Services Limited
Ray Kirtz, Triton Engineering Services Limited
Victor De Palma, White Rose Park
Dominic De Palma, White Rose Park**

The Corporation of the Township of Southgate

By-law Number 2022-127

**being a by-law to authorize an agreement between 2570970 Ontario Inc.
and The Corporation of the Township of Southgate**

Whereas the Municipal Act, 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas Section 8 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

Whereas Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas it is deemed necessary and desirable that the Council of the Corporation of the Township of Southgate enact a by-law authorizing the Corporation to enter into an agreement with 2570970 Ontario Inc.,

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

1. **That** the agreement between 2570970 Ontario Inc. and The Corporation of the Township of Southgate, attached hereto as Schedule A is hereby ratified and confirmed; and
2. **That** the Mayor and Clerk are hereby authorized and directed to sign the Agreement, in substantially the same form as the agreement attached hereto as Schedule "A", on behalf of the Corporation of the Township of Southgate and all other documents as may be necessary to give effect thereto; and
3. **That** where the provisions of any other by-law, resolution or action of Council are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

**Read a first, second and third time and finally passed this 7th day of
September, 2022.**

John Woodbury - Mayor

Lindsey Green – Clerk

FINAL CAPACITY ALLOCATION AGREEMENT

Made in Duplicate this 7th day of September, 2022.

BETWEEN:

2570970 Ontario Inc.
White Rose Park Phase III
7941 Jane Street, Suite #201
Concord, ON L3R 0G6
(hereinafter referred to as the "Developer")

AND

THE CORPORATION OF THE
TOWNSHIP OF SOUTHGATE
185667 Grey Road 9 – RR#1
Dundalk, ON N0C 1B0
(hereinafter referred to as the "Township")

WHEREAS the Township of Southgate ("**Township**") has available or plans for increasing Water and Wastewater servicing capacity to supply existing and future development in the Village of Dundalk "Dundalk"; and

AND WHEREAS, a new development is proposed in Dundalk and as such the development has requested in writing to the Township water and wastewater servicing capacity allocated subject to availability.

NOW THEREFORE the Parties Here to agree:

1. That the Township of Southgate will allocate 30 (thirty) Equivalent Residential Units of Water and Wastewater Residential Units of Reserve Servicing Capacity for this project to service; 10 single family homes and 25 townhomes. The Developer acknowledged that the Township of Southgate is not able to provide 47 (forty-seven) Equivalent Residential Units of servicing capacity allocation because it is not available at this time. Schedule A that forms part of this agreement provides the breakdown of the specific development capacity assignment of the approved allocation and the unallocated servicing capacity for this project.
2. That the Developer accepts this allocation of water and wastewater Residential Units of Reserve Servicing Capacity based on the conditions set out in this agreement.
3. That the Final Capacity Allocation Agreement shall be for a period of 3 (three) years following the municipal by-law approval date of this agreement.
4. That the Final Capacity Allocation Agreement may be extended for an additional 1 (one) year term(s) based on evidence of site development progress.

5. That the Developer accepts that at its sole discretion the Township may not agree to extend a Final Capacity Allocation Agreement in whole or in part, if in the opinion of Township and its Engineers that site development progress has not progressed sufficiently to reflect 50 (fifty) percent occupancy or use of the allocated servicing capacity.
6. That the Developer acknowledges that any payments to be made or works with respect to the project allocation of Final Capacity by the Developer required by the Township must be completed to maintain this agreement in force and affect. The payments and/or works required are listed in the attached Schedule B documents that forms as part of the agreement document or provides reference to a Front Ending or Service Finance Agreement that has been previously approved by the Developer and Township Council by municipal by-law.
7. This Agreement shall be binding on the parties hereto and their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF the Parties hereto have affixed their respective hands and seals.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCES OF:**

**2570970 Ontario Inc.
c/o White Rose Park**

Date:

Name: Vittorio De Palma
Title: Director

I have authority to bind the Corporation.

Witness

**The Corporation of the Township
of Southgate**

Southgate Mayor John Woodbury

Southgate Clerk Lindsey Green

We have authority to bind the Corporation.

Schedule A

White Rose Park Phase III Development Servicing Capacity Allocation

Capacity Requested:

Construction Type	Requested ERU	Residential Units
Commercial	0	
Industrial	0	
Residential Single Family	30	30
Residential Semi-detached	0	
Residential Townhomes	<u>47</u>	<u>58</u>
Total	77	88

Township Allocated Water and Wastewater Servicing Capacity for this Project Agreement:

Construction Type	Allocated ERU	Residential Units
Commercial	0	
Industrial	0	
Residential Single Family	10	10
Residential Semi-detached	0	
Residential Townhomes	<u>20</u>	<u>25</u>
Total	30	35

Unallocated Water and Wastewater Servicing Capacity for this Project Agreement:

Construction Type	Allocated ERU	Residential Units
Commercial	0	
Industrial	0	
Residential Single Family	20	20
Residential Semi-detached	0	
Residential Townhomes	<u>27</u>	<u>33</u>
Total	47	53

Schedule B

White Rose Park Phase III Development

Listing of Payments and Works for the Development Project Final Capacity Allocation

Payments:

None

Works to be Completed:

A Service Finance Agreement and cost calculation is being assessed and the conditions developed by the engineers for execution between White Rose Park Phase III developer and the Township of Southgate. The agreement will assess the required project work, project costs and any cost sharing required for all the off-site infrastructure upgrades and site improvements to the roads, sidewalk, drainage and servicing required to support this new residential development's increased needs and servicing demands.

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1
Dundalk, ON N0C 1B0

Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CAO2022-055

Title of Report: Flato East Draft Pre-Servicing Agreement for Phase 11

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive staff report CAO2022-055 as information; and

That Council approve the Flato Dundalk Meadows Inc. project known as Flato East Phase 11 for a Draft Pre-servicing Agreement with the appropriate Schedules reflecting the necessary approved Engineered drawing, report information and approved securities for the project; and

That Council consider approving the Flato Dundalk Meadows Inc. project known as Flato East Phase 11 Pre-servicing Agreement by Municipal By-law 2022-124 at the September 21, 2022 meeting.

Background:

The developer presently has Draft Plan Subdivision approval for the Flato Dundalk Meadows Inc. project known as Flato East Phase 11 residential development. They also have a Site Alteration Agreement that was approved by the Township of Southgate on June 1, 2022 by municipal By-law 2022-080.

This agreement has been created as a template document we used for past development pre-servicing projects, that has been reviewed by our lawyer, our engineers and approved by Southgate Council for several past projects.

What pre-servicing agreement will allow is the installation by the developer of on-site and off-site infrastructure such as water, sewers, stormwater drains, curbs & gutter, and roadway construction with base course asphalt, while the Subdivision Agreement is going through the approval process. During the pre-servicing phase of the project, without a subdivision agreement in place, the Township has minimal liability as the lot fabric has not been approved or registered with title, therefore Southgate would have no responsibility to finish the lot servicing. The responsibility the Township would have with a pre-servicing agreement would be to make the development site safe by filling in holes and leveling the soil on the property, if there was a failure to complete the project.

The Pre-Servicing Agreement will allow the developer to start the work based on approved servicing drawings and posted securities. By the developer undertaking the work prior to Subdivision Agreement approval, they take on more risk and the

municipality has considerably less. Therefore, the required posted securities in favour of the municipality, by the developer, is less because the Township has not committed to an approved Subdivision Agreement. When the Subdivision Agreement is approved, the required securities will be reviewed and posted at the required levels based on the amount of servicing work that has been completed and accepted. The developer securities presently required for a Pre-Servicing Agreement is 5% for on-site and 100% for off-site works. In a Subdivision Agreement, the developer securities required is 100% for on-site and 100% for off-site works because the lots have been created and likely presold. The major cost of servicing of a residential development is the installation of infrastructure during the pre-servicing agreement phase. When it comes to Subdivision Agreement approval, the amount of securities required is considerably less as it only covers sidewalks, street lighting, street signage, lot grading, sodding, fencing, tree planting, final asphalt placement, etc., if all the pre-servicing work has been completed.

Staff Comments:

The Pre-Servicing Agreement is now the next step in the process that will allow the developer to start the site work for the installation of servicing infrastructure and construction of the roadway, based on the approved servicing drawings. The Flato East Phase 11 Draft Pre-Servicing agreement is included in this staff report as Attachment #1.

The Township approval process of this Pre-servicing agreement is the following steps:

1. Engineering have reviewed the drawings and report documents listed in the "Schedule B" of the agreement;
2. The review and calculation of the securities necessary to support the Flato East Phase 11 project work onsite and offsite work for infrastructure servicing upgrades and costs that will be included in the final version of the Pre-servicing Agreement;
3. The final step is for Council approval of the Flato East Phase 11 Pre-servicing Agreement by municipal By-law 2022-124 for approval at the September 21, 2022 meeting.

Financial Impact or Long Term Implications

There is no financial impact as a result of this report as the developer will be paying for engineering and legal costs related to the creation of this agreement.

The developer will maintain or increase the posted securities through an Irrevocable Letter of Credit (LC) to cover the estimated servicing costs determined by Southgate's engineers. This Phase 11 project has no off-site work and will not require a service finance agreement.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 3 - Promoting Health Services and Housing Choices

Action 3: The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-A (2019-2023): By means of appropriate policies, incentives and development partners, the Township will facilitate a significant increase in the supply and variety of both rental and purchase housing/accommodation within Southgate.

Concluding Comments

1. That Council receive this report as information.
2. That Council approve the Flato East Phase 11 Draft Pre-Servicing Agreement as presented.
3. That Council consider approval of Flato Dundalk Meadows Inc. project known as Flato East Phase 11 for a Pre-servicing Agreement by Municipal By-law 2022-124 at the September 21, 2022 Council meeting.

Respectfully Submitted,

CAO approval: Original Signed By

Dave Milliner – CAO dmilliner@southgate.ca 519-923-2110 x210

- Attachment #1 – Flato East Phase 11 Draft Pre-Servicing Agreement

SUBDIVISION PRE-SERVICING AGREEMENT

This Agreement made this 21st day of September, 2022

B E T W E E N:

Flato Dundalk Meadows Inc.
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

The Corporation of the Township of Southgate
(hereinafter called the "Township")

OF THE SECOND PART

WHEREAS the Developer is the owner of the lands in the Township of Southgate, in the County of Grey, described in Schedule "A" hereto (the "Lands");

AND WHEREAS the Developer proposes to subdivide the lands and is proceeding with a plan of subdivision (the "Subdivision"), engineering drawings and a Subdivision Agreement;

AND WHEREAS the Developer warrants that it has received draft plan approval from The Corporation of the County of Grey for the approval of a residential plan of subdivision (the "Plan");

AND WHEREAS the Developer intends to immediately commence with the installation of Stage I and II services as outlined in Article 34 d) herein including underground services and/or storm drainage work and/or road works as further described in the plans, drawings and reports listed in Schedule "B" (the "Works") prior to the execution and the registration of the Subdivision Agreement, and final approval and the registration of the Plan;

AND WHEREAS the Parties hereto have entered into this Subdivision Pre-Servicing Agreement (the "Agreement") for the purpose of defining the terms and conditions upon which the construction, installation and provision of the Works will be carried out;

AND WHEREAS the Developer has obtained written approval of various agencies, including the Grand River Conservation Authority, Grey County Planning Department, Ministry of Environment,, Conservation and Parks with respect to the ECA permit, the Township, the Ministry of Transportation and other agencies as applicable to the satisfaction of the Township in so far as these agencies and their comments and requirements relate to the construction, installation or provision of the Works;

AND WHEREAS the parties to this Agreement declare that the recitals herein are true.

NOW THEREFORE, this Agreement witnesseth that in consideration of the covenants herein contained, and other good and valuable consideration, the Parties hereto covenant and agree as follows:

PRE-SERVICING AT DEVELOPER'S RISK

1. The Developer acknowledges and agrees that the installation, construction or provision of the Works to the Lands or external to the Lands is at its sole and complete risk. The Developer acknowledges and agrees that, should the Plan for this development for any reason be refused final approval and the Plan is not registered, any pre-servicing authorized under this Agreement shall cease and the Developer agrees to accept full responsibility and obligation, financial and otherwise, for all servicing provided and Works that have been constructed or installed. Should the Plan be refused final approval, the Developer agrees to remove any or all Works or portions of Works on the unregistered phase(s) if so requested by the Township, acting reasonably, including restoration of the Lands as a result of construction, all to the satisfaction of the Township, if requested by the Township to do so. At all times, the Developer covenants and agrees to comply with all federal, provincial and municipal laws, rules, by-laws and regulations in constructing, installing or otherwise providing the Works.

MODIFICATIONS MAY BE REQUIRED TO ENGINEERING DRAWINGS AND PLANS

2. The Developer acknowledges and agrees that the engineering design drawings and plans as submitted have not been finally accepted by the Township. In order to obtain final approval of the engineering design drawings and plans, modification, alteration, relocation, and reconstruction of all or part of the Works is required, the Developer agrees that it may be required to make modifications and alterations and to relocate and reconstruct some or all or any portions of the Works at its sole cost and expense and at the direction of the Township.

WRITTEN ACCEPTANCE OF PRE-SERVICING BY TOWNSHIP REQUIRED

3. The Developer acknowledges and agrees that the Works for which pre-servicing may proceed must be approved in writing by the Township, and that only those Works that have been approved in writing may be constructed in accordance with the provisions of this Agreement and all other requirements of the Township and its engineers.

TOWNSHIP MAY REQUIRE PRE-SERVICING TO STOP

4. The Developer acknowledges and agrees that if the Works, as set out in the engineering design drawings, are not being carried out in an acceptable manner or the development of the Plan is not proceeding expeditiously to the satisfaction of the Township in its discretion, the Township, acting reasonably, will have the right to require the Developer to cease any or all construction activities, by written notice to the Developer in accordance with Article 24 of this Agreement.

Furthermore, the Developer acknowledges and agrees that the Township is entitled to withdraw its permission granted herein for the installation and construction of the Works if it is determined, in the sole and absolute discretion of the Township, that such withdrawal is in the best interests of the Township. Upon notification of such withdrawal of permission, the Developer covenants and agrees to immediately cease any further construction, installation or other work in respect of the Works. The Developer acknowledges that it shall have no claim against the Township if it exercises its right to withdraw the permission granted under this Agreement and its specifically waives and disclaims its rights to make any claim in connection therewith.

ESTIMATED COSTS

5. The Developer acknowledges and agrees that the total estimated costs of the Works to be constructed pursuant to this Agreement are to be provided by the Developer, for review/acceptance by the Township in advance of this agreement's execution. The total estimated costs are set out in Schedule "C". The Developer acknowledges and agrees that Schedule "C" is only a preliminary estimate and that additional work may be required prior to the acceptance of the Works by the Township. The Developer further acknowledges that the amounts set out in Schedule "C" are estimates only and that the actual cost may be adjusted from time to time at the sole discretion of the Township, including on the basis of, but not limited to, reasonable tender prices.

The estimated costs on Schedule "C" may be provided and posted on a phase by phase basis.

PROFESSIONAL ENGINEER

6. The Developer covenants and agrees to retain a consulting Professional Engineer (the "Engineer"), skilled and experienced in municipal work, to design, supervise, layout, inspect and maintain the Works and remedy any defects, and to be responsible to the Township for the design, supervision, layout, inspection, maintenance and remedies until the time of final acceptance of the Works. Prior to the commencement of any work, the Developer must advise the Township of its choice of Professional Engineer, and the Township shall have the right to refuse the Developer's choice of Professional Engineer, at the sole discretion of the Township.

COSTS OF CHECKING PLANS AND SPECIFICATIONS

7. The Developer agrees to pay the Township and/or its agent the ongoing reasonable costs for legal, planning and engineering costs for the review of plans and specifications, and for the reasonable construction observation of the Works on behalf of the Township.

AT DEVELOPER'S COST

8. Every provision of this Agreement by which the Developer is obligated in any way is deemed to include the words "at the expense of the Developer and to the Township's satisfaction", unless specifically stated otherwise.

TOWNSHIP TO HAVE UNRESTRICTED ACCESS TO LANDS

9. The Developer agrees to permit unrestricted access to the Lands to the Township and its agents and to the various authorities involved with approval of the Plan and construction of the Works including for the purpose of observation of the construction activities and the Works.

REGULAR MUNICIPAL CONSTRUCTION OBSERVATIONS

10. The Township will make regular site visits as deemed necessary to review that construction methods conform to acceptable engineering practice and in accordance with the accepted drawings and specifications. If, in the opinion of the Township, acceptable supervision is not being provided or construction is not satisfactory, the Township will have the authority to order that construction operations immediately cease by providing written notice to the contractor in charge of the construction or to the Developer's Engineer.

SILTATION AND EROSION CONTROL

11. The Developer agrees to complete the Works as required by the applicable agencies where they relate to pre-servicing and construction activities and to provide and maintain all siltation and erosion control facilities during and after construction to the satisfaction of the Township and the applicable Conservation Authority(ies), acting reasonably. The Developer covenants and agrees to implement the erosion, sedimentation and dust control plan in accordance with the approved Site Alteration Agreement, or otherwise in compliance with the direction of the Township, in order to effectively reduce soil erosion, minimize the transport of silt, minimize standing water, control dust and to minimize and manage mud tracking onto adjacent roads.

DEVELOPER'S SOLELY RESPONSIBLE FOR DESIGN, PLANS AND SPECIFICATIONS

12. Notwithstanding any acceptance of the engineering design given by the Township, neither the Township nor the Consulting Engineer retained by the Township shall in any way be responsible for the design drawings, plans or specifications and the Developer shall bear sole responsibility for the soundness of the engineering design and for ensuring that the Works required to be constructed will function as intended and will be compliant with the final approved services and Municipal Servicing Standards, as approved by council and provided to the Developer prior to execution of this Agreement.

NO CONNECTION TO MUNICIPAL SERVICES

13. The Developer expressly covenants and agrees not to connect any Works to any municipal or public services on any Township or public right-of-way except in accordance with a fully executed subdivision or model home agreement. However, the Developer may install servicing up to the property line of the homes within the Subdivision. The Township will allow physical connections to existing sewers and watermains with certain requirements in order to have one construction activity to facilitate the required video inspection, testing and commissioning of the services.

NO WORK ON LANDS BY DEVELOPER WITHOUT APPROVAL

14. The Developer acknowledges and agrees that no work shall be carried out on lands not owned by it without the prior written consent of the owner of such lands and that such consent shall be forthwith filed with the Township.

OTHER APPROVALS

15. The Developer agrees that it shall forthwith obtain any and all other governmental approvals necessary for the Subdivision and that it shall submit to the Township all the normal and usual plans and documents that may be required by the Township and to enter into a Subdivision Agreement.

The Developer expressly acknowledges and agrees that it will not obtain any advantageous planning or other consideration or treatment, including final approval of a draft plan of subdivision for the Lands, by virtue of it having entered into this Agreement.

OFF-SITE NUISANCE

16. The Developer covenants and agrees to take any and all necessary steps, to the satisfaction of the Township, to ensure that off-site nuisance/damage is mitigated including erosion, sediment, flooding, ponding, dust, and weeds. Notwithstanding the foregoing, reasonable and ordinary construction nuisance, as determined by the Township, shall be permitted.

INSURANCE

17.
 - (a) The Developer agrees to file with the Township, prior to commencement of the Works provided for in this Agreement, a public liability insurance policy in an amount of no less than five million dollars (\$5,000,000.00) (subject to the Township's right to set higher limits if it considers necessary) naming the Township for insurance against all damages or claims for damages. The form, content and type of insurance policy are to be subject to approval by the Township. The Developer shall keep the aforesaid insurance policy in effect until the guaranteed maintenance period has expired and the Works have been assumed by the Township.
 - (b) The premiums for the insurance policy shall initially be paid for a period of one (1) year. Upon execution of this Agreement and prior to commencement of each policy year the Developer shall provide a copy of the policy to the Township indicating full payment.
 - (c) The issuance of the policy of insurance shall not be construed as relieving the Developer from responsibility for other or larger claims, if any, for which it may be held responsible.

TREE REMOVAL

18. The Developer shall remove only those trees required for the installation of Works comprising underground services, as determined in the field by the Engineer and as previously approved by the Township in writing.

SECURITY

19. (a) In order to guarantee the due performance of its covenants in this Agreement, the Developer shall, prior to execution of this Agreement, provide the Township with a Letter of Credit ("Letter of Credit") or cash security in the amount of **\$336,927.58** less the amount of security posted under the Site Alteration Agreement. Notwithstanding the foregoing, the minimum security amount required under this Agreement shall be 5% of the total estimated cost of the internal works for the Subdivision plus 100% of the total cost of the entire external works associated with the Subdivision.
- (b) This irrevocable letter of credit will be maintained on a go forward basis to provide assurance for security for this agreement and future phases of the Developer's residential development projects. As new phases come forward for development and as projects within each phase of the developments are completed the amount of securities required will increase and decrease from time to time. If the aggregate amount of the total securities required to satisfy the Township's assurance of the Developer's due performance in this and other agreements increases above \$1,000,000.00 the Developer will provide the required security in the amount of \$100,000.00 increments to satisfy the Township. In order to maintain the appropriate amount of securities every 6 months, the Developer's engineering consultant will provide a Securities Reconciliation Report with a recommendation to the Township based on the work completed by the Developer and the Township approved projects added for construction. The Township's engineering consultant will review this report and provide a recommendation to the Township.
- (c) The Developer acknowledges and agrees that no reduction in the amount of the securities filed by the Developer with the Township in accordance with the terms of this Agreement shall be permitted until such time as the Developer has entered into a Subdivision Agreement with the Township for the Lands. Thereafter, any changes in the Letter of Credit posted by the Developer shall be completed in accordance with the terms of the said Subdivision Agreement and may be maintained, supplemented, or reduced for the future development phases or agreements. Nothing in this paragraph, however, is intended to prohibit the Township from drawing on the said securities in accordance with this Agreement.
- (d) The Letter of Credit or cash security shall comprise of an irrevocable letter of credit from a Canadian Chartered Bank issued in accordance with terms satisfactory to the Township's Treasurer in the form set out in Schedule "D" and shall provide that if in the sole opinion of the Township, there is a default under the terms of this Agreement the Letter of Credit or cash security may thereupon be drawn or cashed in whole or in part.

DEPOSIT

20. (a) Prior to execution of this Agreement, the Developer shall deposit with the Township a cash deposit of \$10,000.00, for engineering and legal fees for the review of drawings and observation of the performance of the Works and the Township's legal costs attributable to this Agreement and other legal advice related to the development contemplated by this Agreement. The Developer agrees to reimburse the Township for all engineering and legal costs incurred.
- (b) The Developer agrees that any accounts relating to engineering and legal work that are not covered by the deposit must be paid within thirty (30) days of submission by the Township and, if not paid within thirty (30) days, the Township shall, at its discretion, be entitled to draw on the aforementioned Letter of Credit or cash security for payment of any outstanding accounts plus an administration fee of \$100.00 per outstanding account together with interest at the rate of the prime rate of the Township's Bank from the date the invoice was first issued. If the Township draws on the securities to pay any outstanding accounts, the Developer is considered to be in default of this Agreement in which case, the Township, at its sole discretion, may issue a stop work order and the Developer agrees that no work may proceed until such time as the securities are increased to its original amount.

LIMITED CONSTRUCTION ACCESS

21. The Developer covenants and agrees to:
- (a) limit construction access to such roads as the Township may determine from time to time;
- (b) maintain all access roads in good repair at all times and meet all the requirements of the Township's Public Works Department if public roadways are involved; and
- (c) provide dust and mud tracking control in order to prevent any dust/mud problem to traffic or home occupants.

SIGNAGE

22. The Developer agrees to construct, at its expense, signs at each access point to the Lands stating that the property is "PRIVATE PROPERTY" and "NO ACCESS IS PERMITTED AT ANY TIME". The signs shall be at least 1.2 metres by 1.2 metres and the lettering and colouring shall be to the Township's satisfaction. The signs shall not be removed until the Subdivision Agreement has been executed at which time signs as required by the Subdivision Agreement must be posted in their place. The Developer acknowledges that all roads and services on the Lands are private roads/services and the Township is under no obligation to assume or maintain them.

TOWNSHIP NOT OBLIGATED TO COMPLETE ANY OUTSTANDING WORKS

23. The Developer agrees that should it fail to complete any of the Works contemplated by this Agreement, the Township is under no obligation whatsoever to complete all or any portion of the Works but the Township has the right to complete or stabilize or disconnect the Works if it chooses to. Notwithstanding the foregoing, the Developer agrees that the Township shall, at its sole discretion, have the right to enter onto the Lands to take whatever action it deems necessary to safeguard the health and welfare of the residents of the Township including, but without limiting the generality of the foregoing, to filling in holes, blocking off access, posting signs, stabilizing and leveling terrain, at the Developer's expense. The Developer further agrees to indemnify the Township, its agents or servants, from any and all claims that may arise as a result of any actions taken by the Township pursuant to this clause.

If the Works proposed to be installed or constructed pursuant to this Agreement are not commenced or a subdivision agreement relating to the Lands has not been executed between the developer and the Township within 2 years from the date of execution of this Agreement, the Township may, at its option and on (30) days written notice to the Developer in accordance with Section 24, declare this Agreement to be null and void and of no further effect.

NOTICE

24. Where this Agreement requires notice to be delivered by one party to the other, such notice shall be in writing and delivered either personally or by facsimile/e-mail transmission by one party to the other party at their addresses and facsimile numbers noted below. Such notice shall be deemed to have been given, if by personal delivery, on the date of delivery, and if by facsimile transmission or e-mail, on date of delivery of electronic confirmation of receipt obtained:

- (a) To the Township:

The Corporation of the Township of Southgate
Attn: Lindsey - Clerk
185667 Grey Road #9
Dundalk, Ontario NOC 1BO

Email address:
lgreen@southgate.ca

Fax #: 519-923-9262

- (b) To the Developer:

Flato Dundalk Meadows Inc.
Shakir Rehmatullah, President
3621 Highway #7 East, Suite 503

Markham, ON L3R 0G6

Email address:
shakir@flatogroup.com

Fax #: 905-479-9165

or such other address as the Developer has provided to the Township Clerk in writing and any notice faxed or delivered shall be deemed good and sufficient notice under the terms of this Agreement.

INDEMNITY

25. (a) The Developer agrees to indemnify and save harmless the Township, its agents or servants against all actions, causes of action of any kind including causes of action of negligence, suits, claims and demands whatsoever in tort, contract or otherwise which may arise either directly or indirectly by reason of the Developer undertaking pre-servicing pursuant to this Agreement.
- (b) It is specifically understood and agreed that inspections of any aspect of construction, review by the Township, or any damage or interference resulting from winter road maintenance or any other works or actions undertaken by the Township, its agents or servants (which are hereinafter specifically agreed to be acting as agents of the Developer with respect to such work) shall impose no liability upon the Township to the Developer and the Developer specifically agrees that it will make no such claim.

SEVERABILITY

26. If any of the provisions of this Agreement are found by a court of competent jurisdiction to be unenforceable it shall not affect the enforceability of each and every other clause contained herein.

TRANSFER OF OWNERSHIP

27. In the event of any transfer of any beneficial ownership of interest in the Lands or in the event of any change in the ownership of the principals of the Developer, then, at the sole discretion of the Township, this Agreement may be terminated upon written notice by the Township being provided in accordance with Clause 24.

NOT BINDING ON SUCCESSORS AND ASSIGNS

28. This Agreement shall be binding on the Parties hereto but unless this Agreement is registered in accordance with the requirements of the Township pursuant to Clause 30 of this Agreement, it shall not enure to the benefit of their successors and assigns.

SCHEDULES

29. The following schedules attached hereto form an integral part of this Agreement:
- (a) Schedule "A" – Legal Description of the Lands;
 - (b) Schedule "B" – Drawings and Supporting Documentation;
 - (c) Schedule "C" – Estimated Construction Costs and Securities Calculation; and
 - (d) Schedule "D" – Form of Letter of Credit

REGISTRATION OF AGREEMENT

30. The Developer covenants and agrees that this Agreement and any schedules attached hereto may be registered upon title to the Lands and that such registration shall be at the instance of the Township and at the Township's sole and absolute discretion. The Developer further covenants and agrees to pay all costs associated with the preparation and registration of this Agreement, as well as all other costs incurred by the Township as a result of the registration of any other documents or instruments pertaining to this Agreement, including but not limited to, any amendment thereto.

NO FETTERING OF DISCRETION

31. Notwithstanding any other provision of this Agreement, the Developer expressly acknowledges and agrees that none of the provisions of this Agreement (including a provision stating the parties' intention) is intended to operate, nor shall have the effect of operating, in any way to fetter the discretion of the Township and its Council in the exercise of any of its discretionary power, duties or authorities, including without limitation, the authority to approve, approve with conditions or deny draft plan approval of the Plan filed by the Developer. The Developer expressly acknowledges and agrees that it will not obtain any advantageous planning or other consideration or treatment, including approval of a draft plan of subdivision for the Lands, by virtue of it having entered into this Agreement.

NO BUILDING PERMITS UNTIL REGISTRATION OF PLAN

32. The parties agree that the provisions of this Agreement constitute "other applicable law" pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, and that the Developer expressly agrees to not apply for any building permits until final approval of the Plan has been obtained and a Subdivision Agreement is registered on title to the Lands or through the provisions of a model home agreement and that this provision may be pleaded by the Township in any action or proceeding as an estoppel of any denial of such right.

STARTING CONSTRUCTION

33. Prior to starting construction of the Works the Developer shall:

- a) Notify the Township at least ten (10) days before the commencement of construction and provide the Township with all information and material required by the Township;
- b) Deposit with the Township the securities as required by Article 19 of this Agreement;
- c) Erect silt fences or other siltation and erosion control measures to the satisfaction of the Township. The silt fences and erosion control measures shall be erected prior to initiating any grading or construction on the site, and shall remain in place and in good repair during all phases of grading and construction;
- d) Prepare and submit an approximate timeline of progress and completion which shall set out how the construction of the services and utilities will be scheduled to be completed within the one (1) year.
- e) Obtain all consents, approvals, and permits required by law and provide written evidence of same to the Township.

CONSTRUCTION OF SERVICES

34 Conditions for construction of services as follows:

(a) Service to be provided

The Developer, at the Developer's sole cost, shall be permitted to construct and install Stage I and II municipal services outlined in Article 34 (d).

(b) As-recorded drawings

The Developer shall cause its engineers to deliver to the Township three complete sets, and to the Township's Municipal Planner one complete set, of as-recorded drawings and an electronic file of such drawings upon completion (following approval of the preliminary certification of the services by the Township) showing each of the said services as constructed.

(c) Installation, supervision and inspection

All services required to be constructed or installed by the Developer hereunder shall be constructed or installed under the full-time supervision of the Developer's engineers and to the satisfaction of the Township, who, acting reasonably, may:

- (i) conduct such test of materials, methods and workmanship as they may determine including the use of close circuit television cameras for inspection of underground services prior to either preliminary or final acceptance of any of the required services; and,

- (ii) require that any and all work shall cease until any breach of plans or specifications or its requirements (of which such engineers shall be the sole judge) has been remedied (other than the work required to be done to remedy such breach) and if such engineers deem it necessary to engage technical supervision the expense of such technical consultants, if engaged, shall be a debt due to the Township by the Developer recoverable on demand.

(d) Stages of construction for services

The Developer acknowledges that the Township will only grant preliminary acceptance, on the basis of four distinct stages of construction and where the subdivision development is phased, within the whole of each phase as approved by the Township. The stages are as follows:

- (i) Stage I services for purposes of this Agreement consist of all underground works including
 - a) all storm and sanitary sewers;
 - b) watermain;
 - c) conduits or pipes for electrical services;
 - d) all other utilities such as gas, telephone and cable TV under roadways and including all water, storm and sanitary sewer service connections to the limit of the street allowance for each proposed building lot; and
 - e) storm water management facilities including fencing.
- (ii) Stage II services include all works up to and including
 - a) curbs;
 - b) gutters;
 - c) base asphalt;
 - d) placement of all required street signs and traffic control signs;
 - e) erection of a sign at least twelve (12) feet by eight (8) feet to be approved by the Township Engineer at each entrance to the subdivision from a public road, which shall depict the plan of subdivision and shall indicate the locations of all sidewalks, restricted parking zones, mailboxes, and fencing including the type of fencing;
 - f) erection of a sign at least three (3) feet by three (3) feet to be approved by the Township Engineer at each point of entry to the subdivision stating that the services including the streets have not been assumed by the Township, and that anyone using the services or streets does so at their own risk; and
 - g) completion of parkland with grading, topsoil, approved vegetation including sod and/or seed, and required fencing;
 - h) fencing.
- (iii) Stage III services involve the completion of the electrical distribution system, including street lighting, which shall be completed within six weeks of the date upon which Preliminary Acceptance is granted for Stage II works.

(iv) Stage IV services include

- a) surface course of asphalt;
- b) sidewalks;
- c) street lighting;
- d) boulevards;
- e) all other services required by this Agreement.

35. Preliminary Acceptance will not be granted until the Subdivision Agreement has been executed and all of the requirements for Preliminary Acceptance pursuant to the Subdivision Agreement have been complied with. Construction of services beyond Stage I and II will not be permitted until the Subdivision Agreement has been executed.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their corporate seals under the hands of their officers properly authorized in that behalf. Authorized by By-law # 2021-XXX

SIGNED, SEALED & DELIVERED

DEVELOPER

Flato Dundalk Meadows Inc.

Per: _____ Date: _____
Shakir Rehmatullah, President

I have authority to bind the Corporation

The Corporation of the Township of Southgate

Per: _____ Date: _____
Mayor John Woodbury

Per: _____ Date: _____
Clerk Lindsay Green

We have authority to bind the Corporation

SCHEDULE "A"

LEGAL DESCRIPTION OF THE LANDS

Phase 11 of the Edgewood Greens Development

PART OF LOTS 233 AND 234
CONCESSION 1
VILLAGE OF DUNDALK
TOWNSHIP OF SOUTHGATE
COUNTY OF GREY

SCHEDULE "B"

DRAWINGS & REPORTS

SUBDIVISION: Flato East, Phase 11 (194 units + Commercial Block)

List of Drawings (sample listing only)

Developer: **Flato Dundalk Meadows Inc.**

Internal Drawings

Drawing #	Rev#	Date	Drawing Title	Firm Prepared By
100	5	May 27, 2021	Cover Page & Drawing List	CF Crozier
100A		August 17, 2017	Dundalk Meadows North Draft Plan	MHBC
100B		August 17, 2017	Dundalk Meadows East Draft Plan	MHBC
100D		January 19, 2021	Phasing Plan	MHBC
101	5	May 27, 2021	General Site Servicing Plan	CF Crozier
102A	5	May 27, 2021	Site Grading Plan (North East Part)	CF Crozier
102B	5	May 27, 2021	Site Grading Plan (South East Part)	CF Crozier
102C	5	May 27, 2021	Site Grading Plan (North Central Part)	CF Crozier
102D	5	May 27, 2021	Site Grading Plan (South West Part)	CF Crozier
102E	5	May 27, 2021	Site Grading Plan (North West Part)	CF Crozier
103A	5	May 27, 2021	Plan & Profile Russell Street from Seeley Ave./Ridley Cr. to STA. 1+470	CF Crozier
103B	5	May 27, 2021	Plan & Profile Russell Street from STA. 1+470 to 1+720	CF Crozier
103C	5	May 27, 2021	Plan & Profile Russell Street from STA. 1+720 to VanDusen Avenue	CF Crozier
103D	5	May 27, 2021	Plan & Profile Moody Street from STA. 0+000 to Russell Street	CF Crozier
103E	5	May 27, 2021	Plan & Profile Stock Street from Russel Street to VanDusen Avenue	CF Crozier
103F	5	May 27, 2021	Plan & Profile Morgan Street from Russell Street to VanDusen Avenue	CF Crozier
103G	5	May 27, 2021	Plan & Profile VanDusen Avenue from Morgan Avenue to STA. 1+470	CF Crozier
103H	5	May 27, 2021	Plan and Profile VanDusen Avenue from STA. 1+470 to Russell Street	CF Crozier
103I	5	May 27, 2021	Plan & Profile SWM Pond Inlet from Russel Street to SWM Pond Inlet	CF Crozier

104A	5	May 27, 2021	Site Alternation Plan Zone 1 & 2	CF Crozier
104B	5	May 27, 2021	Site Alternation Plan Details	CF Crozier
109	5	May 27, 2021	Sanitary Drainage Plan	CF Crozier
109A	5	May 27, 2021	Ultimate Sanitary Drainage Plan (North & East)	CF Crozier
109B	5	May 27, 2021	Ultimate Sanitary Drainage Plan (West)	CF Crozier
110A	5	May 27, 2021	Storm Drainage Plan (West Part)	CF Crozier
110B	5	May 27, 2021	Storm Drainage Plan (East Part)	CF Crozier
111	5	May 27, 2021	Construction Notes Typical Sections & Details	CF Crozier
113A	5	May 27, 2021	Ontario Provincial Standard Drawings	CF Crozier
113B	5	May 27, 2021	Ontario Provincial Standard Drawings	CF Crozier
113C	5	May 27, 2021	Ontario Provincial Standard Drawings	CF Crozier
113D	5	May 27, 2021	Municipal Standard Drawings	CF Crozier
113E	5	May 27, 2021	Canada Post Community Superbox Details	CF Crozier
114	5	May 27, 2021	Unnamed Tributary Crossing Russell Street General Arrangement Plan	CF Crozier
T100	5	May 27, 2021	Pavement Marking & Signage Plan	CF Crozier

List of Reports

- Servicing and Stormwater Management Implementation Report (Edgewood Greens – Phases 7, 8 & 10 Flato Dundalk Meadows Inc.) (CF Crozier, May 2021)
- Traffic Impact Addendum (Flato East and North) (Crozier, June 2016)
- Traffic Impact Study Update (Edgewood Greens) (Crozier, January 2020)
- Consolidated Report including hydrogeological studies, geotechnical investigations, and Phase One and Phase Two Environmental Site Assessment for Flato East and Flato North (Soil Engineers Ltd., July 18, 2017) Environmental Impact Study – Draft Plan of Subdivision – Flato East (Riverstone Environmental, December 2015)
- Environmental Impact Study – Draft Plan of Subdivision – Flato East (Riverstone Environmental, December 2015)
- Review of Proposed Basement Floor Slab Clearances Above Groundwater Table (Soil Engineers Ltd., May 2021)
- Planning Justification Report – Zoning By-law Amendment & Draft Plan of Subdivision – Flato East (MHBC Planning, December, 2015)

SCHEDULE "C"

ESTIMATED CONSTRUCTION COSTS

See the following pages for Consulting Engineer's cost estimates.

Note insert the provided Crozier estimate here once agreement document is finalized.

DRAFT

SCHEDULE "D"

FORM OF LETTER OF CREDIT

Sample - Letter of Credit to be provided as security to the Township for the completion of all site works as approved in the _____ Pre-Servicing Agreement.

**NAME OF BANK
BRANCH OR DEPARTMENT
ADDRESS**

DATE

LETTER OF CREDIT NO. _____

TO: The Corporation of the Township of Southgate

We hereby authorize you to draw on Bank Name and Address, for the account of our customer, up to an aggregate amount of _____ 00/100 Dollars () available on demand as follows:

Pursuant to the request of our Customer, we Bank Name hereby establish and give to you an irrevocable Standby Letter of Credit (the "credit") in your favour in the total amount of _____ 00/100 Dollars (____) which may be drawn on by you at any time and from time to time upon written demand for payment made upon us by you, which demand we shall honour without inquiring whether you have a right as between yourself and our Customer to make such demand and without recognizing any claim of our customer.

Provided, however, that you are to deliver to us at such time as written demand for payment is made upon us a certificate purported to be signed by an authorized officer of the Township of _____, agreeing and/or confirming that monies drawn pursuant to this Credit No. _____ will be retained and used by you to meet any obligations in connection with the Agreement.

The amount of this Credit shall be reduced from time to time as advised by notice in writing given to this branch from time to time by you.

This credit will continue to the _____ day of _____, _____ and will expire at the Branch address at the close of banking business on that date.

It is condition of this Credit that it shall be deemed to be automatically extended for one year from the present or any future expiration date hereof, unless 30 days before any such date we notify you in writing by Registered Mail that we elect not to consider this Credit renewed for any such additional period. Upon receipt by you of such notice, you may draw by means of your demand accompanied by your written certification, that the amount will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. Partial drawings are permitted.

Bank

SIGNED

SIGNED

[This wording cannot be altered and must be printed on official bank letterhead with original signatures.]
6745696.1

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1
Dundalk, ON N0C 1B0

Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CAO2022-056

Title of Report: Flato East Phase 11 Development Project - Servicing
Allocation for Water & Wastewater Capacity

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive staff report CAO2022-056 as information; and
That Council approve the allocation of 152 residential units of servicing capacity for Water and Wasterwater to the Flato East Phase 11 Commercial and Residential Development Project to provide 29 units for a commercial use, 42 single family dwellings and 101 townhomes; and

That Council approve that a Hold condition be placed on the remaining 50 units of servicing capacity for Water and Wasterwater to the Flato East Phase 11 for the purpose of servicing for 50 single family detached residential properties and that the Hold condition be reflected in the Flato East Phase 11 Servicing Capacity Allocation Agreement; and

That Council consider approving the allocation of 152 residential units of servicing capacity for Water and wasterwater to the Flato East Phase 11 Commercial and Residential Development Project by municipal By-law 2022-125 at the September 7, 2022 meeting.

Background:

The Township of Southgate allocates servicing capacity for water and wastewater to development in the Village of Dundalk for these area rated services.

The present Dundalk Water and Sewage Treatment Reserve Capacity from the 2022 Reserve Firm Capacity Report has 1,999 equivalent residential units (ERU) of available allocation for water and 182 ERU of wastewater capacity remains available allocations. A copy of the Triton Report dated March 28, 2022, reporting on the 2022 Dundalk Servicing Capacity is included with a previous staff report in this Council agenda.

Staff Comments:

The Flato East Phase 11 commercial and residential development project is now at the stage where the Township needs to consider the allocation servicing capacity for the 202 ERU being constructed for this project. The Township only has 182 units of ERU of capacity to allocate to 2 developments. The Flato East Phase 11 request is

for 92 single family dwellings (SFD) needing 92 ERU, 101 townhome units needing 81 ERU and a commercial development needing 29 ERU.

Note: The Townhouse residential unit allocation factor is 0.8 to calculate the allocated servicing capacity of this development type.

The 2022 Triton Report on the Dundalk Reserve Servicing Capacity does not support this amount of water and wastewater allocation. The letter from MBHC Planners is included in this staff report as Attachment #1.

The Flato East Phase 11 Development project will allocate 29 ERU for commercial development, 42 ERU for the SFD and 81 ERU for 101 Townhouses for a total of 152 ERU of water and wastewater allocation capacity being required. The Township will place a hold on 50 ERU of servicing capacity for the Flato East Phase 11 project for the allocation of 50 SFD units until it becomes available when the Township's wastewater upgrades begin construction in 2023.

Staff recommends that Council approve this service capacity allocation for the Flato East Phase 11 commercial and residential development project by Municipal By-law and authorize the Final Servicing Capacity Allocation Agreement (Attachment #2) for signing by the Mayor and Clerk.

Financial Impact or Long Term Implications

There is no financial impact to the municipality as a result of this report that will impact the normal municipal operating costs. We are presently working at expanding our wastewater treatment capacity that will require capital investments and the use of Development Charges we are collecting for this purpose.

The allocation of 152 ERU of capacity will be consumed with the construction of this commercial and residential development and will start to generate taxation dollars, plus water and sewer user revenues for the Township.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 3 - Promoting Health Services and Housing Choices

Action 3: The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-A (2019-2023): By means of appropriate policies, incentives and development partners, the Township will facilitate a significant increase in the supply and variety of both rental and purchase housing/accommodation within Southgate.

Concluding Comments:

1. That Council receive this staff report as information.
2. That Council approve the allocation of 152 residential units of reserve servicing capacity of water and wastewater to the Flato East Phase 11 commercial and residential development project by Township By-law 2022-125 at the September 7, 2022 meeting.
3. That Council approve the Flato East Phase 11 Commercial and Residential Development Project for Water and Wastewater Final Servicing Capacity Allocation Agreement. A copy of the Flato East Phase 11 Servicing Capacity Allocation Agreement is included in this report as Attachment #2.

Respectfully Submitted,

CAO approval.: Original Signed By **Public Works Mgr:** Original Signed By

Dave Milliner – CAO
dmilliner@southgate.ca
519-923-2110 x223

Jim Ellis – PW Mgr.
jellis@southgate.ca
519-923-2110 x224

- Attachment #1 – MBHC Planners letter dated August 11, 2022 requesting Flato East Phase 11 Project Servicing Capacity Allocation
- Attachment #2 – Flato East Phase 11 Commercial and Residential Development Project Water and Wastewater Final Servicing Capacity Allocation Agreement

August 11th, 2022

Dave Milliner, CAO
Township of Southgate
185667 Grey Road 9
Dundalk, ON N0C 1B0

RE: Request for Servicing Allocation By-law (FLATO East Phase 11)
OUR FILE 15184B

On behalf of FLATO Dundalk Meadows Inc., we would like to formally request that the Township provide servicing allocation by by-law for FLATO East Phase 11.

The servicing allocation being requested is for a total of 182, further broken down in the table below.

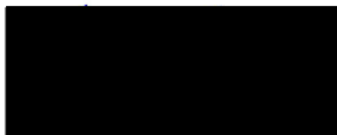
Unit Type	ERU per Unit	Total ERU
Single Detached	1.0 ERU x 92 units	92
Townhouse	0.8 ERUs x 101 units	81
Commercial Block	-	29
TOTAL		202 ERUs

A copy of the overall FLATO Edgewood Phasing Plan is also attached to this letter for your reference.

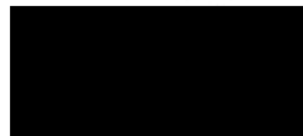
Both I and/or Dan Piggott at Crozier would be happy to discuss this matter further with the Township. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

MHBC



Kory Chisholm, BES, M.Sc., MCIP, RPP
Partner



Shayne Connors, BAH, M.Sc.
Intermediate Planner

cc. *Shakir Rehmatullah | Flato Dundalk Meadows Inc.*
Nazy Majidi | Flato Dundalk Meadows Inc.
Dan Piggott | Crozier Consulting Engineers

FINAL CAPACITY ALLOCATION AGREEMENT

Made in Duplicate this 7th day of September, 2022.

BETWEEN:

Flato Dundalk Meadows Inc.
Flato East Phase 11
3621 Hwy 7, Suite #503
Markham, ON L3R 0G6
(hereinafter referred to as the "Developer")

AND

THE CORPORATION OF THE
TOWNSHIP OF SOUTHGATE
185667 Grey Road #9 – RR#1
Dundalk, ON N0C 1B0
(hereinafter referred to as the "Township")

WHEREAS the Township of Southgate ("**Township**") has available or plans for increasing Water and Wastewater servicing capacity to supply existing and future development in the Village of Dundalk "Dundalk"; and

AND WHEREAS, a new development is proposed in Dundalk and as such the development has requested in writing to the Township water and wastewater servicing capacity allocated subject to availability.

NOW THEREFORE the Parties Here to agree:

1. That the Township of Southgate will allocate 152 (one hundred & fifty - two) Equivalent residential Units of Water and Wastewater Reserve Servicing Capacity for this project. The Developer acknowledged that the Township of Southgate is not able to provide 50 (fifty) units of servicing allocation because it is not available at this time.
2. That the Developer accepts this allocation of water and wastewater Residential Units of Reserve Servicing Capacity based on the conditions set out in this agreement.
3. That the Final Capacity Allocation Agreement shall be for a period of 3 (three) years following the municipal by-law approval date of this agreement.
4. That the Final Capacity Allocation Agreement may be extended for an additional 1 (one) year term(s) based on evidence of site development progress.
5. That the Developer accepts that at its sole discretion the Township may not agree to extend a Final Capacity Allocation Agreement in its whole or in part, if in the opinion of Township and its Engineers that

site development progress has not progressed sufficiently to reflect 50 (fifty) percent occupancy or use of the allocated servicing capacity.

6. That the Developer acknowledges that any payments to be made or works with respect to the projects allocation of Final Capacity by the Developer required by the Township must be completed to maintain this agreement in force and affect. The payments and/or works required are listed in the attached Schedule A documents that forms as part of the agreement document or provides reference to a Front Ending or Service Finance Agreement that has been previous approved by the Developer and Township Council by municipal by-law.
7. This Agreement shall be binding on the parties hereto and their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF the Parties hereto have affixed their respective hands and seals.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCES OF:**

**Flato Dundalk Meadows Inc.
Flato East Phase 11**

Date:

Name: Shakir Rehmatullah
Title: President

Witness

I have authority to bind the Corporation.

**The Corporation of the Township
of Southgate**

Southgate Mayor John Woodbury

Southgate Clerk Lindsey Green

We have authority to bind the Corporation.

Schedule A

Flato East Phase 11 Development Servicing Capacity Allocation

Capacity Requested:

Construction Type	Requested ERU	Residential Units
Commercial	29	
Industrial	0	
Residential Single Family	92	92
Residential Semi-detached	0	
Residential Townhomes	<u>81</u>	<u>101</u>
Total	202	193

Township Allocated Water and Wastewater Servicing Capacity for this Project Agreement:

Construction Type	Allocated ERU	Residential Units
Commercial	29	
Industrial	0	
Residential Single Family	42	42
Residential Semi-detached	0	
Residential Townhomes	<u>81</u>	<u>101</u>
Total	152	143

Unallocated Water and Wastewater Servicing Capacity for this Project Agreement:

Construction Type	Allocated ERU	Residential Units
Commercial	0	
Industrial	0	
Residential Single Family	50	50
Residential Semi-detached	0	0
Residential Townhomes	<u>0</u>	<u>0</u>
Total	50	50

Schedule B

Flato East Phase 11

**Listing of Payments and Works for the
Development Project Final Capacity Allocation**

None

The Corporation of the Township of Southgate

By-law Number 2022-125

**being a by-law to authorize an agreement between Flato Dundalk
Meadows Inc. and The Corporation of the Township of Southgate**

Whereas the Municipal Act, 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas Section 8 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

Whereas Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas it is deemed necessary and desirable that the Council of the Corporation of the Township of Southgate enact a by-law authorizing the Corporation to enter into an agreement with Flato Dundalk Meadows Inc.,

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

1. **That** the agreement between Flato Dundalk Meadows Inc. and The Corporation of the Township of Southgate, attached hereto as Schedule A is hereby ratified and confirmed; and
2. **That** the Mayor and Clerk are hereby authorized and directed to sign the Agreement, in substantially the same form as the agreement attached hereto as Schedule "A", on behalf of the Corporation of the Township of Southgate and all other documents as may be necessary to give effect thereto; and
3. **That** where the provisions of any other by-law, resolution or action of Council are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

**Read a first, second and third time and finally passed this 7th day of
September, 2022.**

John Woodbury - Mayor

Lindsey Green – Clerk

FINAL CAPACITY ALLOCATION AGREEMENT

Made in Duplicate this 7th day of September, 2022.

BETWEEN:

Flato Dundalk Meadows Inc.
Flato East Phase 11
3621 Hwy 7, Suite #503
Markham, ON L3R 0G6
(hereinafter referred to as the "Developer")

AND

THE CORPORATION OF THE
TOWNSHIP OF SOUTHGATE
185667 Grey Road #9 – RR#1
Dundalk, ON N0C 1B0
(hereinafter referred to as the "Township")

WHEREAS the Township of Southgate ("**Township**") has available or plans for increasing Water and Wastewater servicing capacity to supply existing and future development in the Village of Dundalk "Dundalk"; and

AND WHEREAS, a new development is proposed in Dundalk and as such the development has requested in writing to the Township water and wastewater servicing capacity allocated subject to availability.

NOW THEREFORE the Parties Here to agree:

1. That the Township of Southgate will allocate 152 (one hundred & fifty - two) Equivalent residential Units of Water and Wastewater Reserve Servicing Capacity for this project. The Developer acknowledged that the Township of Southgate is not able to provide 50 (fifty) units of servicing allocation because it is not available at this time.
2. That the Developer accepts this allocation of water and wastewater Residential Units of Reserve Servicing Capacity based on the conditions set out in this agreement.
3. That the Final Capacity Allocation Agreement shall be for a period of 3 (three) years following the municipal by-law approval date of this agreement.
4. That the Final Capacity Allocation Agreement may be extended for an additional 1 (one) year term(s) based on evidence of site development progress.
5. That the Developer accepts that at its sole discretion the Township may not agree to extend a Final Capacity Allocation Agreement in its whole or in part, if in the opinion of Township and its Engineers that

site development progress has not progressed sufficiently to reflect 50 (fifty) percent occupancy or use of the allocated servicing capacity.

6. That the Developer acknowledges that any payments to be made or works with respect to the projects allocation of Final Capacity by the Developer required by the Township must be completed to maintain this agreement in force and affect. The payments and/or works required are listed in the attached Schedule A documents that forms as part of the agreement document or provides reference to a Front Ending or Service Finance Agreement that has been previous approved by the Developer and Township Council by municipal by-law.
7. This Agreement shall be binding on the parties hereto and their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF the Parties hereto have affixed their respective hands and seals.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCES OF:**

**Flato Dundalk Meadows Inc.
Flato East Phase 11**

Date:

Name: Shakir Rehmatullah
Title: President

Witness

I have authority to bind the Corporation.

**The Corporation of the Township
of Southgate**

Southgate Mayor John Woodbury

Southgate Clerk Lindsey Green

We have authority to bind the Corporation.

Schedule A

Flato East Phase 11 Development Servicing Capacity Allocation

Capacity Requested:

Construction Type	Requested ERU	Residential Units
Commercial	29	
Industrial	0	
Residential Single Family	92	92
Residential Semi-detached	0	
Residential Townhomes	<u>81</u>	<u>101</u>
Total	202	193

Township Allocated Water and Wastewater Servicing Capacity for this Project Agreement:

Construction Type	Allocated ERU	Residential Units
Commercial	29	
Industrial	0	
Residential Single Family	42	42
Residential Semi-detached	0	
Residential Townhomes	<u>81</u>	<u>101</u>
Total	152	143

Unallocated Water and Wastewater Servicing Capacity for this Project Agreement:

Construction Type	Allocated ERU	Residential Units
Commercial	0	
Industrial	0	
Residential Single Family	50	50
Residential Semi-detached	0	0
Residential Townhomes	<u>0</u>	<u>0</u>
Total	50	50

Schedule B

Flato East Phase 11

**Listing of Payments and Works for the
Development Project Final Capacity Allocation**

None

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1

Dundalk, ON N0C 1B0

Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CAO2022-057

Title of Report: Dundalk Medical Centre Building Design Report

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive Staff Report CAO2022-057 as information; and

That Council provide feedback to staff on the South-East Grey Community Health Centre, Dundalk Medical Clinic exterior design.

Background:

The CAO reported to Council in staff report CAO2022-041 at the August 3rd, 2022 meeting on the status of the SEGCHC Dundalk Medical Centre project and a design MOU that staff had executed.

It was reported that the Dundalk SEGCHC Medical Center project is now in the Ontario Health Capital Branch approval phase step BC-7 of funding approval with this submission to be completed. Staff have executed a MOU agreement (Attachment #1) with SEGCHC that was emailed to Council members. The MOU has initiated a process to start the exterior design of the new Medical Centre with a railroad station look and theme for Council to consider at a later date that will seek feedback and direction for staff to forward to SEGCHC Management.

Staff Comments:

The initial design has been completed and the preferred option by SEGCHC is the rendering included in this report as Attachment #2. Staff request any feedback from Council so that we can pass it onto SEGCH staff.

The design allows for future expansion to create a second floor if the space is required in the future.

Financial Impact or Long Term Implications

There is no financial impact as a result of this report that is not already funded and approved by Council in the 2022 budget.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public. Trusted, Timely, Transparent, Decision Making.

Goal 3 - Promoting Health Services and Housing Choices

Action 3: The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-B (2019-2023): The Township will have been a significant advocate for and contributor to a new and expanded South-East Grey Community Health Centre clinic in Southgate.

Concluding Comments

1. That Council receive staff report CAO2022-057 as information.
2. Staff request Council provide feedback to the CAO on the South-East Grey Community Health Centre, Dundalk Medical Clinic exterior design so we can pass it onto SEGCHC staff.

Respectfully Submitted,

CAO approval: Original Signed By

Dave Milliner – CAO

dmilliner@southgate.ca 923-2110 x223

- Attachment #1 – SEGCHC-Southgate Building Design Memorandum of Understanding
- Attachment #2 – SEGCHC Dundalk Medical Clinic Exterior Building Design

Memorandum of Understanding

Between

South-East Grey Community Health Centre
(hereinafter referred to as the "CHC")

And

Corporation of the Township of Southgate
(hereinafter referred to as "the Township")

WHEREAS the CHC is interested in establishing an integrated multi-disciplinary primary care clinic in the Village of Dundalk (Township of Southgate);

AND WHEREAS the Ministry of Health and Long Term Care has provided "planning funding" to determine the space requirements;

AND WHEREAS the Township has provided a Land Lease Agreement dated December 21, 2021;

AND WHEREAS the Site for the new clinic has historical building recognition;

NOW THEREFORE, in consideration of the mutual covenants and agreements, and subject to the conditions and limitations, set forth herein, and for the mutual reliance of the parties hereto, the parties hereby agree as follows:

1.0 Building Design Considerations:

- The CHC shall consider the historical context of the land being leased.
- The land previously served as a railway station.
- Other new builds in the Town of Dundalk (the Library) have reflected the history of the region as a railway town.
- The CHC shall provide an architectural rendering of the new medical clinic to the Township Council for their consideration and approval prior to the final submission to the Ministry of Health.

THIS AGREEMENT shall be binding on the South East Grey Community Health Centre and the Corporation of the Township of Southgate, their successors, administrators and assigns.

IN WITNESS WHEREOF the South East Grey Community Health Centre and the Corporation of the Township of Southgate hereto have affixed their corporate seals attested by the hands of their duly authorized officers in that behalf.

SOUTH-EAST GREY COMMUNITY HEALTH CENTRE

Date: July 12, 2022 Per _____

Alex Hector
Executive Director

CORPORATION OF THE TOWNSHIP OF SOUTHGATE

Date: _____ Per _____

Dave Milliner
Chief Administrative Officer









Township of Southgate

Administration Office

185667 Grey Road 9, RR 1

Dundalk, ON N0C 1B0

Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CAO2022-058

Title of Report: South Grey Housing Corporation Municipal Working Group
Draft Terms of Reference Report

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive staff report CAO2022-058 as information; and

That Council approve the draft South Grey Housing Corporation Working Group Terms of Reference document and provide feedback to staff.

Background:

At the Council meeting held on August 18th, 2022 a staff report CAO2022-049 was presented Southgate Affordable Attainable Housing Advisory Committee proposal to develop a South Grey Housing Development Corporation and the presentation made to area municipalities. As a result the following resolution was approved by Council:

Moved By Councillor Frew; **Seconded By** Councillor Dobreen;

Be it resolved that Council receive staff report CAO2022-049 as information; and

That Council approve staff to develop a draft South Grey Housing Corporation Working Group Terms of Reference document and a framework for the 4 municipal partners of Grey Highlands, Hanover, Southgate and West Grey to meet and explore the opportunity to create a Housing Corporation by developing a short-term plan and longer term strategy for the region.

Carried No. 2022-550

Staff Comments:

That purpose of this report is to seek Southgate Council approval of a draft South Grey Housing Corporation Municipal Working Group Terms of Reference document that would act as an initial discussion framework with the 4 municipal partners of Grey Highlands, Hanover, Southgate and West Grey. The plan would be to meet with representatives from each member Council and their CAOs to:

1. Agree to a final South Grey Housing Corporation Terms of Reference document; and
2. Explore the opportunity and process to create South Grey Housing Corporation; and

3. Create both a short term plan and longer term strategy for the region in relation to setting up a South Grey Housing Corporation in 2023 that defines the Municipal and Corporation roles and responsibilities.

Financial Impact or Long Term Implications

There is no financial impact as a result of this report in the 2022 budget other than staff time. Consideration in the 2023 budget cycle discussions will need to consider about \$40,000.00 investment to the South Grey Development Corporation.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 3 - Promoting Health Services and Housing Choices

Action 3:

The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-A (2019-2023):

By means of appropriate policies, incentives and development partners, the Township will facilitate a significant increase in the supply and variety of both rental and purchase housing/accommodation within Southgate.

Concluding Comments

1. That Council receive this report as information.
2. That Council approve the draft South Grey Housing Corporation Municipal Working Group Terms of Reference document as a framework for discussion with the 4 municipal partners of Grey Highlands, Hanover, Southgate and West Grey to meet and explore the opportunity to create Housing Corporation by developing a short term plan and longer term strategy for the region.

Respectfully Submitted,

CAO approval: Original Signed By Dave Milliner – CAO

dmilliner@southgate.ca 519-923-2110 x210

- Attachment 1 – South Grey Housing Corporation Municipal Partner Working Group Terms of Reference Document

South Grey Housing Corporation Municipal Partner Working Group Terms of Reference

Purpose:

To explore the creation of a South Grey Housing Development Corporation by setting up a Municipal Working Group partnership with representation from the municipalities of Grey Highlands, Hanover, Southgate and West Grey.

Responsibilities:

The responsibilities of the South Grey Housing Development Corporation Municipal Working Group members and the Municipal partners will be to:

1. Agree to a final South Grey Housing Development Corporation Municipal Working Group Terms of Reference document; and
2. Investigate and identify the municipal benefits to create South Grey Housing Corporation in the region; and
3. Create a process to establish a South Grey Housing Corporation for the four municipal partners, if feasible; and
4. Create the short-term plan to identify the roles of the:
 - i. The South Grey Housing Corporation; and
 - ii. The Municipal partners support role to the corporation related to any seed/support funding and their advisory role of the member Councils and/or their local Housing Advisory Committee's work.
5. Create a long-term plan for the South Grey Housing Corporation that defines:
 - i. The Corporation's management and operational structure; and
 - ii. The responsibilities and support role of the Municipal partners.
6. Create a detailed South Grey Housing Corporate strategy and implementation timelines.
7. Identify the South Grey Housing needs and gaps of the region, related to the present challenges. Consideration should be on where this organization should focus on, or create supports or not, so as to not compete with others and to have the greatest impact with its efforts to support the following housing challenges being:
 - i. Affordable Housing;
 - ii. Attainable Housing;
 - iii. Purpose Built Rentals;
 - iv. Secondary Dwelling options;
 - v. Prevention of Homelessness; and
 - vi. Planning Policy Review.
8. Identify any organizations, financial resources, programs and services available to support a Housing Corporation model. Consideration should be given to engage with and advocate to other levels of government for funding sources and legislative changes to support housing growth.

Membership:

The South Grey Housing Development Corporation Municipal Working Group Committee will be comprised of:

Voting members:

- Two (2) municipal council representatives from each municipality, and

Non-voting staff member to support and provide advisory resources:

- Municipal CAOs
- Municipal Planners (as required)
- Grey County Director of Planning or designate (as required)
- Grey County Director of Housing or designate (as required)
- Grey County Social Services or designate (as required)

Chair/Vice-Chair:

The Committee shall, at its first meeting elect one from among Municipal elected members to be Chair, and one member to be Vice-Chair.

Quorum:

A majority of members are required to be present to constitute a quorum.

Reporting:

The South Grey Housing Development Corporation Municipal Working Group shall report to their Municipal Councils through meeting minutes to provide a record of the proceedings. The Working Group may from time to time provide presentation to the member Councils through a written recommendation reports or presentation by the Working's Chair or member designate or the member's municipal CAO attending and providing updates.

Resources:

1. The Township of Southgate Clerk's Department shall prepare the agendas and track action items for the South Grey Housing Development Corporation Municipal Working Group meetings.
2. Each hosting municipality will provide staff to record the minutes for each Working Group meeting.
3. Other municipal support staff such as Planning and Housing resources to support the committee discussions, decisions and recommendations may be called to provide additional support as required.
4. A glossary of terms has been provided as Appendix A for reference purposes.

Meeting Schedule:

The South Grey Housing Development Corporation Municipal Working Group will meet monthly or as determined by the committee, at a date to be determined by the members. Meetings may be held in person with locations to be rotated to each municipality hosting or virtually as decided by the members.

Term of Working Group:

The South Grey Housing Development Corporation Municipal Working Group is appointed by each municipality's Council for the term of December 1st, 2022 to November 30, 2023.

The term may be extended on the recommendation of the Working Group and each member Council's approval by resolution.

Remuneration:

The South Grey Housing Development Corporation Municipal Working Group member remuneration for meetings and travel costs shall be determined and compensated based on each members Council compensation policy.

Appendix A

Glossary of Terms

Accessibility for Ontarians with Disabilities Act, 2005 (AODA): legislations governing accessibility requirements and standards with a progressive timeline of implementation.

Affordable Housing: Housing is deemed to be affordable when a household at or below the median income of its local community can consistently meet all of its basic needs (food, utilities, clothing, transportation, telephone, school supplies) and also cover the cost of accommodation. In most instances, households at or below the median income should not be spending more than one-third of its gross (before tax) monthly income on housing costs - if both housing and basic needs are to be sustainable. For further clarification, affordable housing occurs along a broad continuum that includes, but is not limited to, social housing.

Association of Municipalities of Ontario (AMO): AMO works to make municipal governments stronger and more effective. Through AMO, Ontario's 444 municipalities work together to achieve shared goals and meet common challenges. www.amo.on.ca

At risk of homelessness: Households that have difficulty maintaining appropriate housing that is safe, adequate, affordable and secure. A range of factors can put housing security at risk, including: low income, health issues/illness (including mental health issues), substance use, incarceration or other legal issues, hospitalization, family breakdown, violence, discrimination, inadequate and/or unsafe housing.

Attainable Housing: The industry definition of attainable, for-sale housing is unsubsidized, profitable housing developments that meet the needs of those with incomes between 80% and 120% of the Area Median Income.

Average Market Rent (AMR): Rental rates that are determined by the Canada Mortgage and Housing Corporation which are comparable to the average rent amount for similar units in the same neighbourhood.

Canada Mortgage and Housing Corporation (CMHC): A national housing agency appointed by the federal government of Canada. CMHC is responsible for distributing all federal funding programs for housing, as well as carrying out the current responsibilities of the federal government with regard to affordable housing.

Canadian Housing & Renewal Association (CHRA): An organization that provides advocacy, policy, research, and training on affordable housing issues and homelessness at the national level.

Capital reserves: Housing providers are required to set aside a pre-determined percentage of their revenue/income into a separate capital reserve fund; this money is used for capital repair and replacement costs of their housing property.

Community Homelessness Prevention Initiative (CHPI): combines funding from former separate housing and homelessness programs into a single flexible program. Funding from MMAH can be used by CMSM to address local priorities and better meet the needs of individuals and families who are homeless or at risk of becoming homeless in their local communities. For example, funding that previously had to be used for emergency shelter beds can now be used to provide more long-term housing solutions.

Consolidated Municipal Service Manager/District Social Services

Administration Boards (CMSM/DSSAB): A municipal government responsible for carrying out the funding and administrative responsibilities of the Housing Services Act. CMSM's/DSSAB's are also responsible for administering other social service programs such as Ontario Works and Children's Services. There are 47 CMSM's and DSSAB's in Ontario.

Co-operative Housing (Co-ops): A form of Social Housing. Residents who live in coops are considered "members" of the corporation that owns the building they live in. Members have an obligation to participate in running and maintaining the co-op community. Members elect a board of directors amongst themselves who are responsible for overseeing the management of the co-op. Members must follow the Co-operative Corporations Act, not the Residential Tenancies Act.

Co-operative Housing Federation of Canada (CHF): This organization represents non-profit co-operative housing in the region, and advocates on behalf of its members.

Devolution: Devolution means the handing over of social housing administration and funding, from the Province to the CMSM. The exception is providers transferred to Ministry of Health and Long Term Care or Ministry of Community and Social Services. Devolution also refers to handing over the federal responsibilities for non-profit housing to the Province - the funding responsibility was transferred in 1998, the administration was implemented under the Social Housing Reform Act in 2000.

Emergency Shelter: Short-term accommodation intended for 30 days or less for individuals experiencing homelessness.

End of Operating Agreements/ Mortgages (EOA/M): Refers to both the expiry of federally-signed operating agreements as well as the expiry of mortgages and capital financing obligations in social housing under the Housing Services Act (HSA).
40th Income Percentile: The 40th income percentile is a measure of households whose income falls in the bottom 40% of average incomes in a certain geographic area.

Homelessness Partnership Strategy: Federal strategy to address homelessness. Initiatives include access to multi-year matching funds to designated communities, funding to support single projects in Outreach Communities, including smaller cities, rural and outlying areas, including the North, and partnerships with Aboriginal communities.

Homelessness: The condition of being without long-term stable accommodation.

Homelessness Prevention: Activities that help prevent those who are currently housed from housing loss through services such as utility payments, loan programs, rent banks and landlord/tenant mediation. This also includes helping people move to more appropriate housing when needed.

Housing Allowance: A fixed partial rent payment made to a tenant to support affordability. The rent payment is made directly to the tenant, making rent more affordable for the tenant. This program is available for use with private rentals, and nonprofit and cooperative housing providers; similar to a Rent Supplement.

Housing First: An evidenced-based best practice or program in which homeless individuals are assisted first to meet their housing needs before they are required to meet other treatment expectations or other supports are implemented. 'Housing First' refers to a specific program with unique approaches and resources; whereas 'housing first' is a philosophy based on meeting a person's most basic needs for housing unconditionally that is not tied to one specific program.

Grey County Housing Corporation: properties owned and operated by the County of Grey.

Housing Development Incentive: Funding offered to property developers, non-profits, co-ops and private landlords, to create more affordable rental housing in the community.

Housing Service Act, 2011 (HSA): legislation that outlines the duties and responsibilities for the Consolidated Municipal Service Managers (CMSM) and prescribed non-profit housing providers. Replaced the Social Housing Reform Act, 2000; prescribes mandated services and eligibility requirements in mandated social housing programs and allows some local flexibility.

Housing Services Corporation (HSC): Delivers relevant, cost-effective products and services to its housing sector clients, including CMSMs/DSSABs. With more than 10 years of experience in working with different levels of government, different types of social housing and national and international housing organizations, HSC has access to wide-ranging networks that enable Ontario's housing sector to exchange leading and best practices, to direct province-wide findings and to make coordinated recommendations. HSC also partners with public, private and non-profit organizations beyond the housing sector to develop and deliver integrated, cost-effective programs and services and to attract greater investment and to advance social innovation in affordable housing. www.hscorp.ca

Imminent risk of homelessness: Risk of losing housing within the month.

Investment in Affordable Housing Program (IAH): Under the current Investment in Affordable Housing for Ontario (IAH), formerly Canada/Ontario Affordable Housing Program (AHP), federal and provincial funding will go towards the creation and repair of affordable housing over four years. These funds may be used in five different components: Rent Supplement, Housing Allowance, Homeownership Program, Rental Housing, and Ontario Renovates.

Landlord: An owner of rental housing that must follow the Residential Tenancies Act, 2006 (RTA).

Local Health Integration Networks: Organizations created by the Provincial government to facilitate effective and efficient integration of health care services. LHINs possess significant decision-making power at the community level including the funding of support services to transferred housing providers providing supports to people with mental illness and the frail elderly.

Local Housing Corporation (LHC): With devolution under the Social Housing Reform Act in the 1990s and the transfer of Ontario Housing Corporation's public housing stock to the municipal level in 2001, the public housing asset was transformed into 47 different Local Housing Corporations with varying management structures and operational functions. Some LHCs are a department of the municipal body having jurisdiction, while other LHCs operate at arm's length from the municipality even though the Service Manager (SM) is the sole shareholder of the LHC.

Low Income Cut Off (LICO): A threshold to determine levels of poverty within a given geographic area. Those who fall below the threshold likely spend a larger share of their income on food, shelter, and clothing. This approach estimates the amount of households who spend 20% more of their household income than the

average percentage of income spent by households on food, shelter and clothing. LICO thresholds vary by household size, and community size.

Low Income Measures (LIM): While many low-income measures, including the LICO, are well suited to the analysis of trends in low income, the after-tax Low Income Measure (LIM-AT) is now a more popular measure. LIM measures the number and percent of people living in households with income that is less than 50% of the median adjusted household income. Due in part to the methodological changes from the mandatory long-form census to the voluntary National Household Survey; the LIM has become the more widely used and more appropriate measure of low-income.

Ministry of Children and Youth Services (MCYS): www.children.gov.on.ca

Ministry of Community and Social Services (MCSS): www.mcass.gov.on.ca

Ministry of Health and Long-Term Care (MOH/LTC): www.health.gov.on.ca

Ministry of Municipal Affairs and Housing (MMAH): www.mah.gov.on.ca

Non-Profit Housing: Community-based affordable rental housing provided by nonprofit corporations, overseen by volunteer boards of directors. A percentage of nonprofit housing tenants pay rents geared to their incomes (known as RGI housing), and the remaining pay market rents. The percentage of tenants paying RGI ranges from 25% to 100% of tenants in the project; generally the ratio is around 60% RGI: 40% market.

Ontario Municipal Social Services Association (OMSSA): Established in 1950, the Ontario Municipal Social Services Association (OMSSA) is a non-profit organization whose members are the Consolidated Municipal Service Managers (CMSMs) and District Social Services Administration Boards (DSSABs) across Ontario. OMSSA works to support leadership in integrated human services through strong local service system management in all municipalities. www.omssa.com

Ontario Non-Profit Housing Association (ONPHA): A non-profit sector organization that represents non-profit housing providers in Ontario, and offers education and resource materials to non-profit housing providers.

Operating Subsidy: Government subsidy under the Housing Services Act (HSA), which the CMSM provides to mandated social housing providers; guaranteed for the life of the mortgage (usually 25 years) to bridge the gap between revenue from market rents and the total cost of mortgage and operations. Public Housing: Housing developed predominantly by the Ontario Housing Corporation (OHC) in the 1960s after CMHC's mandate broadened to housing for low income families. Managed by Local Housing Authorities with local boards; OHC set policy and provided services (such as legal and technical support). The projects were 100% RGI housing. Ownership was downloaded from the Province to the Municipal Service

Managers in 2001. The Social Housing Reform Act renamed public housing "Local Housing Corporations" (see Local Housing Corporations--LHCs).

Rapid Re-Housing: Is a provision of housing relocation and stabilization services, and short- and/or medium-term rental assistance, as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing. (National Alliance to End Homelessness, 2014)

Rent Supplements: Programs that provide a rent "top-up" to make renting in full market rate units more affordable. A rent supplement is an amount of money that is given to a landlord to make up the difference between a tenant's payment, and what the actual cost of monthly rent is for that unit; similar to a Housing Allowance.

Rent-Geared-to-Income (RGI) Subsidy: The subsidy paid from the CMSM to a social housing provider named under the Housing Services Act, 2011 to allow a defined number of units to be rented to low-income tenants on a rent-geared-to-income basis. The formula for calculating the RGI Subsidy equals the difference between the actual rent paid by the qualifying tenant (paying approximately 30% of their income), and the government-approved market rent of a unit.

Residential Tenancies Act (RTA): The provincial legislation that governs the relationship between tenants and landlords in Ontario. The RTA outlines the roles and responsibilities of both the tenant and the landlord.

Social Housing: One part of the affordable housing continuum, social housing refers to the range of non-profit, cooperative, and public housing that are funded by regular government operating subsidies; includes Grey County Housing Corporation, nonprofits, and cooperatives under HSA, and federal providers with operating agreements.

Social Housing Agreement (SHA): An agreement between CMHC and the Province of Ontario established in 1999 that transferred the administrative responsibility of most federally-assisted housing to the provincial government. It also allowed the Province of Ontario to transfer the administration to municipal government. Social Housing Reform Act, 2000 (SHRA): This legislation, proclaimed in December 2000, gave the Province of Ontario the power to transfer responsibility for social housing administration to the municipal level. This legislation has been replaced with HSA 2011.

Special Priority: Social Housing applicants who are victims of domestic violence can apply for a special priority status. Applicants and tenants/members with a special priority status are placed higher on the centralized waiting list.

Support Services: Services provided to tenants to enable them to live independently in the community.

Supported Housing: Social Housing units that offer tenants/members support to live independently, e.g. seniors, people with mental health disabilities, addictions or

developmental disabilities. Support staff is not on-site, but will travel to the tenant/member's unit to provide services.

Supportive Housing: Non-profit housing for people who need support to live independently e.g. the frail elderly, people with mental health problems, addictions or developmental disabilities. Administration and funding of supportive housing providers were not downloaded to the CMSM in 2001; rather, the responsibilities were transferred to the provincial ministry that funded the support services, either the Ministry of Health/Long-Term Care or the Ministry of Community and Social Services.

Transitional Housing: Temporary housing which includes the provision of on- or off-site support services to help individuals move towards independence and self-sufficiency.

Planning Terminology:

Demolition Control Areas: Section 33 of the Planning Act permits municipalities to establish demolition control areas by by-law and to require that property owners seeking to demolish a building obtain a permit. Section 99.1 of the Municipal Act (2001) also grants the specific powers to prohibit and regulate the demolition of residential rental properties that contain more than six dwelling units, and to prohibit and regulate the conversion of such residential rental properties to another use.

Development Charges Exemptions: Municipalities may exempt or reduce development charges for specified types of development, such as affordable housing, or in areas where development is to be encouraged.

Development Charges Discounts: Discounting the development charges for housing providers to construct new affordable units is a direct form of financial support; discounting development charges in a specified area, such as an area designated for intensification, can indirectly result in more affordable housing by encouraging more compact and dense residential construction.

Development Charges Revenue: Revenue for affordable housing may also be raised through a dedicated portion of development charges.

Garden Suites: Garden suites are detached units that may be portable or constructed from pre-fabricated materials on-site, and can be removed when they are no longer required.

Height & Density Bonuses: Section 37 of Ontario's Planning Act permits "height and density bonusing" to allow municipalities to authorize increases in the height and/or density of development that would otherwise not be permitted in exchange for the provision of facilities, services, or other matters that are specified by by-law. The inclusion or designation of funding for new affordable housing units is one possible benefit.

Modification of Development Standards: Municipalities can facilitate affordable housing construction by adopting alternate or flexible development standards, provided safety and building quality are not compromised. For example, they may permit dwelling units that are smaller or constructed on smaller lots, or reduce standards such as parking requirements; all of these modifications serve to reduce the cost of development.

Municipal Capital Facilities Agreements: Municipal Capital Facilities Agreements allow municipalities to enter into agreements with other parties, including private sector and not-for-profit organizations, to deliver affordable housing. Municipalities must pass municipal housing facilities by-law, which must include a definition of affordable housing and establish policies regarding eligibility for the housing. Municipalities may agree to provide financing assistance such as directly giving or lending money or property, guaranteeing borrowing by the other party, and providing property tax exemptions or reductions and development charge exemptions.

Ontario Provincial Planning Act: The Planning Act sets out the ground rules for land use planning in Ontario, and describes how land uses may be controlled, and who may control them.

Official Plans: an official plan is a document which sets out the municipality's general planning goals and policies that will guide future land use.

Secondary units (also known as accessory units or second suites): Secondary units are self-contained residential units located in dwellings or accessory structures such as laneway garages, with their own kitchen and bathroom facilities. Basement apartments are a typical example.

Township of Southgate

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Web: www.southgate.ca

Staff Report CAO2022-059

Title of Report: Eh!Tel Networks Inc. - Southgate Hopeville Fibre Optic Point of Presence Site Agreement Approval

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive staff report CAO2022-059 as information; and

That Council approve the Eh!Tel Networks Inc. and Southgate Hopeville Point of Presence (POP) Site Agreement, dated September 7th, 2022 as presented; and

That Council consider approval of the Eh!Tel Networks Inc. and Southgate Hopeville POP Site Agreement by Municipal By-law 2022-128, at the September 7, 2022 Council meeting.

Background:

Southgate Council approved an agreement with Eh!Tel Networks Inc. at the June 21, 2017 Council meeting for a Holstein POP with the first motion and on November 15, 2017 Council approved the second motion for a Dundalk POP location:

First Council Motion:

Moved by Councillor Pallister, **Seconded by** Councillor Frew;

Be it resolved that Council receive staff report CAO2017-073 as information; and

That Council approve the FibreXpress, Eh!Tel Networks Inc. and Southgate draft amending agreement, to the original agreement dated June 21, 2017 as presented; and

That Council approve the FibreXpress, Eh!Tel Networks Inc. and Southgate amending agreement, to the original agreement dated June 21, 2017, by Municipal By-law 2017-062 at the June 21, 2017 Council meeting as presented.

Carried. No. 2017-506

Second Council Motion:

Moved by Councillor Pallister, **Seconded by** Councillor Dobreen;

Be it resolved that Council receive staff report CAO2017-129 as information; and

That Council approve the Eh!Tel Networks Inc. and Southgate the Dundalk Point of Presence (POP) Site Agreement, dated November 15th, 2017 as presented; and

That Council consider approval of the Eh!Tel Networks Inc. and Southgate Dundalk POP Site Agreement by Municipal By-law 2017-136, at the November 15, 2017 Council meeting.

Carried. No. 2017-921

Staff Comments:

Staff have worked with Eh!Tel to draft this agreement that is similar to the Holstein and Dundalk agreements for the Hopeville site. The benefit of this agreement is that it enhances our future access to fibre communications services in the central part of Southgate, specifically to support fibre servicing connections between Holstein and Dundalk to communications growth in the rural community.

Eh!Tel are making their own financial investment to install fibre infrastructure in Southgate to the east of Dromore area to Dundalk on County Road #9. The benefit to the Township is we will have access fibre service connections in our municipal office as the project is constructed and highspeed service for the Hopeville community. This will also support the future expansion of fibre service to the north and south of County Road #9 in the rural areas of Southgate.

The agreement is standard to our other POP agreement and is included with the By-law. The location of the POP will be on the Hopeville Ballpark property and will be sited close to County Road #9 access and many residences in the village to take up benefit of the service. The Schedule A to the POP agreement identifies the location of the building structure. Staff recommend approval of the Eh!Tel-Southgate Hopeville Point-of-Presence agreement to support fibre expansion in Southgate.

Financial Impact or Long Term Implications

There is no financial cost to the municipality as a result of this report.

The financial benefit to the Township of Southgate is EH!tel will provide the Municipal Office at 185667 Grey Road 9, Dundalk, ON with a free 1 gigabit download and 40 Megabytes upload internet service connection, upon completion of Fibre Network and POP Construction which would cost about \$140.00 per month.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public. Trusted, Timely, Transparent, Decision Making.

Action 2-A-2:

Southgate will work to bring in broadband infrastructure as a means to attract high-tech businesses, citizens with home occupations, and prosperous telecommuters.

The Plan:

High-speed, high-capacity internet service will be available in most of Southgate.

Concluding Comments:

1. That Council receive this staff report as information.
2. That Council approve this agreement as presented.
3. That Council approve this agreement by Municipal By-law 2022-128 at the September 7, 2022 meeting.

Respectfully Submitted,

Facilities Manager approval: Original Signed By

Kevin Green – Facilities Manager kgreen@southgate.ca
519-374-3130

CAO approval: Original Signed By

Dave Milliner – CAO dmilliner@southgate.ca 519-923-2110 x210

Attachments:

- Attachment #1 –Eh!Tel Networks Inc. and Southgate Hopeville POP Site Agreement dated September 7, 2022

Hopeville POP Site Agreement

An Agreement made this **xxxx** day of **xxxx**, 2022.

(Known as the "Agreement")

BETWEEN:

The Corporation of the Township of Southgate

RR#1 Dundalk

185667 Grey Road 9

Holstein, Ontario, Canada

NOC 1B0

Hereinafter called "Southgate",

-and-

EH!tel Networks Inc.

A Corporation Incorporated under the laws of the

Province of Ontario having its registered office

At 392058 Grey Road 109,

Holstein, Ontario, Canada

N0G 2A0

Hereinafter called "EH!tel",

WHEREAS:

- A. Southgate owns property at RR#1 Dundalk, 185667 Grey Road 9, Ontario Canada, NOC 1B0, known as the Southgate Township "Office", OR at 185450 Grey Road 9 Southgate, Ontario Canada, NOC 1B0, known as the Proton Community Park "BallDiamond". Hereinafter referred to as the "Hopeville POP"
- B. EH!tel wishes to build a Communications Shelter at the "Hopeville Site" for Fibre Optic Point of Presence (POP) and network equipment.

NOW THEREFORE in consideration of the terms and conditions contained herein the parties hereto agree as follows:

- 1) **POP.** Southgate will permit EH!tel to erect a new communications POP as per Appendix A (Hopeville Site Plan). The POP's consist of a steel clad insulated wood frame structure. The POP is 10' in width x 10' in length.

- 2) **Building Permit.** EH!tel will be required to acquire all necessary building permits and be subject to appropriate building fees and charges.
- 3) **BOLLARDS.** EH!tel will install protective bollards at the corners of the new building structure where required by the Southgate Public Works Manager to protect the EH!tel property from damage.
- 4) **Conduits.** EH!tel is permitted to install underground conduits from the POP's to the ROW (Right of Way) as per Appendix A. Conduits include the following items:
 - (a) Multiple conduits with fibre optic cables
 - (b) Conduit for hydro and associated power lines as per Power layout

All conduits are to be installed at a minimum depth of 3ft. EH!tel is responsible to: Obtain locates, use material specifications that meet or exceed regulatory requirements, restore the sites to as good or better than previous condition. EH!tel will provide Southgate with AsBuilt drawings of all new underground conduits installed within 90days of completed project construction. EH!tel will also provide locates of its underground infrastructure when requested to do so, that exists on Southgate property and the adjacent road allowance, with the exception of utility owned installations when applicable (Example: Enbridge Natural Gas)

- 5) **Generator.** Southgate will permit EH!tel to install a propane powered stand by auto-failover generator to be placed adjacent to the shelter on a concrete pad. The pad has an area of 10ft in depth, and 4ft in length. The pad is to lag down the generator and placement of a propane tank (if required). EH!tel will consult with the Ministry of Environment and Climate Change to apply for and acquire any air ECA permits if required. Natural gas or propane lines are to be installed by a licensed technician/contractor.
- 6) **Hydro.** EH!tel will apply for a separately metered hydro connection from the applicable utility. Hydro will be billed directly to EH!tel's account by the utility. All electrical installations are to be installed as per ESA requirements.
- 7) **Access.** Southgate will permit EH!tel, and/or its authorized representatives or Tenants access to the POP 24/7
- 8) **Tenants.** EH!tel may and is permitted to enter into agreements permitting Tenants to access and utilize the POP, through other independent agreements.
- 9) **Duration.** This agreement is for 20 years and is renewable thereafter by execution of an extension agreement. This agreement shall extend to and be binding not only on the parties to it, but also upon the successors and assignees.
- 10) **Compensation.** Upon initiation of service, as a benefit of this agreement, EH!tel will compensate Southgate with services as follows;
 - (a) EH!tel will provide the Southgate Township "Office" at 185667 Grey Rd 9 with a Free 1gb download/ 40Mb upload, Internet service connection, upon completion of Fibre Network and POP Construction. A value of \$135.95/mth
- 11) **Insurance.** Prior to construction, and thereof the currency of this Agreement, EH!tel shall provide and keep in force for the benefit of Southgate, a general liability insurance in an amount of not less than \$5,000,000.00 in respect of injury to or death of any one person or property damage connected with the exercise of the rights of EH!tel pursuant to this Agreement. Prior to construction, EH!tel will provide Southgate with an updated insurance

certificate and acceptance of liability that reflects the addition infrastructure being installed on Southgate property. Southgate may request an updated certificate from time to time during the currency of this agreement.

- 12) **WSIB.** Prior to construction, EH!tel will provide Southgate with a WSIB certificate. Southgate may request an updated WSIB certificate from time to time.
- 13) **OWN RISK.** It is agreed and understood that the "POPS" and associated equipment and lines, shall be there at the sole and only risk of EH!tel. Southgate shall not be responsible for equipment in any way, including the provision of any security, whatsoever, with the exception only of willful and deliberate damage caused by employees of Township of Southgate.
- 14) **LIABILITY.** EH!tel shall be liable for any damage, arising out of, or in connection with, and its exercise of its rights under this Agreement. Southgate shall not be liable to EH!tel for any interference or inconvenience caused by damage to any part of the Equipment, or by repairs, alterations, improvements or construction at the "Hopeville Site".

Schedule A

IN WITNESS WHEREOF the parties hereto have signed under the hands of their proper officers duly authorized on that behalf.

For the Township of Southgate

Approval: _____

Approval: _____

For EH!tel Networks Inc.

Approval: _____

Date: _____

SCHEDULE A
Appendix 'A'
SITE PLAN FOR 'HOPEVILLE POP'


(Example shown is POP 751 in Wellington County)



Description

Hopeville 'POP' is proposed to be installed at;

185450 Grey Road 9, Southgate, On N0C 1B0 - Proton Community Park. Proposed approx. 30m west of laneway entrance and approx. 13m from Road allowance.

185450 Grey Road 9 "Hopeville POP"  See image below
Installation of Conduit from Vault at R.O.W to the 'POP'. Duct size (14mm outer diameter x 10mm inner diameter) terminated at vault at the POP.



Access

At the 'POP', EH!tel will install protective bollards at the corners of the new building structure where required by the Southgate Public Works Manager to protect the EH!tel property from damage. EH!tel will have access availability 24/7.

Propane Hookup

Contractor to supply 450L propane tank and connect a Generator supplied by EH!tel, 11Kw Briggs & Stratton 40592 Fortress.

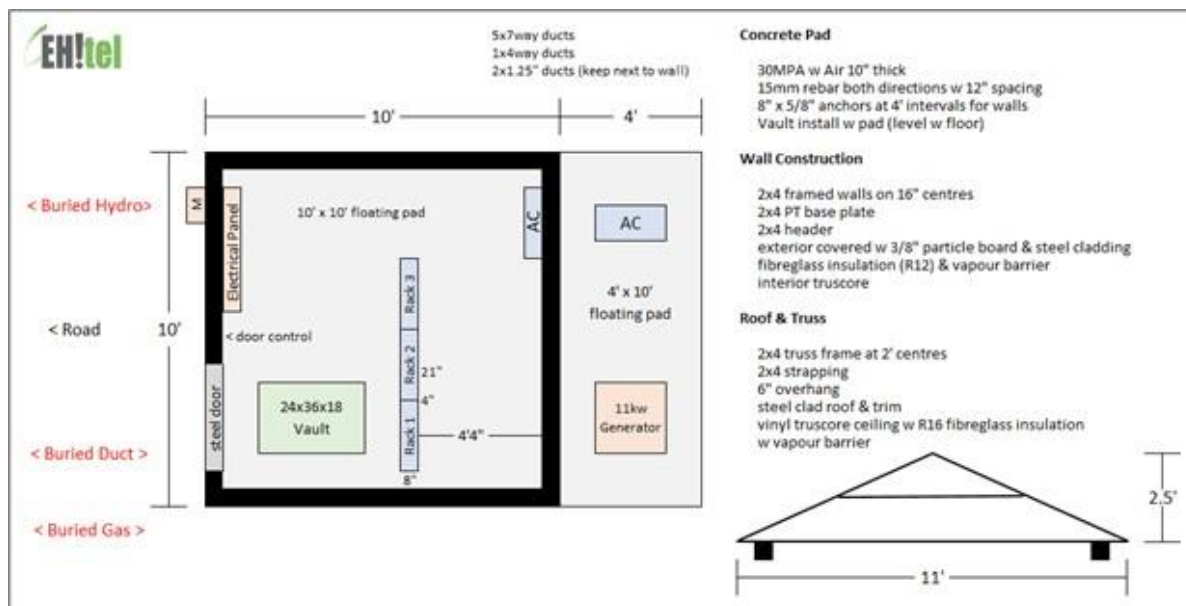
POP Layout

'POP' door is facing the road. A 2-foot buffer between the concrete pad and perimeter fence is to be maintained. 2-foot-wide buffer with Pea stone to be placed around the concrete pad to prevent vegetation and minimize maintenance. Vault is placed in the pad to permit access and store fibre coils.

EH!tel logo and phone number published on door. 3 outdoor security cameras, 1 interior camera and placard notifying "video surveillance" placed on the building.

Exterior Colour Scheme:

- Roof – White steel Cladding
- Walls - Grey/Green (choice available) steel cladding
- Trim – White



Electrical Requirements

Contractor to supply and install as follows:

- 100amp metered service.
- Split Air Conditioner (provided by EH!tel) 20amp circuit – indoor/outdoor
- 11Kw Generator and auto-mated transfer switch (provided by EH!tel)
- Switched 2 LED 4ft lights – ceiling
- 30 amp twist lock receptacle – ceiling above rack
- 15 amp receptacles – next to door + two on ceiling above rack
- LED exterior light low impact facing down

The Corporation of the Township of Southgate

By-law Number 2022-128

**being a by-law to authorize an agreement between EH!tel Networks Inc.
and The Corporation of the Township of Southgate**

Whereas the Municipal Act, 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas Section 8 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

Whereas Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas it is deemed necessary and desirable that the Council of the Corporation of the Township of Southgate enact a by-law authorizing the Corporation to enter into an agreement with EH!tel Networks Inc.,

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

1. **That** the agreement between EH!tel Networks Inc. and The Corporation of the Township of Southgate, attached hereto at Schedule A is hereby ratified and confirmed; and
2. **That** the Mayor and Clerk are hereby authorized and directed to sign the Agreement, in substantially the same form as the agreement attached hereto as Schedule "A", on behalf of the Corporation of the Township of Southgate and all other documents as may be necessary to give effect thereto; and
3. **That** where the provisions of any other by-law, resolution or action of Council are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

**Read a first, second and third time and finally passed this 7th day of
September, 2022.**

John Woodbury – Mayor

Lindsey Green – Clerk

Hopeville POP Site Agreement

An Agreement made this 7th day of September, 2022.

(Known as the "Agreement")

BETWEEN:

The Corporation of the Township of Southgate

RR#1 Dundalk

185667 Grey Road 9

Holstein, Ontario, Canada

NOC 1B0

Hereinafter called "Southgate",

-and-

EH!tel Networks Inc.

A Corporation Incorporated under the laws of the

Province of Ontario having its registered office

At 392058 Grey Road 109,

Holstein, Ontario, Canada

N0G 2A0

Hereinafter called "EH!tel",

WHEREAS:

- A. Southgate owns property at RR#1 Dundalk, 185667 Grey Road 9, Ontario Canada, NOC 1B0, known as the Southgate Township "Office", OR at 185450 Grey Road 9 Southgate, Ontario Canada, NOC 1B0, known as the Proton Community Park "BallDiamond". Hereinafter referred to as the "Hopeville POP"
- B. EH!tel wishes to build a Communications Shelter at the "Hopeville Site" for Fibre Optic Point of Presence (POP) and network equipment.

NOW THEREFORE in consideration of the terms and conditions contained herein the parties hereto agree as follows:

- 1) **POP.** Southgate will permit EH!tel to erect a new communications POP as per Appendix A (Hopeville Site Plan). The POP's consist of a steel clad insulated wood frame structure. The POP is 10' in width x 10' in length.

- 2) **Building Permit.** EH!tel will be required to acquire all necessary building permits and be subject to appropriate building fees and charges.
- 3) **BOLLARDS.** EH!tel will install protective bollards at the corners of the new building structure where required by the Southgate Public Works Manager to protect the EH!tel property from damage.
- 4) **Conduits.** EH!tel is permitted to install underground conduits from the POP's to the ROW (Right of Way) as per Appendix A. Conduits include the following items:
 - (a) Multiple conduits with fibre optic cables
 - (b) Conduit for hydro and associated power lines as per Power layout

All conduits are to be installed at a minimum depth of 3ft. EH!tel is responsible to: Obtain locates, use material specifications that meet or exceed regulatory requirements, restore the sites to as good or better than previous condition. EH!tel will provide Southgate with AsBuilt drawings of all new underground conduits installed within 90days of completed project construction. EH!tel will also provide locates of its underground infrastructure when requested to do so, that exists on Southgate property and the adjacent road allowance, with the exception of utility owned installations when applicable (Example: Enbridge Natural Gas)

- 5) **Generator.** Southgate will permit EH!tel to install a propane powered stand by auto-failover generator to be placed adjacent to the shelter on a concrete pad. The pad has an area of 10ft in depth, and 4ft in length. The pad is to lag down the generator and placement of a propane tank (if required). EH!tel will consult with the Ministry of Environment and Climate Change to apply for and acquire any air ECA permits if required. Natural gas or propane lines are to be installed by a licensed technician/contractor.
- 6) **Hydro.** EH!tel will apply for a separately metered hydro connection from the applicable utility. Hydro will be billed directly to EH!tel's account by the utility. All electrical installations are to be installed as per ESA requirements.
- 7) **Access.** Southgate will permit EH!tel, and/or its authorized representatives or Tenants access to the POP 24/7
- 8) **Tenants.** EH!tel may and is permitted to enter into agreements permitting Tenants to access and utilize the POP, through other independent agreements.
- 9) **Duration.** This agreement is for 20 years and is renewable thereafter by execution of an extension agreement. This agreement shall extend to and be binding not only on the parties to it, but also upon the successors and assignees.
- 10) **Compensation.** Upon initiation of service, as a benefit of this agreement, EH!tel will compensate Southgate with services as follows;
 - (a) EH!tel will provide the Southgate Township "Office" at 185667 Grey Rd 9 with a Free 1gb download/ 40Mb upload, Internet service connection, upon completion of Fibre Network and POP Construction. A value of \$135.95/mth
- 11) **Insurance.** Prior to construction, and thereof the currency of this Agreement, EH!tel shall provide and keep in force for the benefit of Southgate, a general liability insurance in an amount of not less than \$5,000,000.00 in respect of injury to or death of any one person or property damage connected with the exercise of the rights of EH!tel pursuant to this Agreement. Prior to construction, EH!tel will provide Southgate with an updated insurance

certificate and acceptance of liability that reflects the addition infrastructure being installed on Southgate property. Southgate may request an updated certificate from time to time during the currency of this agreement.

- 12) **WSIB.** Prior to construction, EH!tel will provide Southgate with a WSIB certificate. Southgate may request an updated WSIB certificate from time to time.
- 13) **OWN RISK.** It is agreed and understood that the "POPS" and associated equipment and lines, shall be there at the sole and only risk of EH!tel. Southgate shall not be responsible for equipment in any way, including the provision of any security, whatsoever, with the exception only of willful and deliberate damage caused by employees of Township of Southgate.
- 14) **LIABILITY.** EH!tel shall be liable for any damage, arising out of, or in connection with, and its exercise of its rights under this Agreement. Southgate shall not be liable to EH!tel for any interference or inconvenience caused by damage to any part of the Equipment, or by repairs, alterations, improvements or construction at the "Hopeville Site".

Schedule A

IN WITNESS WHEREOF the parties hereto have signed under the hands of their proper officers duly authorized on that behalf.

For the Township of Southgate

Approval: _____

Approval: _____

For EH!tel Networks Inc.

Approval: _____

Date: _____

SCHEDULE A
Appendix 'A'
SITE PLAN FOR 'HOPEVILLE POP'


(Example shown is POP 751 in Wellington County)



Description

Hopeville 'POP' is proposed to be installed at;

185450 Grey Road 9, Southgate, On N0C 1B0 - Proton Community Park. Proposed approx. 30m west of laneway entrance and approx. 13m from Road allowance.

185450 Grey Road 9 "Hopeville POP"  See image below
Installation of Conduit from Vault at R.O.W to the 'POP'. Duct size (14mm outer diameter x 10mm inner diameter) terminated at vault at the POP.



Electrical Requirements

Contractor to supply and install as follows:

- 100amp metered service.
- Split Air Conditioner (provided by EH!tel) 20amp circuit – indoor/outdoor
- 11Kw Generator and auto-mated transfer switch (provided by EH!tel)
- Switched 2 LED 4ft lights – ceiling
- 30 amp twist lock receptacle – ceiling above rack
- 15 amp receptacles – next to door + two on ceiling above rack
- LED exterior light low impact facing down

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1

Dundalk, ON N0C 1B0

Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CAO2022-060

Title of Report: Eh!tel Networks Inc. - Southgate Temporary Tower Agreement Approval Report

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive staff report CAO2022-060 as information; and **That** Council consider approval of the Eh!tel Networks Inc. Temporary Tower Agreement by Municipal By-law 2022-134, at the September 7th, 2022 meeting.

Background:

Southgate Council has approved similar agreements over the years with Eh!tel Networks Inc. to support the growth of broadband communications in Dundalk. The Dundalk tower is being decommissioned at this time to be located in the Hopeville area.

Staff Comments:

The intent of this agreement is to allow Eh!tel to provide service in area around Hopeville with a temporary tower being installed in municipal property, until the Fibre services constructed, connected and powered up. The agreement explains the project is for 1 year and maybe extended by agreement. This temporary tower will support the access to broadband communications services in area of the Hopeville municipal office to support some customers that will be stranded by a loss of area service.

Staff recommend approval of the agreement and by By-law as Eh!tel have been expanding their service consistently across the Township from the Holstein area through Dromore, Hopeville and to Dundalk with fibre over the next few years.

Financial Impact or Long Term Implications

There is no financial cost to the municipality as a result of this report. Eh!Tel will compensate the Township of Southgate at a rate of \$100.00 per month to cover Hydro costs.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 1

Attracting New and Supporting Existing Businesses and Farms

Action 1:

The residents and businesses of Southgate envision a growing and diverse local economy, which respects our agricultural background while also attracting new businesses and new employment opportunities in keeping with the renewed growth of our population.

Strategic Initiatives:

1-A - By 2023, together with existing businesses and other partners, the Township will have identified the types of new business opportunities that are likely to have emerged when Dundalk's 10-15 year growth has taken place and the Dundalk population approaches 4500 people. This business opportunity projection should project the likely demographic make-up of that future population and its likely work, travel, and shopping patterns. It should also identify possible municipal incentives that could facilitate the emergence of these future business opportunities.

The incentive referred to in CAP 1-A, is a critical issue for rural communities to support future growth across the Township for businesses and farming operations. Rural areas need access to higher speed fibre communications capacity. As future technology expand capabilities to do more, increased broadband will be an essential data highway to allow an increase of working from home (virtual office), less requirements for travel to workplace and capacity to support autonomous shared vehicle transportation as a climate change strategy and to support connected agriculture.

Concluding Comments:

1. That Council receive this staff report as information.
2. That Council approve the Eh!tel Networks Inc. and Southgate Temporary Tower Agreement as presented, dated September 7, 2022, which is included with the By-law 2022-134 for consideration at this Council meeting.

Respectfully Submitted,

CAO approval: Original Signed By

Dave Milliner – CAO

dmilliner@southgate.ca

519-923-2110 x210

PW approval: Original Signed By

Jim Ellis – Public Works Mgr.

jellis@southgate.ca

519-923-2110 x250

The Corporation of the Township of Southgate

By-law Number 2022-134

**being a by-law to authorize an agreement between EH!tel Networks Inc.
and The Corporation of the Township of Southgate**

Whereas the Municipal Act, 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas Section 8 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

Whereas Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas it is deemed necessary and desirable that the Council of the Corporation of the Township of Southgate enact a by-law authorizing the Corporation to enter into an agreement with EH!tel Networks Inc.,

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

1. **That** the agreement between EH!tel Networks Inc. and The Corporation of the Township of Southgate, attached hereto at Schedule A is hereby ratified and confirmed; and
2. **That** the Mayor and Clerk are hereby authorized and directed to sign the Agreement, in substantially the same form as the agreement attached hereto as Schedule "A", on behalf of the Corporation of the Township of Southgate and all other documents as may be necessary to give effect thereto; and
3. **That** where the provisions of any other by-law, resolution or action of Council are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

**Read a first, second and third time and finally passed this 7th day of
September, 2022.**

John Woodbury – Mayor

Lindsey Green – Clerk

Temp Portable Tower Agreement

**This Agreement dated the 7th day of September, 2022,
(know as the “Agreement”)**

BETWEEN:

The Corporation of the Township of Southgate
185667 Grey Road 9
Dundalk, Ontario, N0C 1B0

Hereinafter called "Southgate",

-and-

EH!tel Networks Inc.
A Corporation incorporated under the laws of the
Province of Ontario having its registered office at
392058 Grey Road 109,
Holstein, Ontario N0G 2A0

Hereinafter called "EH!tel",

WHEREAS:

- A. Southgate owns the property at 185667 Grey Road 9, RR1 Dundalk, ON N0C 1B0.
- B. EH!tel wishes to place a portable mobile tower at the “Site”, to stop GAP in the Network.

NOW THEREFORE in consideration of the terms and conditions contained herein the parties hereto agree as follows:

- 1) Southgate will permit EH!tel to place a temporary “portable mobile tower” directly behind Southgate’s Township Office along the West property line of the “Site”
- 2) The “portable mobile tower” utilizes outriggers to compensate wind loading of over 100km/hr at a height 80ft. The area required is approximately 30ft x 40ft. A temporary perimeter fence is to be placed around the tower to prevent un-authorized access.
- 3) **POWER**
A 15AMP 120V Circuit is required to power equipment attached to the portable tower. Maximum power requirement is 200watt
- 4) **TERM**
The “portable mobile tower” may be installed upon signing of this agreement and is to be removed from the “Site” by the termination date of a maximum of 1 year. Any extension of this term must be approved by both parties prior to the expiry of the term.

5) **COMPENSATION**

EH!tel will provide compensation for HYDRO and Placement of the Portable Tower on the property at \$100/mth

6) **OWN RISK**

It is agreed and understood that the "portable mobile tower" is placed on the "Site" is at the sole risk of EH!tel. Southgate shall not be responsible for the equipment in any way, including the provision of any security, whatsoever, with the exception only of willful and deliberate damage caused by members/employees of Southgate.

7) **LIABILITY**

EH!tel shall be liable for any damage, arising out of, or in connection with, and its exercise of its rights under this Agreement. Southgate shall not be liable to EH!tel for any interference or inconvenience in any way arising out of, or in connection with, and its exercise of its rights under this Agreement.

8) **INSURANCE**

During the currency of this Agreement, EH!tel shall provide and keep in force for the benefit of Southgate, a general liability insurance in an amount of not less than \$5,000,000.00 in respect of injury to or death of any one person or property damage connected with the exercise of the rights of EH!tel pursuant to this Agreement. A copy of proof of insurance naming Southgate will be provided by EH!tel upon execution of this agreement.

IN WITNESS WHEREOF the parties hereto have signed under the hands of their proper officers duly authorized on that behalf.

For the Township of Southgate

Signature: _____
Mayor John Woodbury

Date: _____

Signature: _____
Clerk Lindsey Green

Date: _____

For EH!tel Networks Inc.

Signature: _____
Antonius (Twan) Peeters

Date: _____

Witness: _____

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1
Dundalk, ON N0C 1B0

Phone: 519-923-2110
Toll Free: 1-888-560-6607
Fax: 519-923-9262
Web: www.southgate.ca

Staff Report CAO2022-061

Title of Report: Flato Dundalk Meadows Inc. East Phase 2B Subdivision
Preliminary Acceptance Report

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive staff report CAO2022-061 as information; and

That Council approve the Flato Dundalk Meadows Inc., Flato East Phase 2B Subdivision Preliminary Acceptance of the Stages III & IV infrastructure services for this development.

Background:

A Subdivision Agreement (SDA) is required by the Township of Southgate for all residential development projects where the lands being developed with roads and normal municipal services (lighting, sidewalks, stormwater, wastewater and water) and public servicing (cable TV, electricity, internet, natural gas, telephone, etc.) infrastructure. Subdivision development agreements establish the required infrastructure for the project, inspection of the assets installed, initial maintenance of assets, preliminary acceptance, warranty period, final acceptance and ownership transfer of the assets to the municipality.

Staff Comments:

Crozier Engineering are requesting the Flato Meadows Inc., Flato East Phase 2B development receive Preliminary Acceptance of this phase of the subdivision. The letter request is included in this staff report as Attachment #1. The Crozier letter is dated February 8th, 2022 and spells out the details of their Preliminary Acceptance.

Triton Engineering staff have completed site inspections and reviewed the Flato East Phase 2B subdivision infrastructure installed to attain the preliminary acceptance requirements. Triton in their letter report dated February 23rd, 2022 have confirmed by their inspections the required works completed, identified services to be repaired and approved preliminary acceptance to start the guarantee and maintenance period on February 8, 2022. The Triton letter is included in this report as the Attachment #2 document.

The purpose of this report is for the Township to approve by resolution, the Preliminary Acceptance of Flato Phase 2B for our record for the purpose to trigger any applicable security reductions.

Financial Impact or Long Term Implications

There is no financial impact to the municipality as a result of this report. The engineering costs to review the servicing for preliminary acceptance of the Flato East Phase 2B project will be charged to the developer.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 3 - Promoting Health Services and Housing Choices

Action 3: The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-A (2019-2023): By means of appropriate policies, incentives and development partners, the Township will facilitate a significant increase in the supply and comfortable life, even as our population grows and changes.

Concluding Comments:

1. That Council receive this staff report as information.
2. Triton staff has reviewed the Flato East Phase 2B subdivision public infrastructure installed, the subdivision agreement preliminary acceptance and recommend Township approval.

Respectfully Submitted,

CAO approval: Original Signed By

Dave Milliner – CAO
dmilliner@southgate.ca
519-923-2110 x223

PW approval: Original Signed By

Jim Ellis – Public Works Mgr.
jellis@southgate.ca
519-923-2110 x224

Planning approval: Original Signed By

Clint Stredwick – Municipal Planner
planning@southgate.ca
519-923-2110 x228

Attachments:

- Attachment 1 – Crozier request letter for Flato East Phase 2B Residential Development Preliminary Acceptance of Substantial Completion dated September 8, 2022
- Attachment 2 – Triton Report letter for the Flato East Phase 2B Residential Development recommending Preliminary Acceptance Approval dated February 23, 2022

FEBRUARY 8, 2022

PROJECT NO: 1060-4066

SENT VIA: EMAIL

Township of Southgate
185667 Grey County Rd. 9 RR 1
Dundalk, Ontario N0C 1B0

Attention: Mr. David Milliner, CAO

**RE: DUNDALK MEADOWS EAST (PHASE 2B)
CONFORMANCE LETTER FOR SUBSTANTIAL COMPLETION – STAGE III AND STAGE IV - REVISED
TOWNSHIP OF SOUTHGATE**

Dear Dave,

By copy of this letter, C.F. Crozier & Associates Inc. certifies that all works completed to date have been constructed in general conformance with all applicable municipal and provincial standards and as indicated on the approved for construction drawings.

The following is a summary of the works completed to date as it pertains to the Subdivision Agreement:

Stage III services involve the completion of the utility services which shall be completed prior to occupancy of any homes including:

- a) electrical distribution system to each residential lot;
- b) street lighting energized,
- c) natural gas to each residential lot;
- d) communication services to each residential lot;
- e) completion of parkland with grading, topsoil, approved vegetation including sod and/or seed (N/A); and
- f) Installation of fencing required by the Township around storm management facilities or other identified hazards (N/A).

Stage IV services include

- a) surface course of asphalt);
- b) sidewalks/walkways;
- c) boulevards;
- d) completion of parkland fencing, and any other fencing required by the Township (still to be completed); and
- e) all other services required by this Agreement.

Please consider this letter as a formal request that the Township of Southgate grant Preliminary Acceptance of Stage III and Stage IV services. A site walk was completed on November 18, 2021 with C.F. Crozier and Associates and Triton Engineering to review the items outlined in this letter. An area of surface asphalt in the vicinity Werry Ave. and Hagan Street was identified as being segregated. We have requested a report from the Geotechnical Engineer and recommend this area be monitored through the maintenance period. Any remedial measures required will be completed prior to Assumption.

On behalf of the Owner, Flato Dundalk Meadows Inc, our firm respectfully requests that the Township sign off on the commencement of the one-year guarantee period as described in Article 5.12 of the Subdivision Agreement.

If there is any additional documentation or clarification required, please do not hesitate to contact our office.

Thank you for your prompt attention to this request.

Yours truly,

C.F. CROZIER & ASSOCIATES INC.



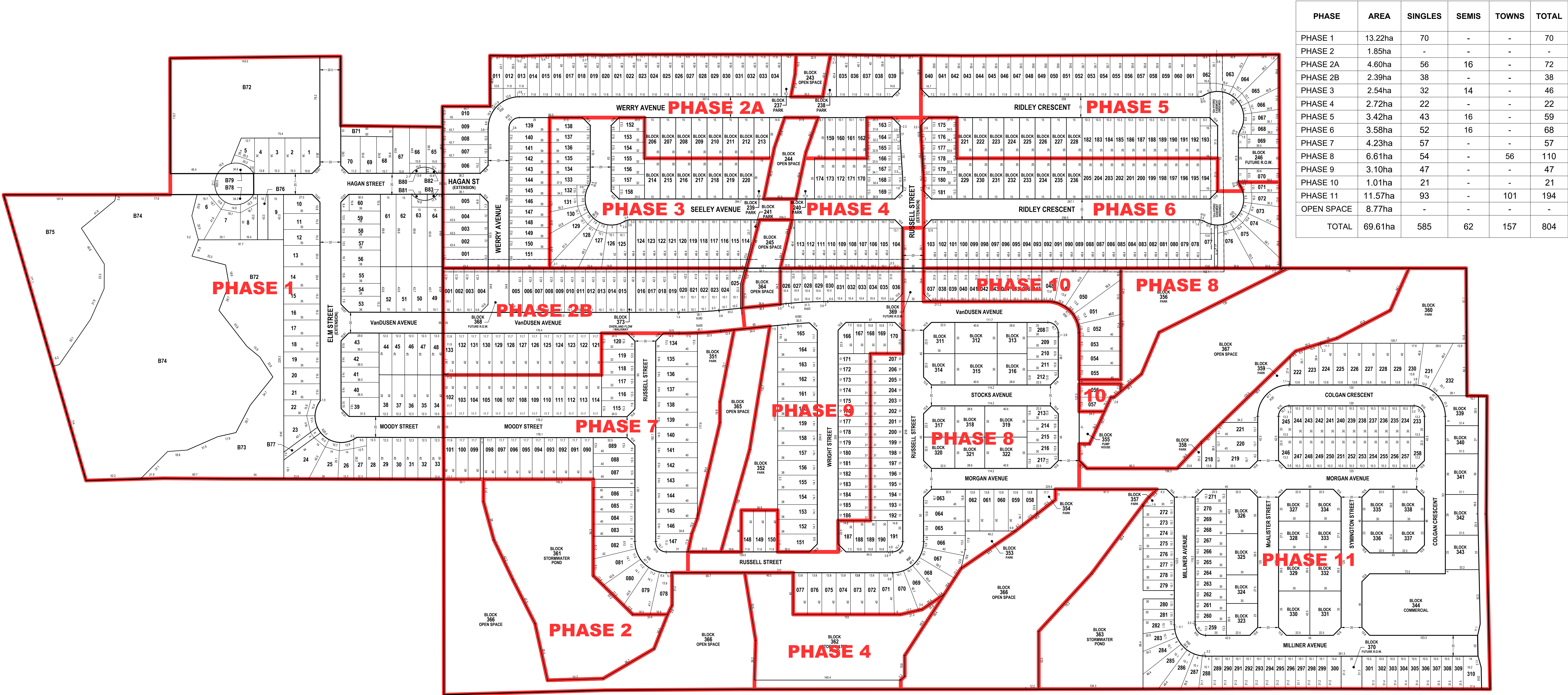
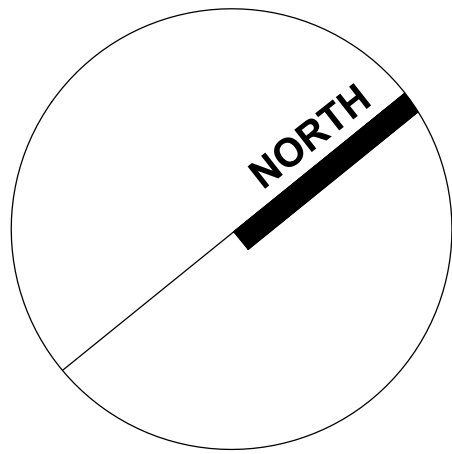
Craig Kryslak, C.E.T.
Manager, Construction Services

e.c. Shakir Rehmatullah, Flato Developments Inc.
 Paul Arruda, Flato Developments Inc.
 Robert Rawlings, Flato Developments Inc.
 Ray Kirtz, Triton Engineering
 Dustin Lyttle, Triton Engineering

J:\1000\1060-Flato Dev\4066-Dundalk East\Letters\2022.02.08 Substantial Conformance Letter_Stages III & IV_PH2B.docx

EDGEWOOD GREENS

COMPOSITE PHASING PLAN



Township of Southgate
Administration Office
185667 Grey Road 9, RR 1
Dundalk, ON N0C 1B0



Phone: 519-923-2110
Toll Free: 1-888-560-6607
Fax: 519-923-9262
Web: www.southgate.ca

Staff Report PL2022-062

Title of Report: PL2022-062 – ZBA C6-22 Victor Santos
Department: Clerks
Branch: Planning Services
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report PL2022-062 for information; and
That Council consider approval of by-law 2022-129.

Property Location: 146 Owen Sound Street



Subject Lands:

The subject lands are known as Plan 480 BLK F Lot 4, Geographic Village of Dundalk, Township of Southgate. The lands are further described as 146 Owen Sound Street. The total subject lands are approximately 687m² in size.

The Proposal:

The purpose of the proposed zoning bylaw amendment is to rezone the subject property to allow for a duplex dwelling to be established on the property. The proposed use will require relief from the interior side yard setback from 2m to 1.5m, The front yard setback from 9m to 7m and the required number of parking spaces from four to three. The zoning will also recognize the deficient lot frontage.

The effect of the proposed zoning by-law amendment would be to change the zone symbol on the subject lands from Residential type two (R2) to Residential Type three with exceptions (R3-529) to permit the proposed duplex. There will also be a three car garage at the rear of the property.

Background:

A public meeting was held virtually on April 27, 2022 at 1pm.

The C6-22 zoning link is as follows:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#C6-22-Victor-Santos>

A summary of the comments received are as follows:

Historic Saugeen Metis Lands, Resources and Consultation Department have reviewed the relevant documents and have no objection or opposition to the proposed development.

The Grand River Conservation Authority has no comment or concern.

The County of Grey Planning Staff have no concerns with the subject application.

Public works indicate that an entrance is required. Splitting of water & sewer services may have to be altered, or hook up to mains installed at developer's costs to meet their needs.

There are two comments from members of the Public.

Trevor Hald, a local resident and contractor spoke at the meeting and indicated that he did not object to the development but did have concerns with the interior setback proposed. He stated that in his experience the setback would not allow for excavation without impacting the neighbouring house. He also

stated that the 1.5m setback could pose drainage concerns and that if the development proceeds he would request that a 6ft fence be erected on both sides of the property.

Mohanie Harripaul, a local resident is concerned that the side yard setback is too small and will overpower the neighbouring houses and destroy the character of the area.

Financial Considerations:

None.

Staff Comments:

The concerns regarding the interior side yard a valid concerns that require further review.

The applicant it proposing a duplex, which is essentially the same as a two storey house with an accessory apartment which is also a permitted use in the current zone.

The current interior side yard zoning standard for the R2 zone, which the lot is currently zoned is 1.5m. The applicant is requesting that the zoning be changed to R3 to formally recognize the two proposed units as suggested by Township staff. Township staff could have just as easily recommended to the owner to build the two storey home and convert it once complete to accommodate an accessory apartment which would achieve the same result. For this reason the reduction of the zoning standard in the R3 zone to meet the current zone standard is not in staffs opinion a significant variation from the bylaw that warrants changing.

Furthermore, with the conversion of the two storey house from a residence to a, residence with an accessory apartment the parking requirement would be met.

Based on the above the 1.5m setback is acceptable to staff and appropriate for the situation.

Staff Review:

Staff reviewed this application based on the Planning Act, the Provincial Policy Statement (PPS), Southgate Official Plan and the Zoning By-law.

Provincial Policy Statement (PPS):

The PPS has been reviewed in its entirety however only the most relevant policies

have been identified below. The subject land would constitute a "Settlement Area" under the PPS. The PPS directs the majority of growth and development to settlement areas and encourages intensification within existing developed areas. The proposal is consistent with this policy directive.

The PPS also promotes development on full municipal services where possible. The properties will be serviced by full municipal water and sewer connections. The proposal conforms to the servicing hierarchy of the Provincial Policy Statement.

Minimum Distance Separation (MDS)

Regarding MDS 1, it has been reviewed and MDS is not applicable within settlement areas. Staff have no concerns regarding MDS as it is not applicable to settlement areas.

The proposal is consistent with the PPS.

Township Official Plan:

The Township of Southgate Official Plan (OP) designates the subject lands "Neighbourhood Area". The permitted uses within the Neighbourhood area designation are outlined below.

4.1.1 Permitted Uses

Permitted uses shall be limited to:

- i. Low and medium density residential dwellings, including single family, semi detached and multiple unit dwellings, townhouses, private nursing homes, funeral homes, senior citizen/retirement homes and group homes;

The proposed development which would include two new units on one lot is a low density multi unit dwelling and considered a permitted use. The use does not require the extension of municipal services and has direct access onto Owen Sound Street which is an open and maintained road. There are numerous community facilities and services such as parks, schools and churches within walking distance of the development. The addition of two new units in this area would not pose a significant traffic flow problem. The proposal is consistent with the Official Plan permitted uses.

The proposal promotes intensification within the built up area of Dundalk.

The proposal also complies with the MDS formulae as it is not applicable to settlement areas.

The proposal is consistent with the policies of the Official Plan.

Zoning By-law:

The subject property is currently zoned Residential Type Two (R2). The proposed amendment would rezone the subject lands to Residential Type 3 exception 529(R3-529). All other provisions of the bylaw continue to apply.

The proposed by-law implements the policies of the Official Plan and permits the approval of two units in the form of a duplex dwelling by reducing the front yard setback from 9m to 7m and Interior side yard setback from 2m to 1.5m. The Parking requirement will also be reduced from 4 spots to 3 spots. The effect of the bylaw is to change the zone symbol on the property from Residential Type Two (R2) to Residential Type Three Exception 529 (R3-529) to recognise a new standard for front yard setback of 7m and interior side yard setback of 1.5m. The new parking standard will be 3 spaces. The proposed change to the zone standard is relatively minor and is appropriate for the proposed development of the area.

The reduction of the front yard setback from 9m to 7m is still appropriate as it still conforms to the other buildings on their side of the proposed development. The proposal meets the intent of this provision.

The interior sideyard setback reduce from 2m to 1.5m is also appropriate as there is sufficient access to the rear of the lot via the other interior side yard. Furthermore 1.5m is sufficient to address roof overhang and drainage issues on the lot so that the neighbouring house is not impacted. The proposal conforms to the intent of the bylaw in this regard.

Lastly, the reduction of parking requirements from 4 to 3 spaces is acceptable as the units will remain under one ownership. There is still one dedicated space per unit and one extra for guests. The owner of the lands will be the one responsible for ensuring that parking does not become an issue with their tenants.

Concluding Comments:

Staff support the proposal and in my professional opinion represents good land use planning and therefore the application should be **approved**.

Respectfully Submitted,

Municipal Planner: Original Signed By
Clinton Stredwick, BES, MCIP, RPP



Original Signed By

CAO Approval: _____
Dave Milliner, CAO

Attachments:

The Corporation of the Township of Southgate
By-law Number 2022-129

Being a by-law to amend Zoning By-law No. 19-2002, entitled the "Township of Southgate Zoning By-law"

Whereas the Council of the Corporation of the Township of Southgate deems it necessary to pass a by-law to amend Zoning By-law No. 19-2002; and

Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, by-laws may be amended by Councils of municipalities;

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

1. **That** Schedule "20" to Zoning By-law No. 19-2002 is hereby amended by changing the zone symbols on the lands described as Plan 480 BLK F Lot 4 geographic Village of Dundalk, in the Township of Southgate, as shown on Schedule "A", affixed hereto, from:

- **Residential Type two (R2) to Residential Type Three Exception-529 (R3-529)**

2. **That** Section 33 to By-law No. 19-2002 is hereby amended by adding the following section as follows:

"33-529 Plan 480 BLK F, Lot 4 (Dundalk)	R3-529	Notwithstanding the provisions of Section 5.7(a), 10.4 (a),(d)&(e), or any other provisions to the contrary, the land zoned R2-529 shall be subject to the following regulations. All other provisions of the by-law shall apply. <div><div>a) The existing frontage of 15m is recognized as the new minimum lot frontage for the proposed duplex.</div><div>b) The required number of parking spaces shall be 3</div><div>c) The interior side yard setback shall be 1.5m.</div><div>d) The front yard setback shall be 7m.</div></div>
--	---------------	---

3. **That** Schedule "A" and all other notations thereon are hereby declared to form part of this by-law.

4. **That** this by-law shall come into force and take effect upon being passed by Council subject to any approval necessary pursuant to the Planning Act R.S.O. 1990, as amended.

Read a first, second, and third time and finally passed this 7th day of September, 2022.

John Woodbury, Mayor

Lindsey Green, Clerk

Explanatory Note

This by-law applies only to those lands described as Plan 480 BLK F Lot 4 geographic Village of Dundalk, in the Township of Southgate. The purpose of the zoning by-law amendment is to zone the property to be used for a duplex residential building and recognizing a reduction in the required lot front yard setback from 9m to 7m and the required interior side yard setback from 2m to 1.5m. The parking requirement will also be reduced from 4 to three. The existing lot frontage is also recognized as well. All other provisions of the bylaw shall apply.

The effect of the proposed zoning by-law amendment would be to change the zoning symbol on the property from Residential Type Two (R2) to Residential Type Three Exception-529 (R3-529) to recognize a reduced setbacks and parking provision to allow for a duplex dwelling to be erected on the property.

The Township of Southgate Official Plan designates the subject lands Neighbourhood Area.

Schedule "A"

By-Law No. 2022-129

Amending By-Law No. 19-2002

Township of Southgate

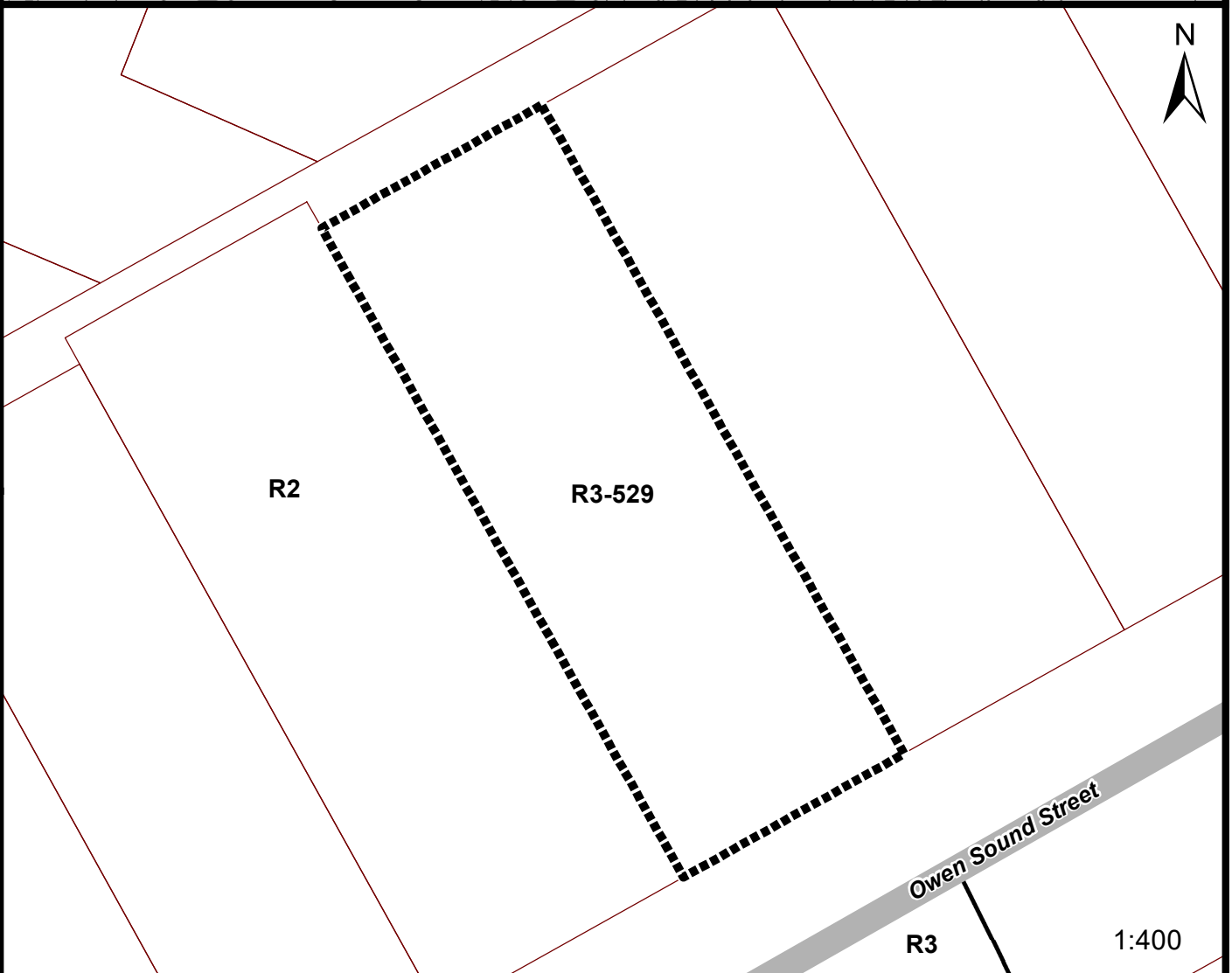
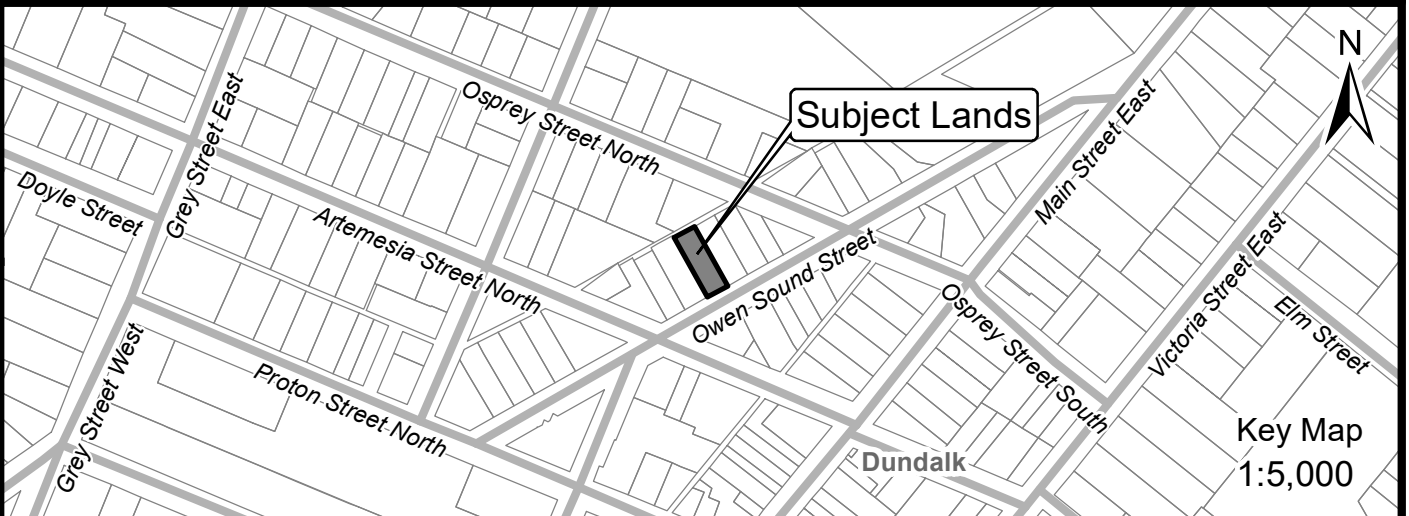
Geographic Village of Dundalk

Date Passed: September 7, 2022

Signed: _____

John Woodbury, Mayor

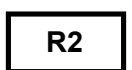
Lindsey Green, Clerk



Legend



Subject Lands



R2

Residential Type 2



R3

Residential Type 3

Township of Southgate
Administration Office
185667 Grey Road 9, RR 1
Dundalk, ON N0C 1B0



Phone: 519-923-2110
Toll Free: 1-888-560-6607
Fax: 519-923-9262
Web: www.southgate.ca

Staff Report PL2022-063

Title of Report: PL2022-063-C8-22
Department: Clerks
Branch: Planning Services
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report PL2022-063 for information; and
That Council Consider approval of Bylaw- 2022-131.

Property Location: 185673 Grey Road 9



Subject Lands:

The subject lands are described as Con 3, Lot 18, Geographic Township of Proton and are approximately 40ha (100 acres). The lands have frontage on Grey Road 9.

The Purpose of the proposed zoning bylaw amendment application is to allow for an on farm diversified use being a small scale dry Industrial Use shop including the sale of lumber and other building materials (retail sales). The owners wish to add the shop to the list of permitted uses for the Agricultural zone. The shop including office and power room is proposed to be up to 750m² with outside storage of approximately 500m².

The Effect of the proposed zoning by-law amendment would be to change the zone symbol on a portion of the subject lands to permit the dry Industrial Use shop within an Agricultural exception zone (A1-530). Any Environmental Protection Zone Boundary may be adjusted based on Conservation Authority comments.

Background

A Public meeting was held virtually on July 6, 2022. Supporting documents and comments posted on the website are available at:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#C8-22-Grey-Ridge-Metals>

The comments received include:

The Public Works Department indicate that the road is Grey County Jurisdiction.

The County of Grey staff indicated that it is recommended that D-6 Guidelines be achieved to the proposed development and that MDS be achieved if required by the Southgate Zoning By-Law. Provided positive comments are received by the Conservation Authority, the County has no further concerns.

The SVCA indicate that the application is acceptable to staff.

The Historic Saugeen Metis have no concerns or objections

There was one written comment received at the public meeting from Jorge DeAndrade and John Tries.

The comments are summarized below:

- Concern that the proposal is not consistent with the Provincial Policy Statement, Official Plan and Zoning By-law.
- Concern over drainage and potential flooding
- Concern regarding noise and a potential for a sawmill.

Staff Comments

This report will demonstrate the consistency with the Provincial Policy, Official Plan Policy and Township Zoning By-law. The applicant has consulted with the Conservation Authority prior to bringing in fill on the site and stayed away from the watercourse on the east side of the lot. The Conservation authority whose mandate is to control flooding did not have a concern with respect to the development.

It is not proposed to have a sawmill at the site. It has also been designed to reduce noise as much as possible by orienting buildings to face away from residential structures and have a minimum setback of 150m. The shop and power room will be a minimum of 173m from the closest residence to the south.

The applicant has also responded to the concerns which has been included in attachment 1 to this report.

The County of Grey Comments to apply the D6 guidelines have been taken into consideration. The proposed use would be considered a category 1 use which has a minimum 70m setback form the nearest sensitive use(a residence). The proposal is 150m from the Township Offices and 173m from the nearest single family dwelling residence. It is staffs opinion that the proposal conforms to the D6 guidelines.

Financial Considerations:

The following is an example of the increased tax revenue associated with the addition of a 600m² industrial shop and a residence on a farm property:

2020	Assessment	Tax Rate	Taxation
FT (Farm)	\$ 300,000	0.283931%	\$ 851.79
	<u>\$ 300,000</u>		<u>\$ 851.79</u>

2021	Assessment	Tax Rate	Taxation
FT (Farm)	\$ 365,468	0.288527%	\$ 1,054.47
RT (Residential)	\$ 400,000	1.301060%	\$ 5,204.24
JT (Industrial)	\$ 150,000	2.982098%	\$ 4,473.15
	<u>\$ 550,000</u>		<u>\$ 9,677.39</u>
	<u>\$ 915,468</u>		<u>\$10,731.86</u>

Of the total taxes of \$10,731.86 above, the Township receives \$5,876.57 (\$5,292.88 pertaining the shop and residence), The County receives \$2,742.13 and the local Board of Educations receive \$2,071.79.

This is increased revenue every year and therefore after a period of 10 years the industrial shop and residence generates \$52,928.80 in additional tax revenue for the Township. The entire tax revenue generated could be directed by the Township to the Road budget if necessary, however it should be pointed out, that roads often have a lifespan greater than 10 years. Building the industrial shop and residence would also generate \$23,690.34 in Development Charge revenue.

With the above information we can compare projected revenues from pre and post development. Over a 10-year period, without the development, the Township would collect \$8,517.90 in property taxes. This number would further be divided by the County and Education portions of the taxes collected. Over a ten-year period, with

the development, the Township would collect \$131,008.94 in property taxes and development charge revenue, which is 15.38 times that if nothing had developed.

Staff Review

Staff reviewed this application based on the Planning Act, the Provincial Policy Statement (PPS), Southgate Official Plan and the Zoning By-law.

The Provincial Policy Statement 2020 (PPS)

The PPS has been reviewed in its entirety, however, only the most relevant policies have been identified below. The subject land would constitute "Rural Area" under the definition of the PPS. The PPS allows for a variety of uses in the rural areas:

1.1.4.1 In rural areas located in municipalities:

f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

The PPS supports the diversification of the rural economy. The proposed Industrial use supports farming and grows the rural economic base. The subject lands are considered as Rural within the PPS; below is a review of those policies.

Section 1.1.5.2 On rural lands located in Municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource based recreational uses (including recreational dwellings);
- c) limited residential development;
- d) home occupations and home industries;
- e) cemeteries; and
- f) **other rural land uses.**

The proposed dry industrial use shop is considered an on farm diversified use and therefore "other rural land uses" within the context of the PPS.

Section 1.1.5.3 Recreational, Tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The volume of traffic associated with this proposal can be sustained by rural service levels. The Site Plan Control process will also provide for screening and limitations on the operation to ensure that it remains small scale and blends in with the Rural area.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and or uneconomical expansion of this infrastructure.

The additional use is appropriate for the area and the Rural infrastructure currently in place and will not necessitate an expansion of infrastructure.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

This policy is directly supportive of Industrial shops and provides advice to the Township to promote them and direct non-agriculturally related uses to other areas of the Township.

1.1.5.8 Agricultural uses, Agricultural –related uses, on-farm diversified uses and normal farm practises should be promoted and protected in accordance with provincial standards.

Again, this policy advises the Township to promote and protect agricultural, agricultural related uses and on farm diversified uses. The proposed Industrial use will broaden the tax base and provide additional employment in the Township.

The definitions of Agricultural use, Agricultural related use and on farm diversified use are provided below from the PPS.

All of the shops being proposed within the Township at the present time fall within one of the three definitions below and are therefore consistent with the definitions within the Provincial Policy. The proposed use will not offend these definitions.

Agricultural use “means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value retaining facilities, and accommodation for full time farm labour when the size and nature of the operation requires additional employment.”

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

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

This proposed dry industrial use would be considered an on farm diversified use which is permitted in the rural area.

Minimum Distance Separation (MDS)

Regarding MDS, it has been reviewed and there are no barns that will be negatively impacted by the proposed metal and fabricating shop. Staff have reviewed the MDS Guidelines and there are no concerns regarding MDS.

The proposal will not hinder surrounding agricultural operations and will not require infrastructure development. The proposal is consistent with the definitions and policies of the PPS including promoting diversification of the economic base and employment opportunities. Based on the foregoing, the proposal appears to be consistent with the PPS.

Township Official Plan

The Township of Southgate Official Plan (OP) designates the subject lands "Rural" and "Hazard lands". The area where the development is occurring is in the Rural designation so those are the policies that will be focused on. The OP provides for small scale commercial and industrial uses on properties greater than 20ha to a maximum of 750m² in size. The maximum outside storage is 500m² in addition to the 750m² building size. The proposal is to construct a shop including the office and power room of up to 750 m² in size. The outdoor storage area will be approximately 500m². The proposal appears to comply with the above policy and when the definition of small scale is examined below it further confirms the proposal is in conformity with the Official Plan.

The Official Plan defines Small Scale on parcels larger than 20 hectares as: a maximum structure size of 750m² and a maximum outdoor storage display area of 500m² will be permitted. If the structure is less than 750m², the outside display area may be increased, so that the combined outside display area and structure does not exceed 1250 square meters.

The proposal meets this definition and is therefore considered small scale under the policies of the Township Official Plan.

The Township Official Plan section 5.2.1 Rural designation permitted uses include the following:

"iv. small scale commercial and industrial uses;"

As noted above, the proposal meets the Official Plan Definition of Small Scale and is therefore considered a permitted use in the Rural Designation.

Section 5.2.3 Development Policies

5. The maximum structure size for new or expanding small scale commercial and industrial uses shall be 750 square metres, with a maximum outdoor storage size of 500 square meters. Where the maximum structure size is less than 750 square metres, more outdoor storage space will be permitted up to a combined maximum of 1250 square metres. Such uses will only be permitted on farm parcels greater than 20 hectares, all subject to satisfying the Development Policies as outlined in this Section. Council may, in the future, limit the commercial or industrial use

through the implementing Zoning Bylaw Amendment.

The proposal is consistent with the development policies of the Official Plan and through site plan control will blend in with the rural landscape. The proposal will assist the farming operation by providing support in the form of income and proximity to the farming operation to allow the farming operation to continue to be located in this area. While a use like this could potentially be situated in an industrial park, it is in my opinion, better suited to the rural area because it allows farming to continue on the property and supports the agricultural community. The construction of the shop broadens the tax base and supports the rural economy while operating using minimal infrastructure and servicing. Furthermore, it allows those citizens who rely on animals for transportation to live and work in the same area.

Zoning By-law

The proposed zoning by-law amendment would change the zoning symbol on a portion of the property from Agricultural (A1) to Agricultural Exception (A1-530) to allow for a small scale Industrial use to be permitted on the property. The dry industrial use may include metal working, wood working, plastics or powder coating and painting and other similar type manufacturing uses. The Environmental Protection Zone Boundary may be adjusted based on Conservation Authority comments. The zoning will also provide regulations for setbacks for the use. Site Plan control will also be required in order to implement specific control measures to address potential nuisance issues such as noise, dust and visual impact. The closest residence is 173m to the south of the proposed shop.

Conclusions

Based on the above policy review and the information provided and comments received, the proposal is consistent with the Policies of the Provincial Policy Statement, The County of Grey Official Plan, The Township of Southgate Official Plan. The proposed zoning by-law amendment should therefore be approved and is considered appropriate for the area and good land use planning.

Respectfully Submitted,

Municipal Planner:

Original Signed By

Clinton Stredwick, BES, MCIP, RPP



CAO Approval: ***Original Signed By***

Dave Milliner, CAO

Attachments:

1. Applicants responses to neighbours concerns

From:
Grey Ridge Metals -Jesse Martin
Applicant-Eli Sherk

July 20 2022

This letter is to reply to and clarify any concerns that the neighbors have regarding the zoning bylaw amendment (ZBA C8-22) for Grey Ridge Metals located at 185673 GREY ROAD 9

- 1. Yes the rezoning is consistent to keep agricultural land for its original purpose**
- 2. The proposed zoning is consistent with the township, county and provincial official plans**
- 3. (a) Yes this proposal conforms with the local official plan**
 - (b) The imported fill has been tested for contamination on a regular basis and will continue to be so till it is finished , currently the importing of fill is in the final stage and we do appreciate the neighbors patience and understanding of all the extra truck traffic.**
 - (c) Vehicle access should not be an issue as the driveway has been used a lot in the last year for large trucks bringing in fill with no issues ,
The proposed hours of operation will be 7am to 7pm Mon-Friday 7am to 12pm Sat. closed on Sundays and all statutory holidays
The current entrance has been approved by the county roads department , the roads department did a site visit to confirm provincial site distance requirements are met.**
 - (d) "Risk of flooding" yes the proposal will create more surface water flow , the yard is being graded so it slopes towards the north away from the neighbors , there will be a permanent vegetation (pasture field) strip along the north side and everything on the east side which acts as a buffer strip and will help minimize any access water flow , some of the surface water will also flow towards the east to the swamp on the subject property**
- 4. The proposed use is considered small scale , there is no proposal to have a sawmill to saw logs on the property and no plans to have one in the future. the proposed workshop is intended for storage of materials and some fabrication of building components including construction of garden sheds , the equipment being used for this would consist of a cut-off saw, table saw and hand tools , there is a vegetated buffer strip proposed and the workshop doors facing north away from the neighbors will keep noise levels to a minimum.**
- 5. There was communication with the township building department and planning department from the very beginning , with consultation on how to proceed ,**

We hope this addresses most of the concerns , we respect you for being open minded and we hope to be good neighbors

The Corporation of the Township of Southgate
By-law Number 2022-131

being a by-law to amend Zoning By-law No. 19-2002, entitled the
"Township of Southgate Zoning By-law"

Whereas the Council of the Corporation of the Township of Southgate deems it necessary to pass a by-law to amend Zoning By-law No. 19-2002; and

Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, by-laws may be amended by Councils of municipalities.

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

- 1. **That** this by-law applies to Con 3, lot 18 geographic Township of Proton, Southgate; and
- 2. **That** Section 33 to By-law No. 19-2002 is hereby amended by adding section 33.530 as follows:

"33-530 Con 3, lot 18 (Proton)	A1-530	<p>Notwithstanding the provisions of Section 6.0 or any other provisions to the contrary, the land zoned A1-530 shall be subject to the following regulations in relation to an additional permitted use of a small scale industrial use, being a dry industrial manufacturing use which includes but is not limited to, a metal workshop for fabricating, welding manufacture of small equipment and repair shop, woodworking and the retail sale of lumber and other associated construction materials. The following additional provisions apply.</p> <p>a) The use shall remain secondary to the principle use of the property, being an agricultural use.</p> <p>b) The maximum combined size of the workshop, power room, office and lunchroom shall be 750m²</p> <p>c) The maximum size of all outdoor storage shall be 500m². If the size of the shop is less than 750m² the outside storage area may be expanded provided the combined size of outdoor storage and building area does not exceed 1250m².</p> <p>d) All outside storage shall be screened from view by way of fencing or landscaped buffer.</p> <p>e) The shop shall be setback a minimum of 75m from the front lot line along Grey Road 9.</p>
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- f) The shop shall be setback a minimum of 93m from a side lot line.
- g) A Saw mill use remains a prohibited use.

- 3. **That** Schedule "A" and all other notations thereon are hereby declared to form part of this by-law; and
- 4. **That** this by-law shall come into force and take effect upon being passed by Council subject to any approval necessary pursuant to the Planning Act R.S.O. 1990, as amended.

Read a first, second, and third time and finally passed this 7th day of September 2022.

John Woodbury – Mayor

Lindsey Green – Clerk

Explanatory Note

This by-law applies only to those lands described as CON 3, lot 18 geographic Township of Proton, in the Township of Southgate. The purpose of the zoning bylaw amendment is to change the list of permitted uses to allow for dry manufacturing to include, but is not limited to, a metal workshop for fabricating, welding manufacture of small equipment and repair shop, woodworking and the retail sale of lumber and other associated construction materials and tools. The owners wish to add the dry manufacturing use to the list of permitted uses for the Agricultural A1 zone. The shop including office and power room will be up to 750m² in size. The outside storage area is proposed to be 500m².

The Effect of the proposed zoning by-law amendment would be to change the zone symbol on a portion of the subject lands to permit the dry Industrial Uses. The bylaw will zone a portion of the lands from Agricultural (A1) to Agricultural exception zone (A1-530). Any Environmental Protection Zone Boundary may be adjusted based on Conservation Authority comments.

The Township of Southgate Official Plan designates the subject lands Rural and Hazard lands.

Schedule "A"
By-Law No. 2022-131

Amending By-Law No. 19-2002

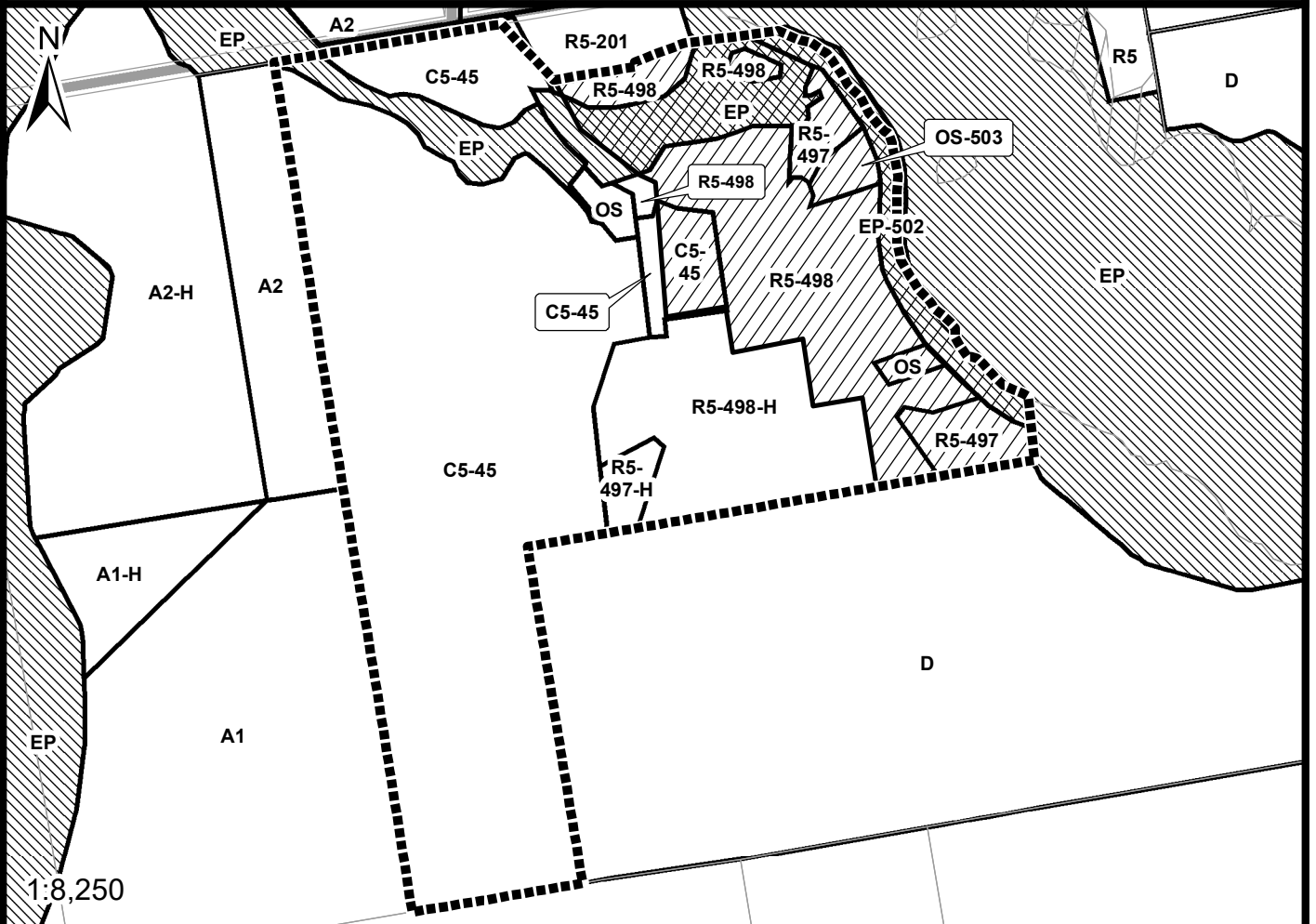
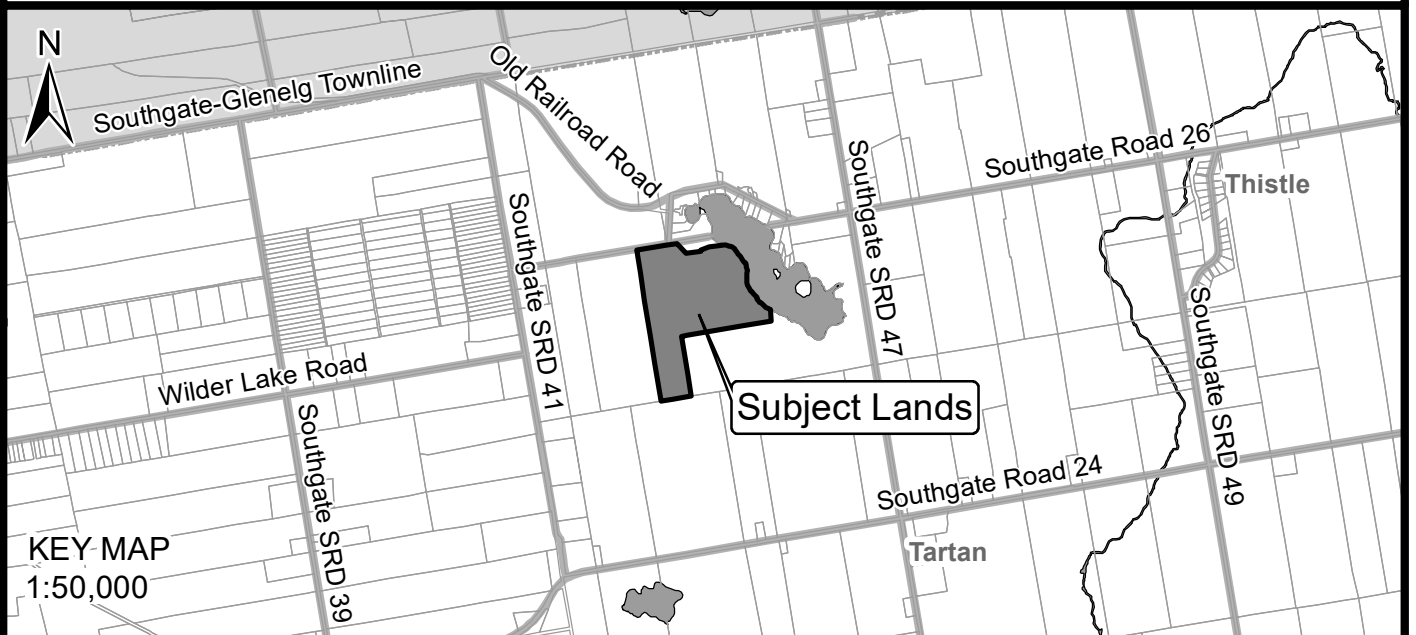
Township of Southgate
(Formerly in the Township of Proton)

Date Passed: September 7, 2022

Signed: _____

John Woodbury, Mayor

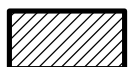
Lindsey Green, Clerk



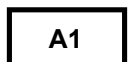
LEGEND



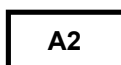
Lands subject to amendment



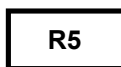
Lands subject to lift of holding provision



Agricultural



Restricted Agricultural



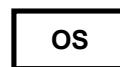
Residential Type 5



Environmental Protection



Deferred Development



Open Space

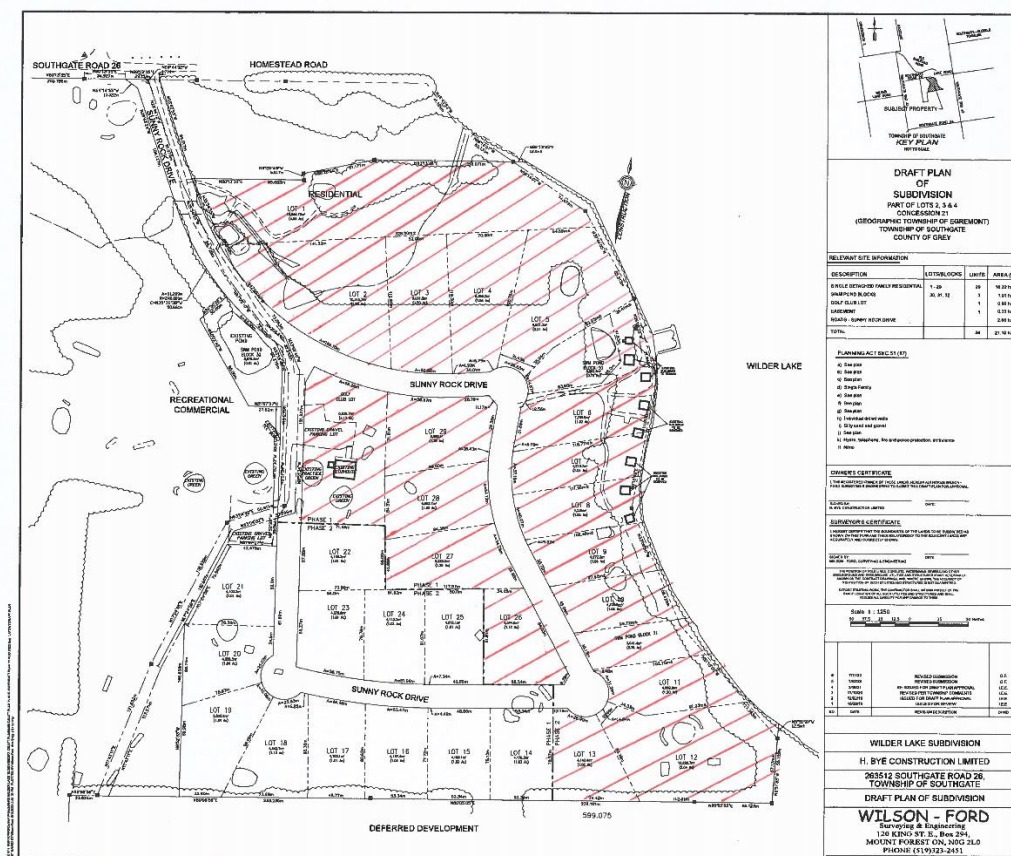
Phone: 519-923-2110
Toll Free: 1-888-560-6607
Fax: 519-923-9262
Web: www.southgate.ca

Staff Report PL2022-065

Title of Report: PL2022-065-C15-22 – Wilder Lake Subdivision – Removal of Holding
Department: Clerks
Branch: Planning Services
Council Date: September 7, 2022

Recommendation:
Be it resolved that Council receive Staff Report PL2022-065 for information; and
That Council consider approval of Bylaw- 2022-133.

Property Location: Part of lots 2,3 & 4 Concession 21 (Township of Egremont)



Subject Lands:

The subject lands are legally described Part of Lots 2, 3 & 4, Concession 21, in the Township of Southgate, specifically the draft plan approved subdivision know as the Wilder Lake subdivision. The approved draft plan has been included as attachment 1.

The Proposal:

The proposal is to remove the H provision from a portion of the subject lands shown in the hatched line above and in the proposed by-law 2022-133 to allow for the lots to be registered and building permits to be issued for the homes.

Background:

The implementing zoning bylaw has the subject lands zoned as R5-497-H and R5-498-H with a small portion of Open Space (OS). The H is to be removed upon entering into a subdivision agreement to the Townships satisfaction.

A subdivision agreement has been entered into with the Township and send to the lawyers for registration, in my opinion this satisfies the condition to have the holding provision removed. Once the holding provision has been removed the applicant can begin doing site preparation work as well as build any model homes. Once the Subdivision conditions are cleared and the lots receive final approval from the county they can be registered. The developer can then receive final occupancy and sell the lots.

Concluding Comments:

Based on the above the conditions for the removal of the H on the subject lands have been met. It is therefore, recommended that By-law 2022-133 be approved.

Respectfully Submitted,

Municipal Planner: *Original Signed By*
Clinton Stredwick, BES, MCIP, RPP

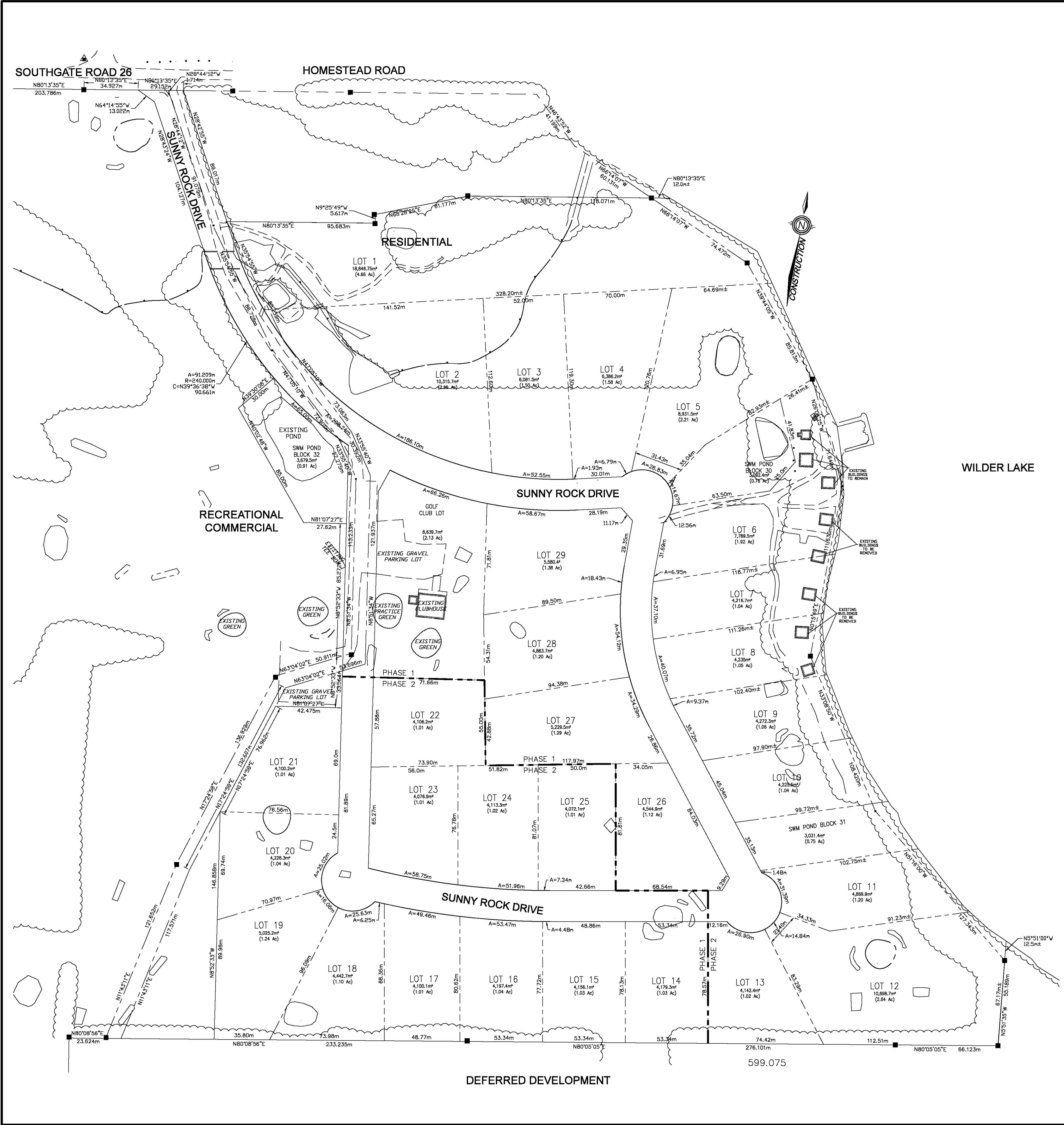


CAO Approval: *Original Signed By*
Dave Milliner, CAO

Attachments:

1. Draft plan

FILE:311_SURVEYING\2022\Projects\WILDER LAKE SUBDIVISION\2022\Draft Plans\WILDER LAKE SUBDIVISION\2022\Draft Plan 11 AUG 2022.dwg LAYOUT DRAFT PLAN
LAST SAVED BY:Wilson-Ford, 01/10/2022 2:51:51 PM



KEY PLAN
TOWNSHIP OF SOUTHGATE
COUNTY OF GREY
NOT TO SCALE

DRAFT PLAN OF SUBDIVISION
PART OF LOTS 2, 3 & 4
CONCESSION 21
(GEOGRAPHIC TOWNSHIP OF EGREMONT)
TOWNSHIP OF SOUTHGATE
COUNTY OF GREY

DESCRIPTION	LOTS/BLOCKS	UNITS	AREA (ha)
SINGLE DETACHED FAMILY RESIDENTIAL	1 - 29	29	16.22 ha
SWM POND BLOCKS	30, 31, 32	3	1.01 ha
GOLF CLUB LOT		1	0.88 ha
EASEMENT		1	0.35 ha
ROADS - SUNNY ROCK DRIVE			2.66 ha
TOTAL		34	21.10 ha

PLANNING ACT SEC.51 (17)

a) See plan
b) See plan
c) See plan
d) Single Family
e) See plan
f) See plan
g) See plan
h) Individual drilled wells
i) Silty sand and gravel
j) See plan
k) Hydro, telephone, fire and police protection, ambulance
l) None

OWNER'S CERTIFICATE

I, THE REGISTERED OWNER OF THESE LANDS, HEREBY AUTHORIZE WILSON - FORD SURVEYING & ENGINEERING TO SUBMIT THIS DRAFT PLAN FOR APPROVAL.

SIGNED BY: _____ DATE: _____
H. BYE CONSTRUCTION LIMITED

SURVEYOR'S CERTIFICATE

I, HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

SIGNED BY: _____ DATE: _____
WILSON - FORD, SURVEYING & ENGINEERING

THE POSITION OF POLE LINES, CONDUITS, WATERMAINS, SEWERS AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE NOT GUARANTEED.

BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR ANY DAMAGE TO THEM.

Scale 1 : 1250

50 37.5 25 12.5 0 25 50 Metres

NO.	DATE	REVISION DESCRIPTION	CHKD
6	7/11/22	REVISED SUBMISSION	G.F.
5	7/02/22	REVISED SUBMISSION	G.F.
4	3/18/21	RE-ISSUED FOR DRAFT PLAN APPROVAL	I.E.E.
3	11/10/20	REVISED PER TOWNSHIP COMMENTS	I.E.E.
2	12/02/19	ISSUED FOR DRAFT PLAN APPROVAL	I.E.E.
1	10/28/19	ISSUED FOR REVIEW	I.E.E.

WILDER LAKE SUBDIVISION

H. BYE CONSTRUCTION LIMITED

263512 SOUTHGATE ROAD 26,
TOWNSHIP OF SOUTHGATE

DRAFT PLAN OF SUBDIVISION

WILSON - FORD
Surveying & Engineering
120 KING ST. E., Box 294,
MOUNT FOREST ON, N0G 2L0
PHONE (519)323-2451

PROJECT No.: 22-9406

The Corporation of the Township of Southgate

By-law Number 2022-133

being a by-law to lift the Holding (H) Provision from
Zoning By-law 19-2002, as amended,

Whereas Council is empowered to enact this By-law by virtue of the provisions of Section 36 of the Planning Act, R.S.O. 1990; and

Whereas notice of removal of the Holding Provision has been provided in accordance with the provisions of the Planning Act, R.S.O. 1990; and

Whereas the conditions for the removal of the holding provision have been met, council may now lift the Holding Provision from part of the subject lands in Zoning By-law 19-2002, as amended, as hereinafter set out;

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

1. **That** Schedules "3" of Zoning By-law 19-2002, as amended, be amended by removing the Holding (H) Provision for a portion (phase 1) of the lands described as Concession 21, Pt Lots 1-4 RP16R6386 Part 1,2 and 3 Geographic Township of Egremont on approved subdivision known as the Wilder Lake subdivision, in the Township of Southgate, as shown on Schedule "A" of this By-law; and
2. **That** this By-law shall become effective from and after the date of Passing hereof.

Read a first, second and third time and finally passed this 7th day of September 2022.

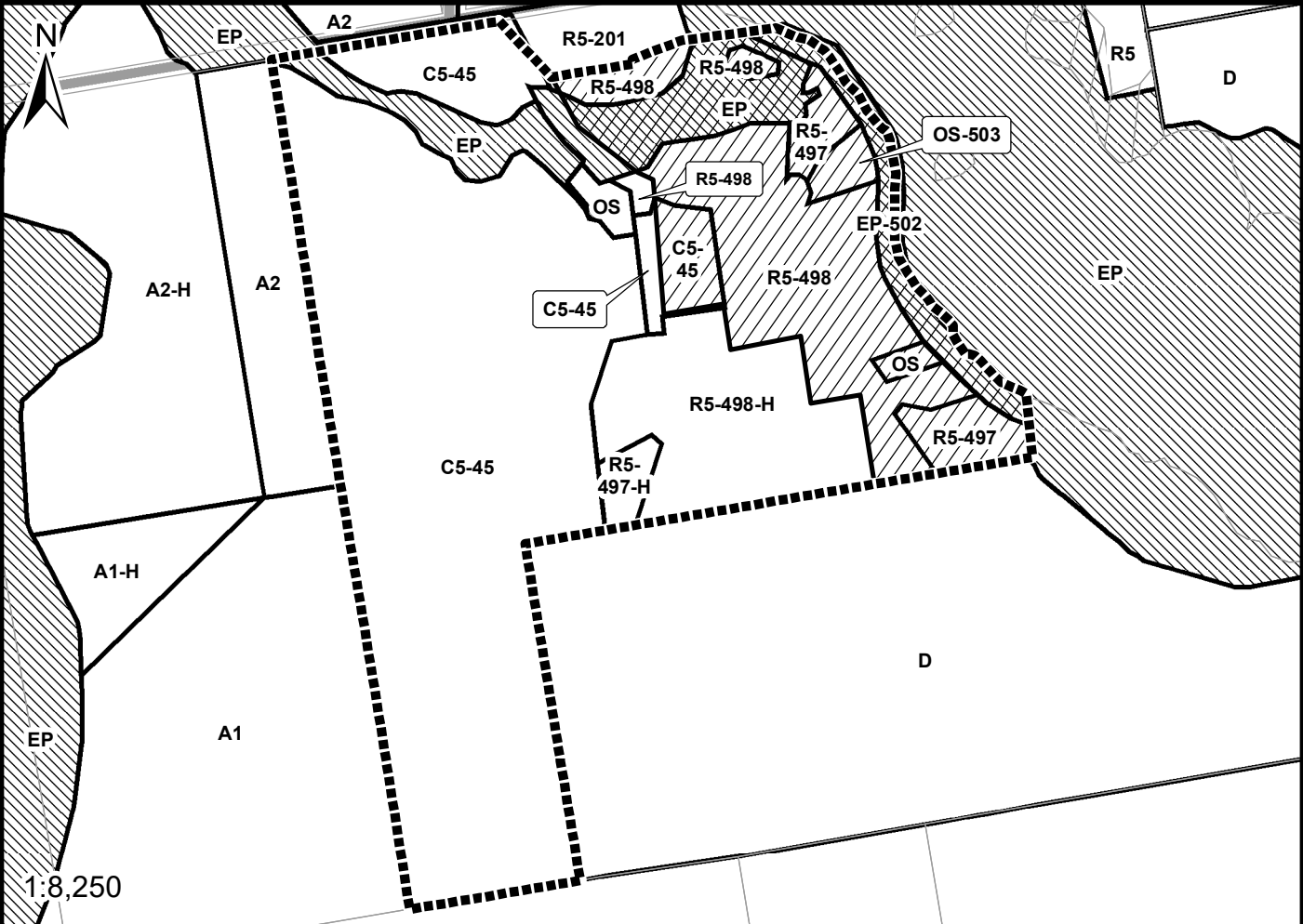
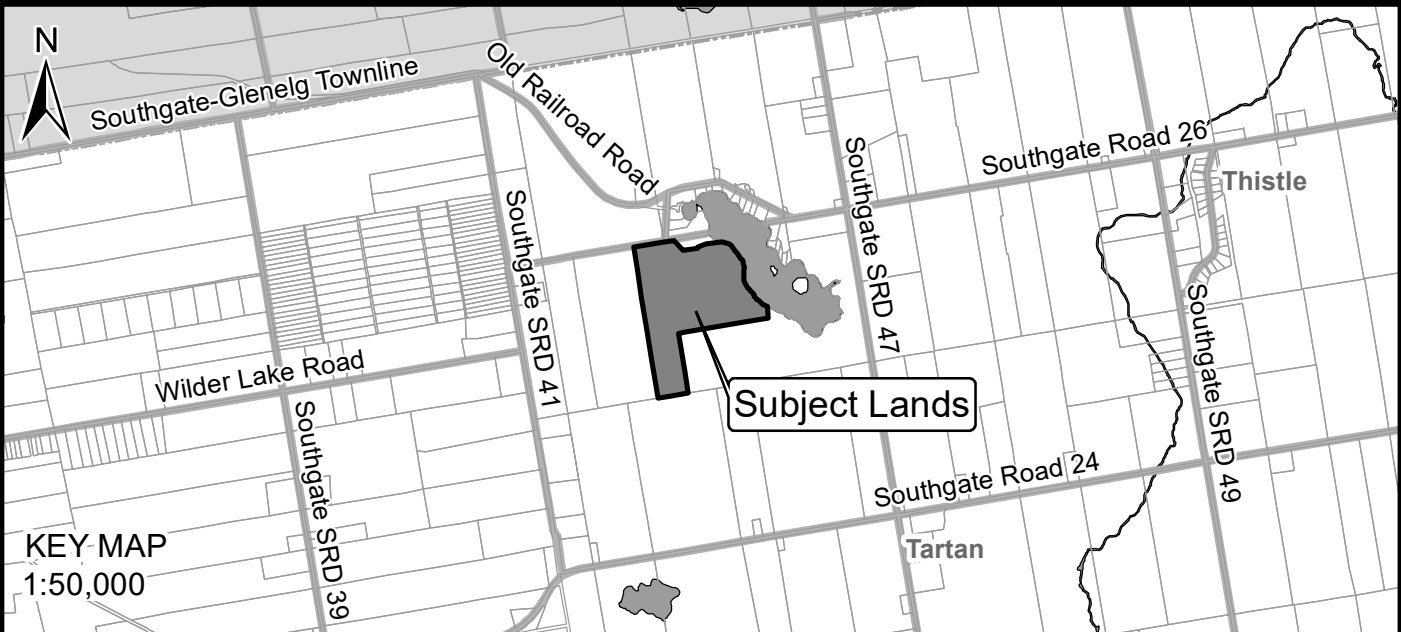
John Woodbury – Mayor

Lindsey Green - Clerk


Schedule "A"
By-Law No. 2022-133
Amending By-Law No. 19-2002
Township of Southgate
(Formerly in the Township of Proton)

Date Passed: September 7, 2022


Signed: _____
John Woodbury, Mayor
Lindsey Green, Clerk



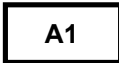
LEGEND



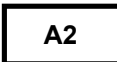
Lands subject to amendment




Lands subject to lift of holding provision




Agricultural




Restricted Agricultural



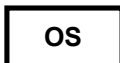
Residential Type 5



Environmental Protection



Deferred Development



Open Space

Township of Southgate

Administration Office

185667 Grey Road 9, RR 1

Dundalk, ON N0C 1B0

Phone: 519-923-2110

Toll Free: 1-888-560-6607

Fax: 519-923-9262

Web: www.southgate.ca

Staff Report CAO2022-050

Title of Report: CAO's AMO Conference Report

Department: Administration

Council Date: September 7, 2022

Council Recommendation:

Be it resolved that Council receive Staff Report CAO2022-050 as information.

Background:

This report provides information about the AMO Conference attended by the CAO from August 14 to 17, 2022. Also in this report is the 3 Ministry delegations. The CAO attended on August 15 with Ministry of Transportation with the County of Grey and Southgate delegated to the Ministry of Natural Resources & Forestry the same day. On August 16th, 2022 we attended with Grey County to meet with the Ministry of Municipal Affairs & Housing to discuss Affordable Housing.

Staff Comments:

Sunday August 14th, 2022

- The CAO spent time going through the exhibitor displays.

Monday August 15th, 2022

- The AMO conference opened with comments Chief Wendy Jocko, Algonquins of Pikwakanagan and City of Ottawa Mayor Jim Watson welcomed AMO and the delegates back to his community.
- Dr. Samantha Nut spoke on the topic of Building Better Communities through principled leadership in the challenging times we are in today. She is a medical doctor (physician at Women's College Hospital and Assistant Professor of Medicine at the University of Toronto) and founder of War Child an internally renowned non-profit. She spoke of her experiences in 3rd world countries in Africa and Afghanistan.
- AMO President Jaime McGarvey address the conference with his remarks and informed what AMO is working on with the Provincial Government.
- Premier Doug Ford addressed the AMO conference and started with some levity about the bee incident. He spoke about Affordable Housing, investments in automotive sector and battery technology, Health Care, Long Term Care, job creation, increasing investments in roads (413), transit and the Ring of Fire minerals.
- Ontario Regional Chief Glen Hare addressed the conference and spoke on First Nation concerns and the lack of support for indigenous Police services in comparison to the OPP and municipal policing services.
- Amazon presented on their Cloud Web services and the Digital Transformation they are leading to support municipalities.
- Interim NDP Leader Peter Tabuns spoke on his party's platform and criticisms of the Ford government's lack of actions on multiple issues.

- Ms. Jennifer O’Connell Parliamentary Secretary to the Federal Minister of Intergovernmental Affairs, Infrastructure and Communities spoke on what their Ministries agenda is to support Ontario infrastructure projects and rural communities. She spoke about infrastructure needs, housing, climate resilient infrastructure, the low carbon economy and planning toward net zero emission investments.
- Minister of Rural Economic Development Gudie Hutchings of Canada reported on the work her ministry is doing to support rural Ontario and Canada to support high speed internet infrastructure installations to have over 90% of the country with service by 2025.
- Minister for Federal Economic Development for Southern Ontario Helena Jaczek spoke on her work to support organization Saugeen Economic Development Corporation that delivers her Ministries programs.
- Stephen Blais, MPP for Orleans and Ontario Liberal Caucus Critic for Municipal Affairs and Housing spoke about their members’ plans going forward to rebuild the part and the concerns they have with the Ford government’s agenda.
- The last concurrent session of the day the CAO attended was titled “The Great Reset between Conservation Authorities and Municipal Governments: Looking to 2024 and Beyond”. They talked about Conservation Authority legislation and what got fixed and what did not. The discussion was the approach taken in modernizing the regulation to provide trust and solutions, with flexible tools for CA and Municipal collaboration to create a balancing act with the key ingredients for strong partnerships in the future. Looking forward this is the opportunity to hit the reset button, create open communications going forward, regulations that provide local flexibility for what works in your area, science based decision making within the limits of the local capacity (tax base) and watershed scale decisions for upstream and downstream. They reported 3 important factors for CA-Municipal is having Inventories, Memorandum of Understanding and Budgets. Other factors reported on was Timing (limited timeframes), Partnerships (between multiple municipalities & CAs), Capacity (in staffing, expertise & resources) available and Relationships (building & creating partnerships between agencies).

Delegations Attended:

- Ministry of Transportation of Ontario delegation meeting with Associate Minister Stan Cho. The delegation was lead by Grey County to discussion CT Community Transit funding to the sustain the service after the pilot project ends.
- Ministry of Natural Resources & Forestry delegation meeting with Minister Graydon Smith, Parliamentary Assistant Ric Bresee and the Deputy Minister. The Township of Southgate lead this delegation with Mayor John Woodbury, Deputy Mayor Brian Milne, CAO Dave Milliner and Asset Coordinator and Financial Analyst Aakash Desai to discuss the Holstein Dam Sluice failure. A copy of the Delegation Brief is included in this report as Attachment #1.

Tuesday August 16th, 2022

- The first session of the day was on the Community Benefits and Municipal Construction lessons and best practices sponsored by CLAC (Christian Labour Association Canada). Community Benefit Agreements was the discussion and how public procurement is being used to evaluate the benefits, to determine the real project costs to support new job creation, social and lasting outcomes of the project.
- FCM President Taneen Rudyk spoke on what FCM is doing to support municipalities in Canada and the work they do with the federal government.
- Intact Public Entities Insurance reported on the insurance industry trends and cyber attack prevention.
- One of the interesting PJ Marshall Award winners was Prince Edward County for their new model that supports Rural Housing Growth projects.
- The Keynote Address of the day was by Daniel Henstra, a professor of Political Science, University of Waterloo, who spoke on "Adapting to Climate Change: Local Government Tools to Build Climate Resilience". He has worked on Climate Risk Research to develop practical, evidence-based policy solutions to climate-related challenges. He reported on Nature Based Tools (green roofs, street tree planting & wetland conservation/rehabilitation), Economic Tools (grants, subsidies, targeted fees/credits & climate related financial planning) and Provincial partnership and leadership with motivation signals, consistency of Ontario wide policies and legal leverage with resources. Academia needs to support with climate risk assessment work of hazards/adaptation efforts, knowledge translation with climate models & science based municipal planning and collaborative partnerships between academics/local officials/community stakeholders. The conclusions of his talk was the following:
 - Climate change is serious and irreversible;
 - There is an urgent need to adapt;
 - Local Government have tools to build climate resilience;
 - How can your work prepare for a warmer, wetter, wilder climate?
- The first concurrent session of the second day was titled "Addressing the Housing and Homelessness Crisis. There were reports from 2 Affordable Housing municipal projects and 2 academia experts. The opportunities to create affordable housing should leverage existing government initiatives like the Canada National Housing Strategy, Ontario's Community Housing Renewal Strategy and Municipal 10 year Housing and Homelessness Plans. He suggested that the potential funding sources are donation of surplus land, reinvestment of housing-related tax revenues, waiving development charges, preferential financing rates and tax exemptions. The most informative report was presented by Steve Pomeroy who is Senior Research Fellow at Carleton University, lead of Focus Consulting Inc., holds a Masters Degree in Urban Planning and worked for Canada Mortgage and Housing back in the 90's. Mr. Pomeroy reported the cause of our housing inventory deficit has been caused by growth pressures. This created demand factors for new homes well in excess of housing construction starts. This residential shortage created a demand that further made it worse by increasing the selling prices of homes created existing homeowners seeing

their equity growth has increase by 8 times greater than debt significantly over 2 years that created signals for the demand for larger homes being constructed. This actually fueled the capacity to pay for existing home owners to upgrade or downgrade and grab cash. This created a supercharges demand for housing and now the problem is the equity growth pressures has increased the separation between housing prices and first home buyer incomes. Pomeroy suggests that the housing price increases was created more by existing homeowner in and investors, as only 33% of the home buyers was there first time to purchase a home with many being assisted by parents. He emphasized we do not need just any new homes, but that we need more affordable housing supply and options. He further suggested that municipalities should:

- Monitor growth and planning is in step;
- Ensure private land banking is encouraged to release supply;
- Increase taxes on dormant properties and sites with development approval;
- Incent industry to build more diverse housing products:
 - Adjust or refine municipal fees and development charges to incent more of the missing middle;
 - Raise fees and charges on larger singles and lower on modest size row and townhomes; and
- Aggressively adopt inclusionary zoning (developers will need time to become accustomed to this as a cost of doing business).
- Hydro One presented on their work in municipalities to electrify and the economy of the future. They talked about preparing and planning for the economy of the future being ready for transit, personal vehicles, industry and the transition to a net zero economy.
- The second concurrent session of the day was a presentation the CAO attended that reported on the Blue Box Transition with less than 11 months to go. Concerns raised were the agreement rigidity, PROs possible lack of flexibility in agreement negotiations.
- OMERS presentation was presented by Blake Hutchison the president who informed the conference attendees on the size of the organization today, the scope of their investment portfolio and the year over year return on their investments that are both diverse and secure.
- The Minister of Municipal Affairs and Housing Steve Clark spoke about his Ministry priorities with housing, high speed communications, investments
- The Ministers' Forum was the last session of the day and included 28 Ministers or Associate Ministers being:
 - Minister Steve Clark – Ministry of Municipal Affairs & Housing
 - Minister Sylvia Jones - Ministry of Health & Deputy Premier
 - Minister Stephen Lecce - Minister of Education
 - Minister Raymond Cho - Ministry for Seniors and Accessibility
 - Minister Carolyn Mulroney – Ministry of Transportation & Ministry of Francophone Affairs
 - Minister Stephen Lecce – Ministry of Education
 - Minister Kinga Surma – Ministry of Infrastructure

- Minister Jill Dunlop - Ministry of Colleges and Universities
- Minister Graydon Smith – Ministry of Natural Resources & Forestry
- Minister Lisa Thompson – Ministry of Agriculture Food & Rural Affairs
- Minister David Paccini – Ministry of Environment Conservation & Parks
- Minister Vic Fedili - Minister of Economic Development, Job Creation & Trade/ Chair of Cabinet
- Minister Todd Smith – Ministry of Energy
- Minister Paul Calandra – Ministry of Long Term Care & Legislative Affairs
- Minister Neil Lumsden – Ministry of Tourism, Culture & Sport
- Minister Greg Rickford – Ministry of Northern Development & Indigenous Affairs
- Minister George Pirie – Ministry of Mines
- Minister Michael Kerzner - Solicitor General
- Minister Doug Downey - Attorney General
- Minister Peter Bethlenfalvy – Minister of Finance
- Minister Prabmeet Singh Sarkario – President of the Treasury Board
- Minister Parm Gill, Minister of Red Tape Reduction
- Minister Michael Ford – Minister of Citizenship and Multiculturalism
- Minister Merrilee Fullerton, Minister of Children, Community and Social Services
- Associate Minister Stan Cho - Ministry of Transportation
- Associate Minister Michael Parsa - Minister of Housing
- Associate Minister Michael Tibollo - Ministry of Mental Health and Addictions
- Associate Minister Charmaine Williams – Ministry of Women’s Social and Economic Opportunity

Delegations Attended:

- Ministry of Municipal Affairs & Housing delegation meeting with Minister Stan Cho. The delegation was lead by Grey County to discussion Affordable Housing challenges in our region. A copy of the Grey County Ministry brief document is included in this report as Attachment #2.

Wednesday August 17^h, 2022

- The first session of the day attended by the CAO was ROMA’s presentation on their Attainable Housing in Rural Ontario report and recommendations that was released during the conference. ROMA appointed a Housing Task Force that included committee members from Grey County being West Grey Mayor Christine Robinson and County of Grey Planning Director Scott Taylor. A copy of the ROMA Attainable Housing Task Force Backgrounder report is included in this report as Attachment #3. A copy of the full report can be found through the following ROMA housing link page: www.roma.on.ca/housing/
- The next plenary session of the day was titled Trailblazers Panel: Diversity in Local Government and included a panel Senator Bernadette Clement Mayor of Cornwall , Steve Anderson Shelburne’s Deputy Mayor and Kemi Akapo Councillor in the City of Peterborough, that moderated by Jeyan Jegathan

from TVO. The session was very informative of the challenges faced by diverse and new members of a community to be successful in being elected and serving in a municipality as a member of a local Council.

- Dr. Enid Slack the Director of the Institute of Municipal Finance and Governance, School of Cities, University of Toronto spoke on the return to current value assessment in 2023 and property tax issues. Her talks were about what this means for Ontario ratepayers in a post pandemic world. She talked about current assessment should reflect real values, what this means for the distribution property tax burden and that this does not mean that taxpayers will pay more property tax needs to be the message.
- The last session of the AMO conference titled "Economic Recovery Panel" was hosted by Steve Paikan, from TVO's program "The Agenda" who moderated a panel of Minister of Finance Peter Bethlenfalvy, Dr. Mike Moffatt the Senior Director of Policy & Innovation at the Smart Prosperity Institute and Mr. Armine Yalnizyan who is with the Atkinson Fellow on the Future of Workers. This was a debate on sustainable recovery and what it should look like, with the Ministers perspective of his Government's concerns and what they are and will be doing to address the economic challenges faced in Ontario and other issues related to housing, energy and food costs, global issues and refugees, supply chain challenges and shortages, as well as unprecedented inflation.

Financial Impact or Long-Term Implications

There is no financial impact to the municipality as a result of this report other than staff time and the Conference registration, accommodation, meals and travel costs which were included in the 2022 budget.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Goal 3 - Promoting Health Services and Housing Choices

Action 3: The residents and businesses of Southgate envision a caring community which meets the needs of all ages and incomes for a healthy and comfortable life, even as our population grows and changes.

Strategic Initiatives 3-A (2019-2023): By means of appropriate policies, incentives and development partners, the Township will facilitated a significant increase in the supply and variety of both rental and purchase housing/ accommodation within Southgate.

Concluding Comments

1. That Council receive staff report CAO2022-050 as information.

Respectfully Submitted,

CAO approval: Original Signed By

Dave Milliner – CAO

dmilliner@southgate.ca 923-2110 x210

- Attachment 1 – Ministry of Natural Resources & Forestry AMO Delegation
brief document dated August 15, 2022
- Attachment 2 – Ministry of Municipal Affairs & Housing AMO Delegation
brief document dated August 16, 2022
- Attachment 3 – ROMA Attainable Housing Task Force Backgrounder Report
August 2022



Ministry of Natural Resources & Forestry

Minister: Parliamentary Assistant Ric Bresee
Date: Monday August 15, 2022 @ 11:20 am
Location: Nova Scotia – Westin Ottawa Hotel
11 Colonel By Drive, Ottawa, ON

Delegation Brief:

Issue:

1. Holstein Dam Sluice Failure and the concerns related to public safety, fish habitat and environmental concerns

Background:

History

The Holstein dam and mill pond were constructed when the Grand Trunk Georgian Bay and Lake Erie Railway Company in 1881 when the railroad came through the community and the mill was built 1876.

In 1929 the Holstein Dam wash out and was reconstructed at that time. (see attached pictures on pages 33 from Holstein History book)

In 1944 they rebuilt the railroad bridge over the dam. (see attached pictures on pages 52 & 53 from Holstein History book)

Further repairs were made to the dam structure in 1981, prior to the last train going through Holstein in 1982. (see attached pictures on pages 52 from Holstein History book)

Community Benefits of the Holstein Dam & Pond:

1. Recognized throughout the community and Grey County tourism as a waterfall feature destination. For many visitors to the area, a place to stop or enjoy a picnic lunch, local community events and canoeing or kayaking.
2. Fire flow reservoir supply for the Holstein community has benefit for home owners and their insurance coverage.
3. Recreational fishing and MNDMNRF fish stocking of trout annually in the pond.

Problem & Initial Mitigation

On the afternoon of Thursday June 9, 2022, the Township of Southgate received calls regarding backyard flooding on the west side of Grey County Rd 109 and north of the bridge in Holstein. Township staff visited the site on Friday morning, to observe the Holstein Pond sluice that is located about 30 metres north of the dam, that there was a whirlpool at the inlet to the sluice. We determined the cause was a breach of the sluice and the local mill raceway that runs through the feed mill had excessive flows which outlets into the culvert crossing Grey Rd 109. Water was also



observed surfacing in the feed mill's gravel driveway and storage building floor because the ground water pressure from water flow discharge from the sluice.

Township staff installed a large diesel pump to help by-pass water flow from the sluice stream to the dam stream, to alleviate the backyard flooding and erected some flood mitigation materials to attempt to channel the high waters flow away from backyards without much impact.

Attempts made to block off the sluice entrance at the Mill Pond were not effective as the area at the inlet of the sluice was full of rocks and timbers. The sluice flow control & intake structure that presently feeds water piped down through the Holstein Mill and outlet to the tributary course connecting back into the Beatty Saugeen River system. A minimal flow has historically run through the mill raceway system prior the structure's failure. The mill has not used this waterpower source for decades and there is no easements or ownership of the piping system that have potential liability concerns of the system failure and impacts of private property issues.

Communications with Agencies

Saugeen Valley Conservation Authority (SVCA) was the first agency contacted to be informed of the situation and to seek some advice and guidance. The Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) was called on Friday afternoon regarding the issues. Other agencies that were contacted were the Ministry of Environment, Conservation and Parks (MECP), the Grey – Bruce Health Unit (GBHU), and Department of Fisheries and Oceans (DFO).

Investigation

On Tuesday June 14, 2022, the Township of Southgate contracted a company with a Remote Operation Vehicle (ROV) which was deployed into the pond at the sluice intake area for underwater camera videoing. This revealed timbers, rock and debris in the intake area had significant intake force of the vortex, but no clear indication of the type of flow control structure and estimated the intake was about a 5-foot wide pipe.

We hired a consultant R.J. Burnside as an Aquatic Specialist that was onsite Friday June 17, 2022, to assess the fish & aquatic habitat because the pond is stocked annually by MNRF and with the pond levels down significantly. The Township also had discussions with MNDMNRF and DFO to provide an update on the situation.

Southgate staff met with the contractor from Weatherall Dock & Dredge on Saturday June 18th, 2022 onsite for developing a plan to install sheet piling around the intake to dewater the area for inspection.

Staff met with consultant BM Ross Engineers on June 21, 2022, to discuss their firm taking the lead on the assessment of the sluice works infrastructure for the short-term emergency repair and the long-term solution for the mill raceway system.

Weatherall Dock and Dredge were mobilized to the site on Friday June 24th and setup to install sheet piling to create a coffer dam to isolate the sluice intake.



Solutions:

1. Our initial plan to address the problem was to install permanent blocking and closure of this system. This would close the sluice & raceway completely. This would result in no control for the lowering of the level of the mill pond to work on the dam. This could also put additional hydraulic pressures on the dam structure itself and no water level control if dam failed. SVCA comments that a base flow from the raceway system should be maintained feeding the tributary.
2. The Township owns a closed Right of Way (ROW) historically known as Water Street that is on the west side on the rail trail running parallel from Petrie Street to the Beatty Saugeen River below the Holstein Dam. This is an option to retain the sluice as a bypass for the low point of draining the pond to control levels, if any work on the main dam is required by constructing intake flow control mechanism by relining the pipe through rail trail embankment, then to install piping onto the Water Street ROW, to outlet back into main Beatty Saugeen River channel. This would clean up liability issues with all the flow and the by-pass control being on municipal property.
3. Engineer design for flow control structure at sluice and reline pipe through the rail trail bed, reline piping through mill and raceway out letting across Grey County Road 109 into the watercourse, clean out of channel to where water meets the Beatty Saugeen River.
4. Decommission the entire dam structure. The Holstein flood plain could be impacted without having the pond for retention.
5. Do nothing, would have to purchase sheet piling from contractor, area would have to be secured prior to trial reopening, this would not be an option that the agencies would support as a solution.

BM Ross will identify next steps, apply for the necessary permits and approvals required from agencies for the direction of the outcome options. All these solutions would have to be approved by SVCA and MNDRF, with the necessary permits and studies required to support the actions.

Other Options:

Township staff have heard that a number of these dam structures in the province are being decommissioned as some agencies do not want to have responsibility, liability, or contribution of funding to rectify issues and preventative maintenance. The Holstein dam would not probably pass the new codes and regulations for dams.

Liabilities:

Current liabilities affect the Holstein Feed Mill with the current raceway system through the mill, leaking of water coming up and under through the new mill shed and driveway, and the above ground reservoir water storage in the feed mill building.



Impacts as seen to the property owners' backyards and septic beds from the high-water levels discharging from the mill raceway on the west side of Grey County Road 109.

Township staff have also had discussions with the Holstein Feed Mill owner and have advised them to seek legal counsel as well on the matter. The feed mill owner has commented that they have no potential use of the raceway and do not want to assume the liability implications with the infrastructure currently on their property.

Agencies Involvement & Concerns:

Saugeen Valley Conservation Authority (SVCA) has identified flood plain mapping with the Holstein Pond. Initially SVCA commented that a base flow from the mill raceway system should be maintained feeding the tributary on the west side of Grey Road 109.

The Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR) consider the sluice and raceway as part of the dam infrastructure and are in favour of decommissioning dams. Any proposed alterations and construction of dam infrastructure will require Lakes and Rivers Improvement Act (LRIA) work permit application and potential studies.

The Ministry of Environment, Conservation and Parks (MECP) commented initially that the Spills Action Centre (SAC) was notified with event number 1-1492YY and the Provincial Officer indicated this was not a natural watercourse.

Department of Fisheries and Oceans (DFO). Fish and aquatic habitat concerns will be commented on by DFO.

Requests:

- We need financial help to resolve this issue.
- The Township feels like we are the only entity that is going to bearing the costs of this failure. We could be looking at costs \$500,000 to \$2,000,000 to find a long-term solution.
- The Township of Southgate met with Ministry of Municipal Affairs and Housing (MMAH) exploring the Municipal Disaster Recovery Assistance (MDRA) program for a sudden, unexpected, and extraordinary natural event. Staff have confirmed that this event will not qualify for the MDRAP program.
- In the past MNR has been involved in the Holstein Pond and Dam as they undertook dredging work as reflected in the Egremont Council minutes from 1981. This was at the same time repairs to the dam were undertaken.

Conservation Authorities Concerns:

- Conservation Authorities when funded by tax dollars from Municipalities should be more supportive and act in consultative role.
- Be part of finding the best possible solution for the people, rather than acting like an approval agency.



The Mill Dam and Railroad Bridge, early 1900's.
(Photo courtesy Harry Mather)



On top of the Grant Trunk Railroad bridge at the mill dam,
early 1900's.
(Photo courtesy Harry Mather)



Rebuilding the rail bridge.
Little girl is Desdemona McGuire, 1944.
(Photo courtesy Lloyd Seaman.)



Repairing the Holstein dam, 1981.

more of the shipments which had been moved for so many years by rail. In 1957, the Holstein station saw the end of the daily mixed train, which originated in Palmerston. The station itself had closed its doors in 1956.

In 1982 the last trains rolled through Holstein and in 1983 permission was granted to abandon the line from Wye's Junction, at mileage 0.0 to Durham, 25.7 miles from Holstein. Soon after, the rails were lifted and the abandoned right-of-way slowly disappeared into the weeds.

Brebner Handle Manufacturers whose buildings were flooded causing heavy damage to machinery. Cut timber in the yard was also swept down the river, some being carried as far as the highway. Nelson McGuire's chopping mill was temporarily put out of business as saw logs were forced through the door of the basement. The streets were badly damaged, cement sidewalks torn up and great holes washed out. The blacksmith shop, near the bridge, owned by E. Thorne and the village fire hall were in ruins. Many private bridges were swept away and other damage done by the rise of the river at the south end of the village.

On April 11, the C.N.R. had a staff of men repairing the track where the dam gave way, while unloading timbers to repair the dam. Mr. Wellington Freeland of Palmerston had his right leg broken when some timbers fell on him. Dr. McLellan was called and took him to Durham Hospital. Passengers had to be transferred from the station to Tyndall's crossing.

On April 18, the village was starting to look like itself again. The trains started going over the bridge Thursday night.

1938 Drowning

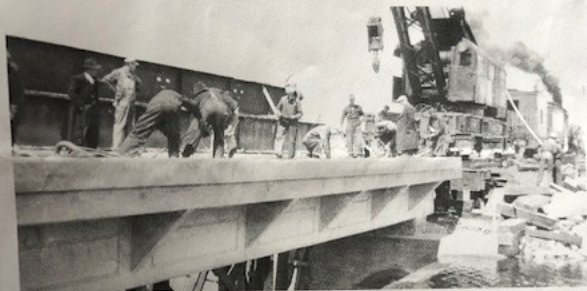
William Switzer, 5, son of Ethel and Jack Switzer, born in Holstein in 1936, drowned in February, 1941 in the Holstein mill race. They shut off the water run and Bev Gibson, who worked at the mill, went down the water run and found the boy.

1938 Gibson Hotel Fire

On March 31, 1938, shortly before 2 a.m., fire broke out in Gibson's Hotel at Holstein. It had made such headway that by the time Mount Forest and Durham



The Holstein Dam wash-out, 1929. Note the rail track suspended in mid air.
(Photo courtesy Lloyd Seaman)



Rebuilding the railroad bridge over the dam, 1944.
(Photo courtesy Lloyd Seaman.)

SEVENTY YEARS OF TELEPHONE

Following is a list of those who were employed in the telephone office at Holstein since the first switchboard was installed in 1897 until dial service came into effect on January 15, 1967 at 2:00 a.m.

Mr. W.T. Petrie

Mr. George Freeman

Alvin Durant

Mrs. Dan Coleridge

Laura Gillies

Louise Ramage (Mrs. Darroch) of Harriston

Edith Dingwall (Mrs. G. Burrows) chief operator

Nettie Hamilton (Mrs. Forbes) Mount Forest

Dean Thorne (Mrs. R. Haas) of Sarnia

Emma Aitken (Mrs. Frank Eccles)

Vera Allan (Mrs. J. Gibson) of Port Elgin

Elsie Andrews (Mrs. S. Drumm) of Weston

Marjorie McCall (Mrs. Dukes) Toronto

Aura McGuire (Mrs. C. Hargraves) Toronto

Lyla Smith (Mrs. L. McIntosh) Mount Forest

Ada Morrison (Mrs. Pettit) of Brantford

Olive McGuire (Mrs. M. Greenwood)

Jean McGuire (Mrs. L. Moore) Palmerston

Earlma Reid (Mrs. G. Glennister) Don Mills

Shirley Long (Mrs. R. Love)

Audrey Eakett (Mrs. Colvin Geddes) Elora

Flora Green (Mrs. Earl McArthur) Brampton



245

Last train out of Holstein, 1982.

(Photo courtesy Eleanor Walks.)

The County of Grey

Brief to

Minister Steve Clark
Ministry of Municipal Affairs and Housing

Regarding

Additional Tools to Support the Development of Affordable
Housing



Submitted by:

Warden Selwyn "Buck" Hicks
CAO Kim Wingrove
Others?

August 16, 2022

Additional Tools to Support the Development of Affordable Housing

Key Points

- Rising house prices have put homes out of reach for significant portions of our population.
- This is negatively impacting our economy as businesses are unable to attract and retain the labour force they require and homeless population has increased tenfold in the last few years.
- In order to create more affordable housing, Grey County requests that additional tools, such as inclusionary zoning, be provided to rural municipalities by reducing restrictions and by providing funding to municipalities to assist with implementation.
- Additional funding is also required to support our non-profit housing providers to undertake new affordable housing builds and to cope with the significant increase in construction costs.

Background

Additional affordable housing is needed in Grey County and across the province. This issue has been an important focus during this term of Grey County Council. Average housing prices continue to be at an all-time high and the vacancy rate for rental housing remains low making it very difficult for residents to access housing. This has led to a tenfold increase in homeless population in Grey County over the past few years and is also negatively impacting our economy as businesses are unable to attract and retain the labour force they require. The non-profit and public sector employers are also finding it difficult to attract and retain staff due to the shortage of housing supply and the rising costs of housing.

Grey County Council has taken leadership on this topic by establishing an Affordable Housing Taskforce and implementing a Community Improvement Plan program in partnership with local municipalities in an attempt to create incentives to foster the development of affordable and attainable housing. The County's member municipalities have also shown great leadership on affordable housing, including but not limited to; updating their official plans and zoning by-laws, establishing Community Improvement Plans (CIPs) to partially fund new housing, and working with local attainable and not-for-profit housing corporations to develop housing. The following is a summary of the actions taken to date to create more affordable and attainable housing throughout Grey County:

1. the creation of a Housing Action Plan,

2. establishing an Affordable Housing Fund consisting of 1% of the levy,
3. investigating using surplus County and Municipal lands for future affordable housing purposes,
4. establishing the CIP template and partially funding municipal CIPs,
5. providing Development Charges exemptions for purpose-built rentals and not-for-profit housing,
6. planning policy updates,
7. providing comments on Provincial initiatives and legislation such as Bill 109, and
8. constructing a supportive housing development in Owen Sound.

Although action has been taken to try to address the housing crisis, the County has recognized that we collectively need additional tools in order to create more affordable housing. The County acknowledges that to address affordable housing it will take action at all levels of government. The County is cognizant of the existing legislative and policy framework we operate within. Should these frameworks change, it could empower the County and member municipalities to have more tools available to support the development of affordable housing.

The *Planning Act* provides the legislative framework for all planning activities within the Province of Ontario. Section 2 of the Act outlines matters of Provincial interest which all municipalities shall have regard for. Under subsection (j) it states; *“the adequate provision of a full range of housing, including affordable housing.”* Section 51(24) of the Act provides criteria which approval authorities shall have regard for, as it pertains to plans of subdivision and the *“welfare of the present and future inhabitants of the municipality.”* More specifically 51(24)(d.1) states; *“if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing”*.

Section 1.4.3. of the Provincial Policy Statement (PPS) outlines that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the market area. The PPS indicates that this should be accomplished by:

- establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households,
- permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents,
- all types of residential intensification,
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are available,
- requiring transit supportive development, and

- establishing development standards for residential intensification redevelopment and new residential development.

The *Planning Act*, as well as the Provincial Policy Statement are clear that the Province wants municipalities to consider affordable housing, though the Province has not required municipalities to include affordable housing in all new developments.

The County's Official Plan, *Recolour Grey*, provides policy direction on affordable housing similar to the PPS and the *Planning Act*. To implement the direction of the Province, the County Plan provides policies on residential density, ARUs, CIPs, definitions of affordable housing, and varying housing types including tiny homes, rental housing, seniors housing, and special needs housing. In order to be consistent with the PPS, section 4.2(f) of the Plan states:

"The goal of providing housing opportunities to moderate and lower income households. The County would like to achieve a minimum target of 30% of new housing, or units created by conversion, to be affordable in each local municipality. Local municipalities are encouraged to have regard for the Grey County Housing and Homelessness Plan (2014-2024) when setting targets in their local official plan. Local municipalities will be encouraged to set a minimum target similar to the County for affordable units."

While the County provides for the above-noted 30% target, the County has very few mechanisms to 'enforce' such a target i.e. the County does not have the ability to use inclusionary zoning. As a result, the County Plan has used the wording "would like to achieve" rather than "shall achieve", in recognition of the fact that such housing cannot be strictly required.

Although the County targets do not have strength of a 'shall statement', staff have attempted to utilize other tools such as allowing for as-of-right ARUs, having no upset limit on residential density in serviced settlement areas, Development Charges (DC) exemptions, and using CIPs, to encourage a wide range of housing types. Despite these efforts, we are still experiencing an affordable housing shortage and therefore the County and the local municipalities require additional tools and funding resources from the Province in order to address our affordable housing shortage.

Looking to the Future

There are two key tools under the *Planning Act* which may aide municipalities in seeking the creation of affordable housing which include Community Benefits Charges (CBCs) and Inclusionary Zoning. However, the current restrictions that the Province has applied to these tools, as well as the challenging processes to be able to utilize these tools, makes it extremely difficult for rural municipalities to implement CBCs and Inclusionary Zoning.

Community Benefit Charges

Community Benefits Charges (CBCs) under the revised section 37 of the *Planning Act* – CBCs are a power under the Act that only exists for local municipalities. No municipalities in Grey have opted to pursue CBCs yet. CBCs are not a direct replacement of the former height and density bonusing that municipalities had access to under the former Section 37 of the *Planning Act* and work in a manner similar to Development Charges (DCs). The restrictions attached to the use of CBCs make them of limited benefit for many Grey County communities since they can only be applied in relation to:

- development of a proposed building or structure with five or more storeys at or above ground, or
- development of a proposed building or structure with ten or more residential units.

In order to make CBCs more accessible to rural municipalities, it is recommended that the Province revise the restrictions to be able to apply these to buildings or structures with 3 or more storeys at or above ground. This would allow more rural municipalities to implement CBCs if so desired.

Inclusionary Zoning

Inclusionary Zoning under section 35.2 of the *Planning Act* – Inclusionary zoning allows a municipality that has completed an Assessment Report and has official plan policies in place, to require a specified amount of new housing units within a development project to be affordable. Unfortunately, the Province has placed restrictions on where inclusionary zoning can be used through Bill 108, which state that municipalities that are not prescribed to provide inclusionary zoning may only do so in protected major transit station areas (PMTSA) or where the lands are subject to a development permit system (DPS). Grey County is not in an otherwise prescribed area, or in a PMTSA.

In order to use this tool, Grey's municipalities must first implement a Community Planning Permit System (CPPS) as a replacement of their zoning by-law. They must also amend their official plan. It is recommended that the Province either prescribe all municipalities the ability to apply inclusionary zoning or to reduce the restrictions for implementing Inclusionary Zoning. For example, the Province could eliminate the need to implement a CPPS in order to be able to utilize inclusionary zoning. Alternatively, the Province could provide funding to rural municipalities to help complete the required Assessment Report as well as funds to implement a CPPS. This would allow municipalities to set a specified percentage of housing to be at an affordable housing rate for all new developments or require the developer to provide

a contribution in-lieu of affordable housing that can then be used to build more community housing/not-for-profit housing.

Other Potential Changes to Legislation

The following are some other potential changes to legislation that will help to create more affordable housing:

- Make changes to the Municipal Act and Real Estate and Business Brokers Act to make it easier for both upper-tier and lower-tier municipalities to dispose of surplus county/municipal lands for affordable housing purposes
- The Province should consider limiting appeals of zoning by-law amendments that are associated with implementing a proposed/draft approved plan of subdivision. The appeal limitations should be similar to the appeal limitations for plans of subdivision under the current Act.

Additional Funding to Create Community Housing and Non-Profit Housing

In addition to the providing tools to help create more affordable housing, the County requests that the Province provide grant funding to create transitional housing, supportive housing and not-for-profit housing. This is even more important given the rising costs of construction and building materials. Similar to the Social Services Relief Funds, the County recommends at a minimum that a similar funding program be provided by the Province to help support the creation of more community housing to ensure that we are providing housing supports for those most in need in our communities. Below are some recommendations to consider for a funding program to support the creation of supportive housing and not-for-profit housing:

- Ensure that any funds provided are provided through a simplified application process and that the eligibility criteria are flexible enough to allow municipalities, non-profit housing groups, and private developers to be creative in their solutions for creating affordable housing in their communities.
- Ensure that the reporting process is streamlined to ensure that limited resources can be focused on the actual affordable housing project versus spending time and resources on complex reporting.
- Transfer any surplus provincially owned lands that are suitable for the creation of affordable housing to municipalities.
- Allow funds to be used for the following:
 - Financial programs to create or renovate existing buildings for transitional housing, supportive housing and not-for-profit housing.
 - Housing supports such as rent subsidies and emergency housing vouchers for those most in need in our communities.
 - Funds to help implement Inclusionary Zoning provisions. This could include support for developing the framework and process to apply

inclusionary zoning, as well as funds to developers to help offset any additional costs associated with providing a percentage of housing with a development project to be at affordable housing rates.

- Funding towards creating affordable housing that addresses accessibility standards.
- Funds to ensure that builds achieve net zero readiness to minimize long-term operational costs.
- Funding to increase staff resources at all levels of government to help expedite the processing of development applications and other approvals associated with affordable housing developments
- Funds to support educational and awareness programs to ensure that all members of our communities are aware of the need for and importance of affordable housing to help address NIMBYism
- Investing in technological solutions, or enhancing existing technological solutions, to help create efficiencies in the development approval process (e.g. tech systems and web apps to support planning application and building permit processing and tracking).
- Funds to help support colleges, trade programs, and apprenticeship programs to ensure that we have the skilled workforce to build the affordable housing units
- Funds that can be used by municipalities to purchase land to support affordable housing builds
- Funds provided to municipalities to support adding additional lands to settlement areas to support the creation of future housing
- Funds to support infrastructure studies and upgrades (e.g. increased water and sewer capacity, road upgrades, etc.) required to support the creation of affordable housing builds.
- Grants/interest free loans to support renovating existing housing units to be more energy efficient to help retain and sustain the existing affordable housing units within our communities.
- Funding to help municipalities and non-profit housing providers to cope with the rising construction costs and increasing interest costs as both of these are making affordable housing projects no longer financially viable.

Conclusion

We would like to express our sincere appreciation for being able to provide these recommendations to be able to support the creation of more affordable housing in our communities by providing rural municipalities with more legislative tools as well as additional funding resources. By creating more affordable housing, this will help support our economy by providing the necessary housing for businesses to be able to attract and retain the labour force they require, and will ensure that we are providing housing

for all. The County would be more than happy to work with the Housing Supply Working Group that the Province is proposing to develop in order to find further solutions to address the housing crisis.

Background Information

Click to view file PDR-CW-22-22 Affordable Housing Planning Tools.docx :

<https://docs.grey.ca/share/page/site/grey-county/document-details?nodeRef=workspace://SpacesStore/fad3be7f-18fc-4488-a16d-0c72bd2007f6>

Click to view file PDR-AF-17-22 Bill 109 More Homes for Everyone Act.docx :

<https://docs.grey.ca/share/page/site/grey-county/document-details?nodeRef=workspace://SpacesStore/cfebe381-a4e6-4fd8-91d6-abe60907af59>



Attainable Housing Task Force

Helping rural Ontarians get a foot in the door.

August 2022

BACKGROUND

The Rural Ontario Municipal Association (ROMA) formed the Attainable Housing Task Force in April 2022 as the first step of its action plan, *Opportunities For Rural Ontario in a Post-COVID World*, released earlier in 2022.

The Task Force is comprised of housing industry experts, municipal staff and ROMA Board members. Informed by survey feedback from ROMA members, the Task Force looked for practical steps to address the rural housing crisis, with three main priorities:

- **Prioritize attainable housing and purpose-built rentals:** To thrive and grow, rural Ontario communities need to offer a range of housing options to meet the needs of people of all ages, income levels and stages of life.
- **Address barriers to development in rural community:** Some provincial policies and regulations like settlement areas, the Provincial Policy Statement and intensification targets can undermine housing development in rural areas.
- **Consider incentives to spur housing development in rural Ontario:** Those proposing rural housing projects need to manage costs, risks and ensure a competitive return on investment on rural housing projects.

Housing is complex and requires a multi-pronged approach. The Task Force Report offers practical solutions to more than a dozen planning and financial challenges faced by rural Ontario's municipalities and communities. These solutions tend to fall into one or more of five themes:

1. Clarify provincial planning legislation and regulations to streamline the process for governments, those proposing housing projects, and citizens.
2. Give municipal governments authority and flexibility to encourage, review and approve housing solutions that fit their communities and are consistent with good planning principles and key planning documents like their Official Plans.
3. Accelerate planning processes for specific types of municipally-approved housing projects.
4. Provide incentives to reduce long-term risks for those proposing housing projects, and to support financially viable projects at scales that work in rural Ontario.
5. Undertake tasks that can get municipally-approved housing projects out of the gate faster to reduce costly delays.

The report identifies key challenges and detailed technical recommendations to improve rural housing opportunities. Key recommendations include:

- The province should update water and wastewater servicing guidelines to reflect the efficiency of modern fixtures and appliances and give local municipalities authority to develop the best solutions for their needs. Water and sewer capacity formulas also need to be updated.
- Regulations should be amended to support tiny homes, which could provide another source of attainable housing.
- The province, municipalities and Indigenous communities need to work together to address the challenges of archaeological studies to ensure significant findings are protected, while managing costs and the limited capacity of the archaeological sector.
- Minimum distance separation guidelines for agricultural land use need to be consistent. Currently there are different policies from the Ministry of Agriculture and Rural Affairs and the Provincial Policy Statement.
- All authorities must understand the need for timely comment on development proposals. Provincial ministries, federal departments, conservation authorities and others may not recognize the impact of their reviews on the supply of housing.
- New limits are needed on the types of Land Tribunal appeals that can be filed to help prioritize attainable housing or purpose-built rental housing by disallowing appeals for these projects.
- A database of rural Ontario's housing supply/availability and demand should be established to help the housing sector identify short-term opportunities and provide a foundation for longer term analysis.
- Housing projects in rural Ontario come with lower volumes and as a result greater risk. Different approaches and tools are needed to reduce uncertainty, keep capital costs down, share or reduce risk to all parties, and ensure a sustainable operating model for the long term.
- Existing building stock should be leveraged to create new housing. This includes promoting secondary suites on existing residential lots, renovating vacant buildings or converting non-residential buildings into apartments.
- There should be an expedited path to approval for some types of residential development, including affordable housing and rental units. As these projects must already manage costs, simplifying approvals will save money and better support creative approaches.
- Review incentive programs, create new funding models and provide resources to support proposed housing projects and help municipalities foster attainable housing development.

Read the full report at www.roma.on.ca/housing for the detailed recommendations.



Staff Report CAO2022-051

Title of Report: CAO Recruitment Transition Update
Department: Administration
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report CAO2022-051 for information.

Background:

The CAO reported at the August 18, 2022 Council Meeting that he would provide a draft New CAO transition plan document for Council 's information.

Staff Comments:

The CAO has been in discussions with and has developed with Mayor Woodbury a New CAO transition plan over the last 60 days. This is a document that will be reviewed with Department Heads and developed up until the New CAO starts employment in the position.

A copy of the New CAO Draft Transition Plan is included as Attachment #1 to this report.

Financial Implications:

There is no financial impact as a result of this report.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information.

Concluding Comments:

1. That Council receive this report for information.
2. Staff will update Council at future Council meetings as this document is developed and refined. Some confidential information has not been included in this report, but will be documented and communicated in secure manner to the New CAO.

Respectfully Submitted,

CAO approval: Original Signed By
Dave Milliner – CAO dmilliner@southgate.ca 923-2110 x210

Attachments:

- Attachment #1: New CAO Draft Transition Plan document

CAO Transition Information

Orientation:

1. Visit Southgate Facilities & Meet Staff:
 - i. Administration, Clerks & Finance
 - Municipal Office Hopeville
 - Holstein Council Chambers
 - Future Plan – Multi-Use Facility
 - ii. Building Department
 - Municipal Office
 - By-law Enforcement –FT employee that can support Roads in winter month emergencies (On-call rotation)
 - Canine Control
 - Contracted and reports through By-law
 - Provides kennel service
 - By-law Enforcement Officer in place now better supports the ticketing and investigation work when we have a bite or muzzle order issue.
 - Every 3-4 years need to undertake a canine inventory
 - Annual Kennel inspections
 -
 - Future Plan for space– Dedicated office with Public Works in Dundalk
 - iii. Economic Development – Home office employee
 - iv. Fire Department
 - Future plans for space - Building addition for Ladder Truck
 - Grey County EMS Ambulance Service – Future location with growthHuman Resources Coordinator & Assistant to the CAO
 - v. Library
 - Ruth Hargrave Memorial Library, 80 Proton Street N
 - Mount Forest service -Wellington County
 - Durham area service – West Grey
 - Shelburne area service – Town of Shelburne
 - vi. Planning –
 - Admin Support from Clerk’s Office
 - Conservation Authorities (GRCA & SVCA)
 - vii. Public Works – Roads
 - Dundalk Depot (long term convert to Ambulance and equipment storage space for public works or recreation)
 - Holstein Depot (Sand Dome & Eh!tel Tower)
 - Hopeville Depot

- viii. Public Works – Waste
 - Egremont Landfill, Transfer Station & Compost Facility
 - Dundalk Transfer Station (upgrade to increase level of service and recycling transfer)
 - Proton Closed Landfill
- ix. Public Works – Water & Wastewater
 - Waterworks
 - Well #3 & Reservoir
 - Well #4 & New Water Tower in 2023
 - Well #5
 - Automated Meter Reading System
 - Wastewater
 - Wastewater Lagoons & Treatment Facility – 2023 Expansion Upgrades
 - Flato East – New Pumping Station late 2022
 - New Eco Park Phase II – New Pumping Station & Dundalk By-pass Road in 2023-2024
- x. Recreation
 - Dundalk Arena (Melancthon use agreement)
 - Ice surface
 - Auditorium for gatherings and indoor recreation programs
 - Drop in Center for Seniors and Youth
 - Kids-N-Us Early ON Program Facility
 - Partnership use agreement with the Dundalk Agricultural Society (DAS)
 - Pat Dales Ball Park – Use agreement with DAS
 - Lisanti Park
 - Memorial Park (250 Owen Sound Street)
 - Dundalk Pool
 - Dundalk Lawn Bowling
 - Frank Macintyre Building for year round rental
 - Ball Park with Lights
 - Lions Club Pavilion
 - Campground
 - Hopeville Park – Ball Diamond with lights, play ground equipment & pavilion
 - Proton Station Park (available land for Housing development)
 - Swinton Park Community Centre - Hall for rental and use by Hillside Academy Seniors Group
 - Dromore Park – Covered picnic area & playground (available land for Housing development)
 - Holstein Park, Pond & Dam

- Seasonal Building for rentals
- Ball Park with lights
- Pond is stocked by MNRF for fishing
- Rosalyn Outdoor Centre for Cedarville Community

2. Southgate Committee Meetings Supported by the CAO:

- Southgate Affordable Attainable Housing Advisory Committee
- Southgate Community Fund Committee
- Southgate Recreation Committee
- Southgate Seniors Advisory Committee
- Grey-Bruce Community Safety & Well Being Plan Advisory Committee
- Other Board or Committees not attended by CAO – Youth Action Committee, Library Board, Landfill Public Liaison Committee, Committee of Adjustment, Police Services Board, GLIP, etc.

3. 2023 Administration Projects:

- 2023 Budget – In process
- 2023 CAO Goals
- 2022 Community Action Plan (CAP) Results
- 2023 Community Action Plan (CAP) Goals
- Review and consultation to develop a Community Action Plan 2024-2028
- OPP Policing Service Level
- Community Safety & Well Being Plan – Southgate Plan with solutions for local issues
- IT Software Solution for Municipal Financial and Administrative Management
- Department IT Solutions that can communicate with Fin-Admin S/W solution with Management Dashboards and service provider that can provide tailor s/w changes and maintenance support for our needs. To many suppliers are expensive and out of the box solutions.
- Melancthon-Southgate Land Annexation Agreement
- DC By-law Update when Melancthon Annexation occurs.

4. Human Resources:

- Organizational Chart
- Market Check
- Job Descriptions
- Pay Bands
- Job Evaluation Committee
- Southgate Administrative Policies
- Southgate Administration & Personnel Forms
- Development, review and updates of Policies
- Health & Safety

5. Development Projects:

- Flato Developments – Shakir Remattullah, President
 - Flato Meadows West, East & North
 - Flato Block 75 Senior Apartment Building
 - Flato Glenelg Carriage House
 - Flato Dundalk Northwest and Northeast
 - Flato Green Southeast partnership with Southgate
 - Flato Braemore
 - Flato Melancthon – annexation lands
- South East Grey Community Health Center – Dundalk Medical Clinic development, Southgate land use partnership and Old Lions Medical Center conversion project to Affordable Housing in 2024 with South East Grey Support Services
 - Alex Hector, Executive Director
 - Allan Madden, Project Manager for Dundalk Medical Center
- Bye Construction & Randharr Investments – Randy Bye President & Harry Bye Engineer
 - Wilder Lake Development
 - Gravel pit developer
 - Hoffman pit development plan
 - Hwy #89 development plan
- White Rose Park Developments Phase I, II & III – Victor DaPalma
- Ida Street South Residential Development
- Braemore In Fill Residential Development
- Owen Sound Street Residential Development
- Greenlid & Ice River Sustainable Solutions – Jamie, Sandy & Justin Gott
- Lisanti & Wilson Development
- Calhoun Super Structures
- Southgate Renewables LP (RNG production) Envest – Mark Bell
- Casa Terre & Gates of Amida – Chedkar Batgi
- Nicola Rago Wood Processing
- Rosalyn Outdoor Center – Howard Dalal
- Gus Litz – Eco Park Lots
- Harvest Plant Project
- Norman Hoover - Proton Station Harvesting Plant & Retail Store
- Canadian Fence
- Original Gus Litz Property
- Lystek – Simon Muelendyk
- GroBark
- Eco Park Phase I saleable lands Lystek has interest in purchasing
- Southgate Eco Park property reserved for Wastewater Future Development

6. Introduce Community Groups:

- Dundalk Agricultural Society
- Dundalk Lion Club
- Dundalk Lioness Club
- Dundalk Young at Heart Seniors
- Egremont Optimists Club
- Generation Connection
- Hillside Academy Seniors
- JunCtian Community Initiatives
- Team Town Hall

7. CAO Annual Events outside of the Township:

- Good Roads or the ROMA Conference
- OMAA Spring Workshop (May)
- FCM Conference (early June)
- AMO Conference (August)
- OMAA Fall Conference (October)
- Grey County CAO Meetings

8. CAO Discussions:

- Departments
- Department Management
- Staffing levels & growth impacts
- Legal files

9. Department - Current & Future Projects:

Administration

Clerks

- Election
- New Council training

Finance

- Asset Management Planning
- New DC By-law
- Future – New financial system
- Transition to new Auditor
- Appointment of Deputy Treasurer internally

Human Resources

- Policy review
- Market Check in 2023 for Council and Staff
- Deputy Treasurer responsibility
- Specific Job Descriptions for review of title & compensation
 - Facilities Manager to Recreation Manager

- Facilities Operator & Programming to Recreation Programming Coordinator
- Human Resources Coordinator & Assistant to the CAO – Human Resources Manager & CAO Administration
- WSIB Excellence Program for Health & Safety

Building

- Large reserve fund
- Need for their own location to free up space in Admin Office.
- Review of Fill By-law
- Final Inspection Project
- Building Inspection tracking & scheduling
- Certifying Complete Building Permit Application
- Plans Review & Permits Issuance Timelines

By-law Enforcement

- Now full-time position
- COVID created excessive complaints
- Adding Livestock evaluator to duties

Canine Control

- Every 3-4 years need to undertake a canine inventory

Economic Development

- EDO support commercial-industrial project.
- Farmers Market
- Chamber and BIA
- Hamlet Project
- Southgate On-line Business Directory
- Hanbury Industrial Park
- Eco Park Phase I
- Eco Park Phase II (Development partnership with Flato)
- Dundalk Olde Town Hall Cultural space lease partnership with Wellington Capital, Team Town Hall & JunCtian Community Initiatives (Cultural naming rights agreement with Flato)

Library

- Growth within existing building footprint

Planning

Recreation

- Parkland development with residential growth

Public Works:**Roads**

- Eco Park Phase II Road Construction

Stormwater

- Holstein Dam & Sluice challenges

Waste**Waterworks**

- New Water Tower 2023
- Eco Park Phase II servicing for water & sewers

Wastewater

- Capacity upgrades – Complete EA and technology selection & procurement.
- Eco Park Phase II Sewage Pumping Station



Staff Report HR2022-043

Title of Report: WSIB Excellence Program
Department: Human Resources
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report HR2022-043 for information.

Background:

In May 2021, the HR Coordinator worked with our Joint Health & Safety Committee (JHSC) and our Health & Safety provider Public Services Health & Safety Association (PSHSA) to join the WSIB Health & Safety Excellence Program (HSEp).

The HSEp is an incentive program that businesses can voluntarily join to help improve health & safety and provides rewards for doing so. When completing each program topic, it makes for a safer workplace and contributes to a strong health and safety culture in the workplace.

Staff Comments:

In 2021 into 2022, Southgate completed 2 topics: First Aid and Health & Safety Communication. The completion of these through all of the steps resulted in a WSIB rebate of \$3,463. The result within the workplace was a safer environment with an official First Aid program in place and included training. The other result was improved Health & Safety Communication within our workplace.

We have also been awarded badges for the program (attachment #1).

Staff have selected another four (4) topics to work on for the remainder of 2022 as part of an additional incentive called "Smaller Business HSEp" which offers double the rebate amounts and reimbursement of our provider fee if completed by December 2022. The four topics that were included in this special initiative are:

1. Health & Safety Leadership & Commitment
2. Health & Safety Responsibilities
3. Health & Safety Participation
4. Incident/Injury/Illness Reporting

Financial Implications:

There is no financial implication as the provider fee was included in the 2022 budget. There was a WSIB rebate of \$3,463 which will be put back into Health & Safety programs in our workplace. If/when the other four topics are completed, it would result in another WSIB rebate.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Concluding Comments:

1. That Council receive this report as information.

Respectfully Submitted,

Human Resources: *Original Signed By*

Kayla Best, HR Coordinator/ Assistant to the CAO

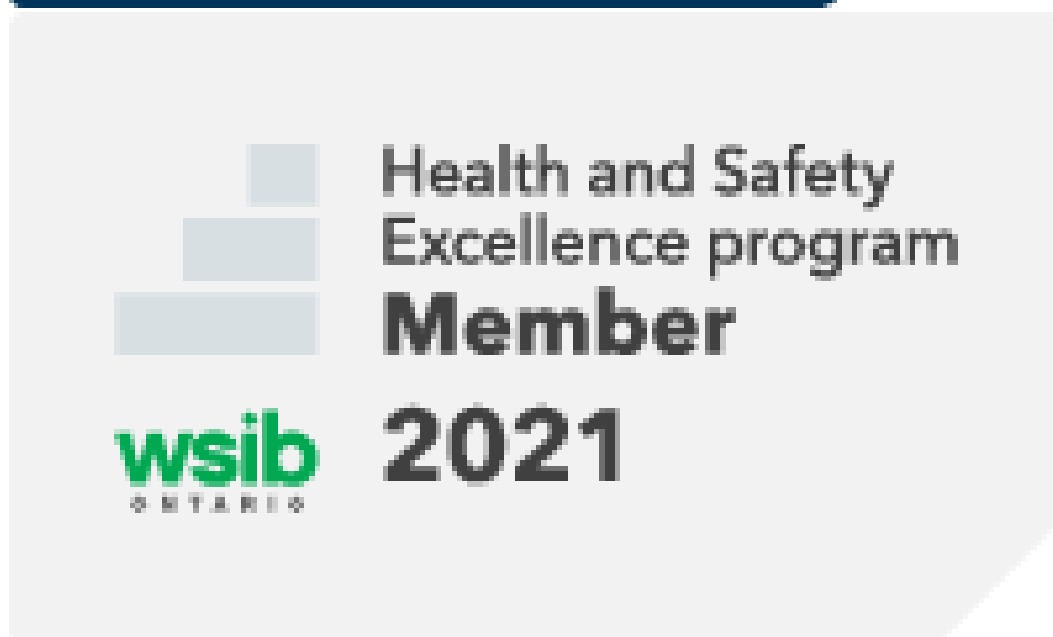
CAO Approval: *Original Signed By*

Dave Milliner, CAO

Attachments:

None.

WSIB Health & Safety Excellence Program Badges the Township of Southgate has been awarded





Staff Report HR2022-044

Title of Report: Public Works Staffing Update
Department: Human Resources
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report HR2022-044 for information.

Background:

At the August 3, 2022 Council meeting, Council received Staff Report HR2022-038 for information which included announcing two (2) fulltime positions within Public Works that have become open due to a retirement and a resignation.

Moved By Deputy Mayor Milne **Seconded By** Councillor Dobreen

Be it resolved that Council receive Staff Report HR2022-038 as information.

Carried No. 2022-523

Staff Comments:

Both Operator/Labourer positions were posted and interviewed together. The positions were posted July 15th to July 29th. There was a total of nine (9) applications received and three (3) interviews took place on August 9, 2022.

The successful candidate for the position of TAPS Operator/Labourer & Cemetery Caretaker is Tia Augurusa. Tia has been working on a seasonal and casual basis with the Township since January 2022 and we are excited to have her join us fulltime.

The successful candidate for the position of TAPS Operator/Labourer is Bill Walsh. Bill joins us with road's experience and we are happy to welcome him to our team!

Financial Implications:

No financial implication as these positions have been approved for the 2022 budget.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Concluding Comments:

1. That Council receive this report as information.
2. That staff & Council congratulate and welcome both Tia and Bill.

Respectfully Submitted,

Human Resources: *Original Signed By*
Kayla Best, HR Coordinator/ Assistant to the CAO

Dept. Head Approval: *Original Signed By*
Jim Ellis, Public Works Manager

CAO Approval: *Original Signed By*
Dave Milliner, CAO

Attachments:
None.



Staff Report HR2022-045

Title of Report: Finance Staff Updates
Department: Human Resources
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report HR2022-045 for information.

Background:

At the August 18th, 2022 Council Meeting, the follow resolution was carried:

Moved By Councillor Shipston **Seconded By** Councillor Dobreen

Be it resolved that Council receive Staff Report HR2022-042 for information; and
That Council approve the internal posting of the Finance Assistant – Utility and General Receivables position.
Carried No. 2022-539

Staff Comments:

The position of Finance Assistant – Utility & General Receivables was posted internally from August 18, 2022 to August 25, 2022. One internal candidate applied and was interviewed on August 29, 2022.

The successful candidate for the position is Brianna Francis. On September 6, 2022, Brianna will begin on a six-month contract for the position which has the potential to become fulltime in March 2023 if the previous employee stays in their new position.

Financial Implications:

There are no financial implications as a result of this report as these positions were approved in the 2022 budget.

Communications & Community Action Plan Impact:

This report has been written and presented to Council to communicate accurate information to the public.

Concluding Comments:

1. That Council receive this report as information.
2. That Council congratulate Brianna Francis on her new position.

Respectfully Submitted,

Original Signed By

Human Resources: _____

Kayla Best, HR Coordinator/ Assistant to the CAO

Dept. Head Approval: *Original Signed By*
William Gott, Treasurer

CAO Approval: *Original Signed By*
Dave Milliner, CAO

Attachments:
None.



Staff Report PW2022-045

Title of Report: PW2022-045 Department Report
Department: Public Works
Branch: None
Council Date: September 7, 2022

Recommendation:

Be it resolved that Council receive Staff Report PW2022-045 for information

Background:

Public Works Department update.

Staff Comments:

Transportation and Public Safety:

1. Thank You to Barb Harrision and family for applying to participate in the Adopt A Road program. Southgate Sideroad 49 from Southgate Road 26 to the Southgate-Glenelg Townline will be acknowledged with the Adopt A Road signage.

2. The Wellington North construction project on Highway 89/ Queen Street East Mount Forest has had an extension for project completion to the end of September. The detour has been Southgate Sideroad 49 to Southgate Road 04 west to Sligio Road. With resident inquiries of speed and traffic volume concerns, Southgate working with the contract engineer and Wellington North directed the project contractor to install 70 km/hr reduced speed advisory signage. These costs all related to project are incurred by Wellington North.

3. Roads staff have been replacing culverts at various locations in the Township.

4. On Wednesday August 31, 2022 Southgate staff at about 3:45pm went to pick up the excavator brusher operator at Southgate Sideroad 57, just north of Southgate Road 26. They seen fire coming from under machine, radioed operator, he was able to get out unharmed and attempted to put out fire with his extinguisher onboard. Dundalk fire was called by staff at that time and they responded and extinguished.

Ace Towing arrived with rotator crane tow truck, Southgate staff assisted with using the crane to detach brusher unit, secure boom in an upright position and winch/pulley machine straight for floating. Reeves Construction tractor trailer float was used to have the excavator craned onto and was taken to the Township Holstein gravel pit at 143144 Southgate Road 14 and craned off around 10pm.

Unit 114 is a 2005 Volvo EW180B excavator, with 10,816 hours.

5. Parking line painting was refreshed on September 1st.

Water & Wastewater

1. The Dundalk water tower project has begun, site preparation with stripping topsoil and the installation of the Geopier foundation works.
2. Watermain commissioning was completed for the extension of watermain on Highway 10 south as part of the storage unit project on Tuesday August 23rd at the cost of the developer.

Financial Implications:

These items are included in the Operating and Capital Budgets, or as specified otherwise in this report.

The unit 114 fire has been referred to the Township insurance provider.

Communications & Community Action Plan Impact:

Goal 5 - Upgrading our "Hard Services"

Action5:

The residents and businesses of Southgate recognize our linear services - roads, bridges, water, and sewer works, for example - to be a fundamental purpose of municipal government. This infrastructure needs to be serviceable and sustainable so that our businesses and communities can thrive and grow.

Concluding Comments:

Staff recommends that Council receive Staff Report PW2022-045 for information.

Respectfully Submitted,

Dept. Head: *Original Signed By*
Jim Ellis, Public Works Manager

CAO Approval: *Original Signed By*
Dave Milliner, CAO

Attachments:

Township of Southgate

Administration Office

185667 Grey County Road 9, RR 1
Dundalk, ON N0C 1B0



Phone: 519-923-2110
Toll Free: 1-888-560-6607
Fax: 519-923-9262
Web: www.southgate.ca

August 31, 2022

Knights of Columbus Council 2093
770 6th Street East
Owen Sound, Ontario N4K 1G7
C/O Jim Cummings, Lottery Chair

Re: Radio Bingo Permission to Sell in the Township of Southgate

Dear Mr. Cummings,

We are in receipt of your letter seeking municipal approval to sell bingo cards within the Township of Southgate from September 7, 2022 - December 31, 2022 as part of your Charity Radio Bingo lottery game in association with 560 CFOS Radio in support of Youth Programs in the Grey Bruce branch of the Canadian Mental Health Association.

We have viewed the lottery license you obtained directly from the Alcohol and Gaming Commission of Ontario (AGCO) and further your lottery license issued by the City of Owen Sound.

Please accept this letter on behalf of the Council of the Township of Southgate as express permission to sell your bingo cards within the Township of Southgate's municipal boundaries.

If you need anything further please do not hesitate to contact me directly.

Regards,

Original Signed By

John Woodbury, Mayor
Township of Southgate

DUFFERIN COUNTY MEMORIAL WALK FOR RESIDENTIAL SCHOOLS - ORANGE SHIRT

Oct 1st, 2022 - 1pm - 3pm

**Location: Alder Arena 275 Alder St, Orangeville, ON
L9W 5H6**

- Walking quietly sending prayers and love to the children recovered and yet to be recovered, their families and communities.
- Praying for those recovering survivors or Inter-generational family traumas from the schools.
- Sharing the importance of the Orange Shirt
- Smudging ceremony.





Grand River Conservation Authority

Summary of the General Membership *General Meeting* – August 26, 2022

To GRCA/GRCF Boards and Grand River watershed municipalities - Please share as appropriate.

Action Items

The Board approved the resolutions in the following reports as presented in the agenda:

- GM-08-22-69 - Financial Summary
- GM-08-22-64 - Reimbursement for Business Use of Personal Vehicles
- GM-08-22-67 - Donor Naming - Rotary Link Trail
- GM-08-22-65 - Elora High Level Bridge Rehabilitation
- GM-08-22-66 - Residential Wind-down Program - Status Update
- GM-08-22-62 - Wellington and Dufferin Rural Water Quality Program Renewal
- GM-08-22-C06 - Staffing and Labour Matters – Deferred to September (closed agenda)
- GM-08-22-C05 - Canada Emergency Wage Subsidy Update (closed agenda)

Information Items

The Board received the following reports as information:

- GM-08-22-61 - Cash and Investment Status
- GM-08-22-68 - Return to In-person Board Meetings - Status Update
- GM-08-22-63 - Update on Expression of Interest - Third Party Pheasant Hunting Program
- GM-08-22-60 - Development, Interference with Wetlands and Alterations to Shorelines Regulation
- GM-08-22-66 - Current Watershed Conditions

Correspondence

The Board received the following correspondence:

- Jeff Leader and John Kemp re: Giant Hogweed
- Halton Region re: 2023 Budget Direction

Source Protection Authority

The General Membership of the GRCA also acts as the Source Protection Authority Board. No meeting of the Source Protection Authority was held.

For full information, please refer to the [August 26 Agenda Package](#). Complete agenda packages and minutes of past meetings can be viewed on our [online calendar](#). The draft minutes of this meeting will be posted on our online calendar within 30 days of the meeting date, in accordance with the Conservation Authorities Act.

You are receiving this email as a GRCA board member, GRCF board member, or a Grand River watershed member municipality. If you do not wish to receive this monthly summary, please respond to this email with the word 'unsubscribe'.

From: [Ontario Association of Committees of Adjustment and Consent Authorities](#)
To: [Info](#)
Subject: 2021-2022 Annual Report
Date: August 26, 2022 8:59:37 AM



2021- 2022 Annual Report

We are pleased to present to the membership the Association's 2021- 2022 Annual Report, which is now available for viewing on OACA's website. To view the report you must login into the [website](#). Once you login, click "My Profile" to access the report from the left hand menu bar.

The Annual Report contains:

- President's Message with an overview of the work of the Association
- Administration and Education Update
- Primer on Planning Graduate Recognition
- Conference Report & Update on Future Events
- Legislation Report
- Finance Report
- Nominations and Elections Report
- Accreditation Report
- Social Media
- Attachment: Auditor's Report

Approval of the Annual Report, including the Auditor's Report and the [2021 AGM Minutes](#) will be requested at the Annual General Meeting on September 29, 2022.

Login to view the Annual Report

Reminder: Call for Nominations

The Board is looking to fill four (4) Director positions which will be retired at the Annual General Meeting (AGM) taking place during the [2022 OACA Conference](#) (which is now sold out!). For complete information, including what is involved, expense reimbursement and available positions please visit the [Nominations page](#). The deadline for nominations is August 31, 2022.

Submit a nomination



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OACA
5063 North Service Rd Suite 100
Burlington, ON L7L 5H6
Canada

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Annual Report

2021-2022





Office of the Ombudsman of Ontario

We are:

An independent Office of the Legislature that resolves and investigates public complaints about services provided by Ontario public sector bodies. These include provincial government ministries, agencies, boards, commissions, corporations and tribunals, as well as municipalities, universities, school boards, child protection services and French language services.

Land acknowledgement and commitment to reconciliation

The Ontario Ombudsman's work takes place on traditional Indigenous territories across the province we now call Ontario, and we are thankful to be able to work and live on this land. We would like to acknowledge that Toronto, where the Office of the Ontario Ombudsman is located, is the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabag, the Chippewa, the Haudenosaunee, and the Wendat peoples, and is now home to many First Nations, Inuit and Métis peoples.

We believe it is important to offer a land acknowledgement as a way to recognize, respect and honour this territory, the treaties, the original occupants, their ancestors, and the historic connection they still have with this territory.

As part of our commitment to reconciliation, we are providing educational opportunities to help our staff learn more about our shared history and the harms that have been inflicted on Indigenous peoples. We are working to establish mutually respectful relationships with Indigenous people across the province and will continue to incorporate recommendations from the Truth and Reconciliation Commission into our work. We are grateful for the opportunity to work across Turtle Island.



August 2022

Speaker of the Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr./Madam Speaker,

I am pleased to submit my Annual Report for the period of April 1, 2021 to March 31, 2022, pursuant to section 11 of the *Ombudsman Act*, so that you may table it before the Legislative Assembly.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Dubé", is written over a light, circular background.

Paul Dubé
Ombudsman

Office of the Ombudsman of Ontario

483 Bay Street
10th Floor, South Tower
Toronto, Ontario
M5G 2C9

Telephone: 416-586-3300

Complaints line: 1-800-263-1830

Fax: 416-586-3485

TTY: 1-866-411-4211

Website: www.ombudsman.on.ca

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OMBUDSMAN'S MESSAGE

A gradual return

It is with cautious optimism that my colleagues and I turn the page on 2021-2022 and plan for a gradual return to the activities and methods of operation that we were forced to curtail with the onset of COVID-19 more than two years ago. Having recruited many new members to our Office, while seeing complaint volumes return almost to pre-pandemic levels, we are re-establishing the in-person teamwork that has always optimized our service to Ontarians.

While the health and well-being of our team has been and remains our top priority, returning to work at our office 2-3 days per week under protective protocols has been a welcome change from the remoteness and separation that we – like so many other Ontarians – have endured over the past two-and-a-half years.

An impactful year

Despite the challenges of working remotely, we continued our compassionate and impactful work this past year, as the stories and statistics in this report demonstrate. We received **25,161** cases – complaints and inquiries – between April 1, 2021 and March 31, 2022, an increase of 25% over the previous fiscal year. A substantial number of these continued to be driven by the COVID-19 pandemic – such as vaccine mandates in universities and colleges, and ongoing delays in many of the provincial programs we oversee. But a large portion involved the sort of complex administrative issues that have always been our forte – such as helping families access developmental services or social benefits.

As usual, we resolved the vast majority of these cases without formal investigation, and most of them (**52%**) within



June 29, 2021 • Ombudsman Paul Dubé releases last year's Annual Report at Queen's Park.

two weeks. As always, helping vulnerable people with difficult or unfair systems was a priority. For example, we escalated the complaints of Ontarians with disabilities who were not able to renew their health cards online because they did not have driver's licences, and the system has since been changed. Our staff helped numerous inmates access health care services. Recently, we even made sure that Ukrainians fleeing the war in their country were able to cut through red tape and obtain Ontario driver's licences quickly.

We published two investigative reports this spring – one on French Language Services Commissioner Kelly Burke's investigation into cuts to French-language programs at Laurentian University, and the other on my investigation of



“Without your efforts to help me, I would still be struggling to resolve my issue.... I was not aware before of the function of the Ombudsman's Office. I now totally believe this office is indispensable to our society for restoring fairness and justice to its citizens. I am most grateful to you and your institution.”

– Complainant

the sudden closure of youth justice programs in Northern Ontario. All of our recommendations in both cases were accepted.

Our work on two highly complex systemic investigations – into delays at the Landlord and Tenant Board and the government's monitoring of long-term care homes during the pandemic – also progressed substantially, and we look forward to their completion in the coming months.

In the municipal sector, we received a record number of complaints as municipalities dealt with, and sometimes struggled with, the legal and technical aspects of holding virtual and hybrid meetings while respecting the open meeting requirements of the *Municipal Act, 2001*.

We issued dozens of reports and letters to help municipalities follow these rules, adding to the rich database of decisions available in our Open Meeting Digest online. General issues about municipalities – part of our mandate since 2016 – also continued to generate more cases than almost anything else.

Submissions to government

Every year, we take advantage of opportunities to comment on proposed legislative changes and issues that affect Ontarians. This is a little-known aspect of the

role of the Ombudsman that allows us to leverage our expertise – for example, regarding the monitoring of inmates in segregation, or the use of physical restraints in the child welfare system – to urge improvements. I made six submissions to government between May 2021 and May 2022.

Two of these (noted elsewhere in this report) stressed the importance of ensuring that Integrity Commissioners at the local level – for municipalities and school boards – are mandatory, and have robust complaint protocols that are consistent across the province. Three related to improving regulations designed to protect vulnerable young people, and one reiterated several of my earlier recommendations regarding segregation of inmates. We continue to actively engage with the province on these issues.

Children and youth

We also helped an ever-growing number of young people and adults who raised concerns about child protection services – part of our mandate since 2019. Now into its third year of operation, our dedicated Children and Youth Unit is committed to being as accessible as possible to children and youth in care. Our staff are constantly engaged in outreach to inform young people in care about their rights, and service providers about best practices.

Along with responding directly to complaints, the Children and Youth Unit works on many fronts to address issues affecting young people in the child welfare system, receiving updates on legislative developments and policy changes, monitoring Death and Serious Bodily Harm reports, and following up directly with many injured children. Our Office also works with our fellow members of the Canadian Council of Child and Youth Advocates to share best practices and lend our voice to calls for reform.

As well, this unit has started to build an approach to outreach and engagement aimed at addressing issues



May 25, 2022 - Ombudsman Paul Dubé and staff speak to members of the public about our services as part of the City of Toronto's Newcomer Day, Nathan Phillips Square, Toronto.

affecting Indigenous youth and other groups who are disproportionately represented in the child welfare system. Their experience in consulting on cases and with these communities will be key to the development of further outreach efforts by our Office as a whole.

The work we do in this area provides an opportunity to contribute to reconciliation. For example, our recent investigation into youth justice program closures in the North revealed that a lack of engagement with affected Indigenous groups by the province exacerbated the impact of the closures. As I noted in my report on that case, it is important to reflect on learnings from the Truth and Reconciliation Commission and the significance of meaningful engagement.

French language services

We have spared no efforts in building a passionate and dynamic French Language Services Unit that, with support from across our entire organization, continues to have significant success in supporting Commissioner Burke in the

promotion and protection of the rights of Franco-Ontarians, pursuant to the *French Language Services Act (FLSA)*. The Laurentian University investigation is a perfect example of how we marshalled skills and experience from across our Office and applied our evidence-based approach to determine the underlying problems and propose solutions for corrective action – in this case to two ministries and the university, all of which have committed to implementing the Commissioner's recommendations. The Commissioner's second Annual Report, released in December 2021, was similarly well received.

As the Commissioner will explain in more detail in her third Annual Report later this year, we resolve hundreds of cases each year in which Francophones feel that government services have not conformed to the standards prescribed by the *FLSA*. We intervene when appropriate to promote the right to receive services in French that are simultaneous with and equivalent to services in English.

Despite our hard work and positive outcomes, there are considerable challenges in this work. A key challenge we have faced is the degree of misunderstanding and the amount of misinformation about how an Ombudsman functions and the principles that guide our work – principles that have been codified internationally as the **Venice Principles** (more on this under the next heading).

As an independent and impartial Officer of the Legislative Assembly, our Office does not take any instructions from any authorities. The French Language Services Commissioner is empowered by that same independence and impartiality. The Commissioner is responsible for the day-to-day operation of the French Language Services Unit, oversees the handling of complaints and conduct of its investigations, and engages in outreach and proactive consultations with Francophone stakeholders.

As a parliamentary ombudsman, we also have "own initiative" or "own motion" powers, which means that complaints are not a prerequisite to investigations. We have used those powers in several instances over the



years, most recently to launch our ongoing long-term care investigation. Those powers are available to the French Language Services Unit as an integral component of our organization, and the Commissioner does not require complaints to investigate a matter.

A global role

Questions about the role of the Ombudsman are not new, of course. The good news is that the past few years have seen remarkable progress in international recognition of this role as essential to democracy, and a clear set of principles to define it.

Following the 2019 proclamation of the Venice Principles – a set of 25 global standards to ensure stable, independent and effective ombudsman institutions around the world – the United Nations General Assembly endorsed those principles in December 2020 in its Resolution on the Role of Ombudsman and Mediator Institutions.

These declarations – which we have set out in detail in the next section of this report, **About our Office** – are important steps in setting global standards and protections for the ombudsman institution. They enhance the ability of offices like this one to promote fair administration, human rights, good governance and the rule of law. Collectively and individually, my international colleagues and I continue to work on ways to inform our governments, citizens, and stakeholders about those principles, as well as put them into practice through self-assessment and peer review.

In May 2022, I was pleased to be able to join my fellow members of the International Ombudsman Institute's Board of Directors at our Annual Meeting in New York – our first in-person meeting in three years – where we had productive sessions with several missions and permanent representatives to the United Nations to promote the Resolution and the Venice Principles, and strengthen our ties with the UN.



May 5, 2022 - Ombudsman Paul Dubé (left) and International Ombudsman Institute colleague Diane Welborn (Ombudsman of Dayton-Montgomery County, Ohio) meet with Christopher Lu (centre), U.S. Ambassador to the United Nations for Management and Reform, New York.

Such progress is a hopeful and fitting sign for a world that is yearning to overcome the heavy challenges of the past two years. Throughout this time, we have demonstrated through reports like this one that independent oversight of public services is essential for the protection of citizens. It is equally important that the concept of independent oversight itself be protected.

Back to the future

Against this backdrop, I look forward to being able to resume in-person outreach and build on the relationships and initiatives begun before the pandemic – in particular, our work with children and youth, our engagement with Indigenous communities, and our commitment to reconciliation. Most of all, I look forward to the next achievements my team and I will be able to realize for Ontarians as we are reunited – safely and gradually – under one roof.

ABOUT OUR OFFICE

What is an Ombudsman?

The institution of the parliamentary ombudsman, developed in Scandinavia more than 200 years ago, provides administrative oversight by promoting transparency, accountability, fairness and a respect for the rights of citizens. "Ombudsman" is a gender-neutral Swedish term that means "officer" or "commissioner," and which refers to a person who represents or protects the interests of the public at large.

A parliamentary ombudsman is appointed to investigate complaints of citizens who feel they have been subjected to maladministration or unfair treatment by public authorities.

If a complaint has merit, an ombudsman will first seek to resolve the dispute at the lowest level possible, but will conduct an investigation when necessary. Ombudsman findings and recommendations are based on an impartial assessment of the facts and evidence. An ombudsman acts impartially, not on behalf of either party.

Ontario Ombudsman

Established in 1975, the Ontario Ombudsman is a parliamentary ombudsman – an Officer of the Legislature, independent of the government and political parties. We promote fairness, accountability and transparency in the public sector by resolving and investigating public complaints and systemic issues within the Ombudsman's jurisdiction.



Ombudsman findings and recommendations are based on an impartial assessment of the facts and evidence.

The *Ombudsman Act* stipulates that complaints to our Office are confidential and investigations are conducted in private. Our services are free of charge.

The role of the Ombudsman

The role of the Ombudsman is to impartially investigate complaints from people who feel they have been unfairly treated by the providers of certain public services, or investigate unresolved matters regarding the provision of those services. In our case, these include:

- Ontario government departments and public sector agencies
- Municipalities
- School boards
- Universities and colleges
- French language services
- Child protection services



The Ombudsman's role was captured by Justice Brian Dickson of the Supreme Court of Canada in 1984 in a description that is no less true today:

“The traditional controls over the implementation and administration of governmental policies and programs—namely, the legislature, the executive and the courts—are neither completely suited nor entirely capable of providing the supervision a burgeoning bureaucracy demands. The inadequacy of legislative response to complaints arising from the day-to-day operation of government is not seriously disputed.

“The demands on members of legislative bodies are such that they are naturally unable to give careful attention to the workings of the entire bureaucracy. Moreover, they often lack the investigative resources necessary to follow up properly any matter they do elect to pursue... The Ombudsman represents society's response to these problems of potential abuse and of supervision. His unique characteristics render him capable of addressing many of the concerns left untouched by the traditional bureaucratic control devices.”

The International Ombudsman Institute (IOI) defines it as follows:

“The role of ombudsman institutions is to protect the people against violation of rights, abuse of powers, unfair decisions and maladministration. They play an increasingly important role in improving public administration while making the government's actions more open and its administration more accountable to the public.”

The Ombudsman role is therefore vital to democracy. The services of the Ombudsman's office are free to use and are accessible to individuals who cannot obtain redress for their complaints about government or public sector services through elected officials or the courts. As an interface between government administration and citizens, the Ombudsman is uniquely positioned, either as a first or last resort, to set matters straight.

For example, in addition to the thousands of individual complaints resolved every year by Ombudsman Ontario, our extensive systemic investigations and resulting recommendations have prompted widespread government reforms, benefiting millions of Ontarians through improved services, reduction of waste, and even saving lives. Some of these changes include enhanced de-escalation training for police, improved screening of newborn babies for preventable diseases, better access to drug funding, overhauls of lottery ticket retailing and property tax assessment, and more supports for adults with developmental disabilities. Our Office also handles thousands of complaints about municipalities and school boards, promoting accountability and transparency at the local government level.



May 6, 2022 - Ombudsman Paul Dubé (left) and International Ombudsman Institute President Chris Field (right) meet with Richard Arbeiter, Canadian Ambassador and Deputy Permanent Representative to the United Nations, New York.

The International Ombudsman Institute

The International Ombudsman Institute (IOI) was founded in 1978 in Canada. It promotes the development of ombudsman institutions around the world as important to democratic oversight, and supports them through research, training and information exchange. It is the only global organization for the co-operation of 205 independent ombudsman institutions from more than 100 countries worldwide. The IOI is organized into six regional chapters - Africa, Asia, Australasia and Pacific, Europe, Caribbean and Latin America, and North America.

While not a national institution, the Office of the Ombudsman of Ontario is one of the most respected ombudsman institutions in the world. Ombudsman Paul Dubé is actively involved in the IOI as President of the IOI's North American Region, serving on its Board of Directors and as a member of the IOI United Nations Working Group. To mark the IOI's 40th anniversary in May 2018, Ombudsman Dubé hosted the annual meeting of the IOI's Board of Directors in Toronto, welcoming ombudsman institutions from all over the world.

The Venice Principles

The ombudsman concept has evolved in a variety of constitutional settings throughout the world over the past 200 years. Ombudsman offices are now found in rich, poor, old and new countries, with a wide variety of political systems and economies.

The institution has proliferated because it is so effective in addressing maladministration, protecting human rights, and promoting fairness. However, that effectiveness in holding governments to account has sometimes caused ombudsman offices to come under threat. According to the IOI:

“Threats to ombudsman institutions come in a variety of forms but have a common denominator: They come as a direct response to the complaint handling work of ombudsmen and their efforts to protect human rights and fight corruption.”

It was in response to those threats that the Venice Commission of the Council of Europe developed the Venice Principles in 2019, a set of 25 principles that promote and protect the ombudsman institution.

Emphasizing that the ombudsman is an important element in states based on democracy, the rule of law, good administration, and the respect for human rights and fundamental freedoms, the 25 Venice Principles represent the first internationally accepted standards for the proper functioning and independence of parliamentary and public services ombudsmen.

They stipulate, among other things, that a state or parliamentary ombudsman should have a “firm legal foundation, preferably at the constitutional level,” that

the state should “refrain from any action undermining its independence,” and that ombudsman appointments should be “according to procedures strengthening to the highest possible extent the authority, impartiality, independence and legitimacy of the institution.” They specify that an ombudsman shall only be removed from office according to an exhaustive list of reasonable conditions established by law, relating solely to narrowly interpreted criteria, including “inability to perform the functions of office” or “misbehaviour.” They stress that the parliamentary majority required for such a removal – by parliament itself or by a court on request of parliament – shall be equal to, and preferably higher than, the one required for election, and that the procedure be public, transparent and provided for by law.

United Nations Resolution on the Ombudsman institution

On December 16, 2020, the UN General Assembly adopted this Resolution on **“The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law.”** This was an important step in securing worldwide recognition for the ombudsman institution, endorsing the Venice Principles as the global standard.

The Resolution stresses the importance of financial and administrative independence for ombudsman offices, as well as the need for stability of these institutions:

“Underlining the importance of autonomy and independence from the executive or judicial branches of government, its agencies or political parties, of Ombudsman and mediator institutions, where they exist, in order to enable them to consider all issues

related to their fields of competence, without real or perceived threat to their procedural ability or efficiency and without fear of reprisal, intimidation or recrimination in any form, whether online or offline, that may threaten their functioning or the physical safety and security of their officials.”

It also stresses the key principles of ombudsman institutions, including independence, objectivity, transparency, fairness and impartiality, and recognizes the work of ombudsman institutions around the world in promoting good administration and human rights.

Our memberships

In addition to the IOI, our Office works collaboratively with many other provincial, national and international oversight bodies to share insights, strategies and best practices. Participation in organizations related to our jurisdiction enhances our knowledge and skills and enables us to better serve Ontarians. They include:

Canadian Council of Parliamentary Ombudsman (CCPO): Every province and territory that has a parliamentary ombudsman is part of the CCPO. Through the CCPO, we support each other and share expertise to optimize our service to the people and institutions we serve.

Forum of Canadian Ombudsman (FCO): The FCO brings together a range of ombudsman offices across Canada, including those that operate within public sector bodies or organizations. Our Office participates in FCO conferences and workshops, including its “ombudsman essentials” training program with Osgoode Professional Development.

International Association of Language Commissioners

(IALC): The French Language Services Commissioner represents our Office in the IALC, which shares best practices and expertise in protecting minority language rights around the world.

Canadian Council of Child and Youth Advocates

(CCCYA): Our Office is a member of the CCCYA, an association of independent officers of the legislature from across Canada who have mandates to advance the rights of children and youth.

L'Association des Ombudsmans et des Médiateurs de la Francophonie (AOMF):

The AOMF supports independent ombudsmen, mediators and human rights commissioners throughout the French-speaking world.

United States Ombudsman Association (USOA):

The USOA fosters the development of professional ombudsman offices across the U.S., Canada and elsewhere.

Canadian Association for Civilian Oversight of Law Enforcement (CACOLE):

Our Office regularly shares expertise in oversight of law enforcement with members of CACOLE, which advances the application of civilian oversight of law enforcement throughout Canada and abroad.

National Association for Civilian Oversight of Law Enforcement (NACOLE):

Our Office participates in discussions and knowledge-sharing with members of NACOLE, which works to enhance accountability and transparency in policing in the United States through civilian oversight.

International Corrections and Prisons Association

(ICPA): An international organization of correctional services professionals and oversight bodies, the ICPA promotes standards for humane and effective correctional practices.



Our Office works collaboratively with many other provincial, national and international oversight bodies to share insights, strategies and best practices.



HOW WE WORK



COMPLAINT INTAKE

We take complaints via the complaint form on our website, by email, phone or letter, or in person (when COVID-19 protocols permit). Our staff will contact you for more details to review your complaint. We will not divulge your name or information to anyone without your consent, and there is no charge for our services.

Not a complaint? No problem – we also handle inquiries. Our staff can answer general questions or point you in the right direction.



REFERRALS

If your complaint is not within the Ombudsman's jurisdiction, we will assist as much as possible by providing helpful information and referring you accordingly. If you haven't tried existing complaint mechanisms, we'll suggest you do that first – and return to us if the issue isn't resolved.



EARLY RESOLUTION

We always seek to resolve complaints at the lowest level possible. To do so, we often make informal inquiries and requests for information with the relevant bodies, for example, to learn more about their processes and policies.



INVESTIGATION

If we are unable to resolve the matter informally, the Ombudsman may decide to conduct an investigation. We notify the organization in question, and we may conduct interviews and request documents or other relevant evidence. If the Ombudsman determines that there is a potential systemic issue underlying the complaints, he may decide to launch a systemic investigation.



FINDINGS AND REPORTS

The Ombudsman provides his findings to the organization in question for a response before they are finalized. His findings and recommendations are published in investigation reports and/or in our Annual Reports, and shared publicly on our website, via social media, news media and our newsletter. Copies are also available from our Office.



RESULTS

We communicate the outcome of individual investigations and most reviews and informal resolutions to complainants and the relevant public sector bodies, as warranted. Summaries of many such cases are published in our Annual Reports and other communications. When the Ombudsman's recommendations are accepted, our staff follow up to ensure they are implemented, and we monitor to ensure problems don't recur.

✓ WE CAN:



- Review and investigate complaints about provincial government organizations, administrative tribunals, municipalities, universities, school boards, child protection services and French language services.
- Help you connect with the appropriate officials, if you have not already tried to resolve your complaint.
- Refer you to others who can help, if the matter is not within our jurisdiction.
- Attempt to resolve your problem through communication with the organization(s) involved, if your efforts to do so have failed, and the matter is within our jurisdiction.
- Determine whether or not the organization's actions or processes were fair.
- Flag trends in complaints to government officials and recommend best practices and/or ways to improve administrative fairness.
- Assist public sector officials with general questions about our processes or best practices.
- Conduct a formal investigation, if the Ombudsman determines it is warranted, and make recommendations for constructive change.

✗ WE CANNOT:

- Overturn decisions of elected officials or set public policy.
- Redo the work of other investigative bodies or accountability mechanisms.
- Take sides in disputes.
- Provide legal advice or representation.
- Act as an advocate for a person or public body; we advocate for fairness.
- Take complaints about:
 - Conduct of individual elected officials at the provincial or federal levels
 - The Premier, Cabinet and its decisions, and political staff
 - Judges and the provincial and federal courts
 - Legal disputes
 - Criminal activity
 - Private companies or individuals
 - Local, provincial or federal police services or their conduct (except some Ontario Provincial Police administrative matters)
 - The federal government and its departments and agencies
 - Federally regulated industries (banks, insurance companies, etc.)
 - Self-regulating professions (e.g., lawyers, doctors, nurses)
 - Student associations and student unions
 - Local public health units
 - Hospitals and long-term care homes (except those designated under the *French Language Services Act*)



VALUES, MISSION AND VISION



OUR VALUES

- Fair treatment
- Accountable administration
- Independence, impartiality
- Results: Achieving real change



OUR MISSION

We strive to be an agent of positive change by enhancing fairness, accountability and transparency in the public sector, and promoting respect for French language service rights as well as the rights of children and youth.

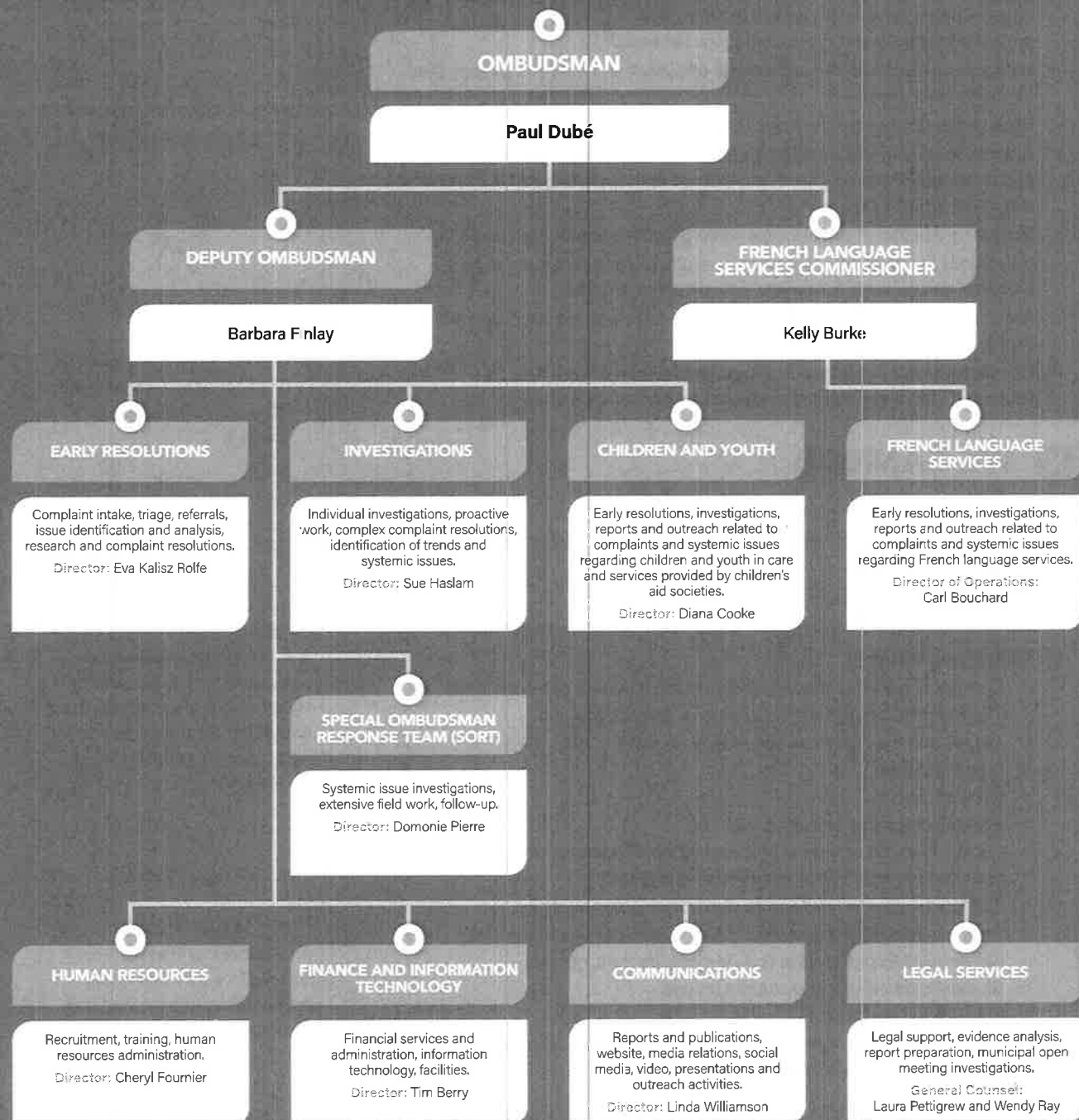


OUR VISION

A public sector that serves citizens in a way that is fair, accountable, transparent and respectful of their rights.



WHO WE ARE



ABOUT THIS REPORT

Cases discussed in this report were received between April 1, 2021 and March 31, 2022.

We use “cases” to mean individual complaints and inquiries. Individual cases often involve multiple issues and several different public sector bodies, requiring input and collaboration from teams across our Office.

This report is organized by topic area, rather than by government body. The chapters are arranged in order of case volume, as shown in the accompanying chart. Each topic chapter discusses the main complaint trends and significant cases of the past year.

A breakdown of complaints by ministry, program, municipality, etc. can be found in the **Appendix**.

Good to know

Watch for “Good to know” boxes throughout this report for explanatory notes.

CASES BY SUBJECT



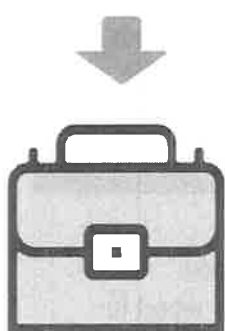
CASES BY TYPE

Within each topic area, the most common complaint – by far – is service delivery. Here are the 10 most common types of complaints we receive.

- 1 **Service delivery**
- 2 Administrative decisions
- 3 Delays
- 4 Legislation and/or regulations
- 5 Communication
- 6 Enforcement of rules or policies
- 7 Broader public policy matters
- 8 Procedures
- 9 Internal complaint processes
- 10 Funding



2021-2022 HIGHLIGHTS



25,161

Total cases
received



45%

received
online



48%

received
by phone

40%

resolved within
one week



52%

resolved within
two weeks



7%

received by
mail or fax

OUTREACH WITH STAKEHOLDERS



65

virtual events
(presentations, speeches, etc.)



164

stakeholder consultations
and requests answered

2021-2022 HIGHLIGHTS

COMMUNICATIONS



176,698

website visitors from **195** countries

685,960

pageviews



1,305

print media articles



1,625

broadcast media items



211,674 people

Facebook reach



97,957 people

Instagram reach



1,597,101

Twitter impressions



5,692

YouTube views

TOP 10 CASE TOPICS



3,691

Correctional facilities



3,068

Municipalities and
municipal meetings



1,792*

Children and youth
in care



1,110

Tribunals Ontario



755

Ontario Disability
Support Program



722

School boards



705

Universities and
colleges



361**

French language
services



350

Family Responsibility
Office



288

ServiceOntario

****Cases received by the French Language Services Unit – details of these will be published in the Annual Report of the French Language Services Commissioner in late 2022**

***Cases received by the Children and Youth Unit and about youth justice centres**



YEAR IN REVIEW



LAW & ORDER

Overview

This case category includes all aspects of the justice system, correctional system, and policing that are within the Ombudsman's jurisdiction, and continues to be the largest category of complaints we receive. Year after year, we receive more complaints and inquiries about services provided through the Ministry of the Solicitor General (**3,920** in 2021-2022) and the Ministry of the Attorney General (**1,567**) than anything else.

Cases about correctional facilities (**3,691**), remained consistent with the previous fiscal year, but well below 2019-2020's peak of 6,000. Tribunals Ontario, which includes the Landlord and Tenant Board, was the single most complained-about organization for the third year in a row, with cases reaching a new high of **1,110**, largely due to ongoing delays and technical issues.

The Ombudsman's mandate does not include judges or court decisions, municipal police services or police service boards. Wherever possible, we refer people to other avenues where they can complain about these matters.

Trends in cases – policing

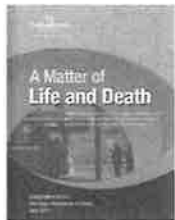
Although the Ombudsman does not have jurisdiction over municipal police, we do have jurisdiction over some aspects of police oversight, such as the Special

Investigations Unit. Whenever the *Comprehensive Ontario Police Services Act, 2019* fully comes into force, it will make changes to the province's other police oversight bodies – such as the Office of the Independent Police Review Director (OIPRD) – and extend the Ombudsman's oversight to all of them.

We received **302** complaints about municipal police in 2021-2022, which we referred to the OIPRD or other appropriate avenues.

Investigations – policing

Police de-escalation training



Report: *A Matter of Life and Death*, released June 2016

Investigation update: The Ombudsman's 22 recommendations in this case – which stemmed from the fatal police shooting of an 18-year-old on a Toronto streetcar in 2013 – echoed

those of 20 years of coroners' inquests. All of them, including that all police be trained to first use de-escalation techniques before using force when in conflict situations with people in crisis, were accepted by the then-Minister.

However, little progress has been made since. The Ministry of the Solicitor General decided not to proceed with a specific regulation for de-escalation, and other initiatives – including a new use-of-force model, revised training, and guidance to police services about body-worn cameras – have stalled. Instead, the Ministry has advised that it is developing a "visual training aid" for officers. The province has also revised its mental health crisis response training curriculum, but it is optional, not mandatory for all police services.

In May 2022, the Hamilton Police Service announced in a press release that it was the first in the province to offer this Mental Health Crisis Response Training Program, "designed as a direct response" to the Ombudsman's recommendations, along with those of former justice Frank Iacobucci in his 2014 report, *Police Encounters with People in Crisis*, "and numerous inquests into fatal police encounters calling for vast improvements to police training in mental health crisis intervention."

The Ombudsman remains committed to engaging with the Ministry on this issue, and is considering whether a follow-up investigation is warranted.

Trends in cases – correctional services

We deal with thousands of complaints from people in Ontario correctional facilities every year, and are committed to ensuring their health, safety, and fair treatment. In addition to COVID-19 outbreak concerns, we also resolved issues related to lockdowns, segregation, health care and other matters affecting inmates' well-being.

We meet regularly with senior officials to proactively flag complaint trends, and to receive updates on outbreaks and ongoing health and safety measures to protect inmates and correctional staff. As well, we continue to monitor the Ministry's progress on hiring more staff and modernizing facilities to improve conditions, such as its planned expansions of facilities in Kenora and Thunder Bay, slated for completion in late 2022.



“ I just wanted to thank you and your other co-workers who listened to my problem and contacted the [relevant officials]. I know that it was the Ontario Ombudsman staff that got this situation moving ... please pass on my thanks to them all.”

– Complainant

COVID-19 and access to services

The pandemic continued to pose huge challenges for correctional facilities, which struggled with staffing shortages and the logistics of isolating inmates during outbreaks. Many inmates complained to us about prolonged lockdowns, when they were sometimes confined to their cells for all but 30 minutes per day. They also cited the impact of such restrictions on their mental health.

Our Office speaks regularly with senior Ministry and facility officials to discuss their measures to manage COVID-19 while ensuring that inmates have access to services and amenities. For instance, we confirm that inmates on lockdown or in medical isolation have regular access to phones, showers, and health care. The Ministry has also hired more correctional officers as part of its strategy to address staffing shortages and manage rising inmate population numbers.

Medical issues

Aside from COVID-19 concerns, health concerns – including mental health – continued to be the most common topic of complaint regarding correctional facilities. These cases often involve availability of doctors or specialists, delays in receiving certain types of treatment, or problems accessing prescribed medication. We prioritize serious cases where inmates are in distress, and resolve

them through good co-operation with facility health care staff.

For example:

- When an inmate called our Office in crisis, expressing thoughts of self-harm, we immediately contacted the facility to ensure he was safe, and he was moved to a unit with extra supports.
- We helped a distressed inmate who was going through opioid withdrawal – and had been told she would have to wait a week to get medication for her symptoms. She received the medication the day after we contacted the facility.
- After an inmate told us the CPAP machine he used to help him breathe at night was broken, we arranged with facility staff to have it fixed.
- We alerted a facility to an inmate who told us he was in pain while waiting to have his wisdom teeth removed, and they arranged for him to see a dentist without further delay.

Cultural and diversity issues

We often receive complaints from inmates who are unable to access cultural and spiritual programming and services, and we receive regular updates from the Ministry on such initiatives as hiring Native Inmate Liaison Officers and worship leaders, as well as introducing Indigenous Justice Circles at certain facilities. We generally resolve these cases directly with facilities.

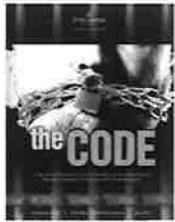
For example:

- An inmate on a vegan diet who was observing Ramadan complained that he had been unable to eat for three full days, because the only Halal meal provided to inmates for Ramadan was non-vegan. Once we intervened, he began receiving vegan Halal meals.

- After we escalated a complaint from an Indigenous inmate that the smudging kits he and other inmates received were empty, they received full kits and were able to smudge.

Investigations – correctional services

Use of force in correctional facilities



Report: *The Code*, released June 2013

Investigation update: In the nine years since the release of this report, the Ministry of the Solicitor General has implemented **42** of the Ombudsman's 45 recommendations to address a pervasive "code of silence" among correctional officers in cases of excessive use of force against inmates. Among other things, it has implemented a code of conduct for staff and updated its definition of "serious" injuries.

The Ministry continues to work on the outstanding recommendations, installing closed-circuit cameras in all correctional facilities and monitoring the number of use-of-force incidents awaiting investigation.

Individual cases: We continue to address individual complaints about excessive use of force by correctional officers. In 2021-2022, as inmate populations generally rose (after declining at the beginning of the COVID-19 pandemic), we received **84** such cases, up from 51 the previous year. In these cases, we speak directly to the facility to ensure that immediate health and safety concerns are addressed, and that investigations are conducted as required.

Tracking of inmates in segregation



Report: *Out of Oversight, Out of Mind*, released April 2017

Investigation update: This investigation was prompted by the case of Adam Capay, a young Indigenous man held in segregation (the Ministry of the Solicitor General's term for solitary confinement) for more than four years. It revealed significant flaws in the Ministry's tracking and reporting on inmates in segregation.

The Minister at the time accepted all 32 of the Ombudsman's recommendations, including a more precise definition of "segregation," improved technology to track inmates' time in segregation across facilities, and an independent panel to review all segregation placements. The Ministry has implemented **26** of the recommendations. Others are stalled, in part because relevant legislation that was passed in 2018 – the *Correctional Services Transformation Act, 2018* – has not been proclaimed in force.

Ombudsman's submission to the Ministry

In May 2021, the Ministry sought feedback on proposed changes to Regulation 778 of the *Ministry of Correctional Services Act*. The Ombudsman made a submission to the Ministry on these matters, and the Ministry's amendments came into effect in August 2021. Among other things, the definition of "segregation" was changed to focus on conditions of confinement, rather than where an inmate is housed, as the Ombudsman recommended in 2017.



Other changes to the regulation included that segregation generally not last beyond 15 days (and generally no more than 60 days per year), and that inmates with a mental health disorder cannot be placed in segregation. It now also provides for “independent” reviews of placements every five days. However, in his submission, the Ombudsman raised concerns about the actual independence of this process, noting that our Office’s understanding is that it “consists of forms filled in by facility staff that are ‘reviewed’ by the regional office or Assistant Deputy Minister’s office.”

“This process falls well short of the independent oversight panels that my Office recommended [...] Key recommendations of my Office related to segregation remain outstanding and I once again call on the Ministry to commit to improving its practices.”

– Ombudsman Paul Dubé, submission to the Ministry of the Solicitor General’s consultation on Regulation 778, May 2021

Other trends in cases

Administrative tribunals

Complaints about Tribunals Ontario – a cluster of 13 administrative tribunals that collectively deals with 100,000 cases each year – reached a new high in 2021-2022 of **1,110** cases (up from 935 the previous year). The bulk of these (**964** cases) were about the Landlord and Tenant Board, whose delays and other issues are the subject of our ongoing investigation (for more, see the **Money & Property** chapter of this report).

We also received complaints about the Human Rights Tribunal of Ontario, the Social Benefits Tribunal, and the Criminal Injuries Compensation Board (which has since been dissolved). The most common issues across all of these bodies were delay and other service-related problems. Some people complained about waiting several years for decisions on their cases or appeals.

We resolved many cases by escalating concerns about backlogs, communication and delay to senior tribunal officials.

For example:

- We helped a social assistance recipient navigate the Social Benefits Tribunal’s appeal process, after she waited nearly two years for a response about a hearing date.
- We asked the Human Rights Tribunal of Ontario (HRTO) about its plan to address backlogs after a woman complained to us about waiting almost four years to have her case heard.

- We prompted the HRTO to prioritize a written decision for a man with a disability who had been waiting for it for three years.

Case summaries

The right to know

After an inmate complained to us that he was pushed to the ground and attacked by several correctional officers, we intervened to verify that a local investigation had been conducted. We discovered that the investigation found that excessive force had been used against the inmate – but that facility staff were not willing to share this information with him. We raised the issue with senior officials at the Ministry of the Solicitor General and pointed out that their policy requires facility staff to inform inmates about whether or not their complaints are substantiated by local investigations. The inmate was informed about the investigation's findings.

Supplemental care

An inmate with HIV complained that he hadn't been receiving testosterone and other supplements he required to prevent muscle deterioration. He told us he needed to see a specialist, and that health care staff at his facility weren't responding to calls from his HIV support worker. After our staff intervened, the facility arranged for his testosterone and supplements and sent his bloodwork to a specialist for assessment.

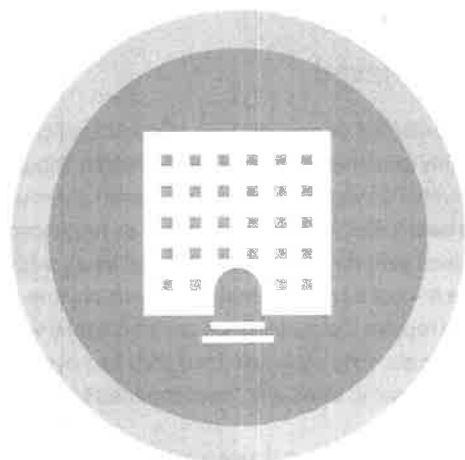
Email retrieved

A man contacted us in frustration after his application to have his issue heard by the Human Rights Tribunal of Ontario (HRTO) was dismissed. The reason given was that he hadn't filed a response to them as requested. He had indeed sent the response – and had email evidence to prove it – but had been unable to reach anyone at the HRTO to resolve the issue. Once our staff spoke with HRTO officials, they acknowledged they had overlooked the man's email in error, and they reopened his file.

Voting rights – and wrongs

A man who was in jail awaiting sentencing complained to us that correctional officials had told him he could not vote in the September 2021 federal election, even though he was eligible. We immediately contacted senior staff at his facility, who acknowledged that they made a mistake and he should be permitted to vote. They made arrangements with Elections Canada for him to do so on another day. We followed up with the inmate and he confirmed he had been allowed to vote.





MUNICIPALITIES

Overview

The Ombudsman has had full oversight of Ontario's municipalities since January 2016, and has been the closed meeting investigator for hundreds of municipalities since 2008. In these roles, we help thousands of Ontarians with issues that are close to home – and encourage local accountability and fair municipal governance.

This past year, we dealt with **2,877** cases about general municipal issues – up from 2,281 in 2020-2021. None of these resulted in a formal investigation, as we resolve the vast majority of cases by working closely with municipalities to facilitate resolutions and share best practices to help them improve their processes. Since the Ombudsman's mandate was first expanded to this area in 2016, we have received more than 20,000 complaints and inquiries, and conducted **6** formal investigations.

Complaints about closed municipal meetings have also increased sharply over the past two years, coinciding with the advent of electronic meetings during the COVID-19 pandemic. In addition to releasing numerous reports on these cases, our Office developed guidance for municipalities to ensure their meetings remain open and accessible. We also provided informational presentations at municipal conferences and virtual events, answered inquiries from municipal staff, and added to our online resources on this topic.

Good to know



Cases about municipal hydro can be found in the **Energy & Environment** chapter of this report. Cases about Ontario Works can be found in the **Social Services** chapter.

Trends in cases – general municipal issues

Year after year, the most common complaints and inquiries about municipalities relate to councils and committees, by-law enforcement and housing, and this was true again in 2021-2022. Other common issues included infrastructure and zoning, and concerns about local accountability officers.

COVID-19 pandemic

As the pandemic entered its second full year, we continued to receive complaints about health-related measures implemented by municipalities, such as mask requirements, limits on public gatherings, and vaccination requirements for municipal staff. The Ombudsman does not generally intervene in policy decisions by elected officials, but wherever possible we referred these concerns to the appropriate avenues of complaint.

We also received complaints about how the City of Ottawa dealt with extended protests against COVID-19 mandates in February 2022. Some people felt the city council and police had not done enough to ensure public safety, while others felt they overstepped their authority. As the Ombudsman's oversight does not include municipal police services, we referred several of these cases to the provincial Office of the Independent Police Review Director.

Councils, committees and conduct

Councils and committees were once again the top topic of concern in 2021-2022, with **422** cases. We resolve many cases related to council procedures – often by verifying or suggesting improvements to them.

For example:

- A resident complained that a municipality failed to follow its own process in response to his requests to speak at a council meeting. We discussed the case with municipal staff, who agreed the procedure by-law was unclear. A new process was adopted by council and explained to the resident.
- A property owner complained to us that council had increased the cost to purchase a shoreline allowance by 40%, without giving notice to the public. Municipal staff told us they had in fact announced the rate change months before, on their website and on social media. The council agreed to consider the owner's request to purchase the allowance at the old rate, but ultimately did not grant it.

Integrity Commissioners and local accountability

Complaints about the conduct of elected officials are dealt with by an Integrity Commissioner (IC), which all Ontario municipalities were required to appoint in 2018. Municipalities can also opt to appoint other accountability officers, like a local ombudsman or auditor general. Our Office's role is not to redo the work of these officers, or act as an appeal body for their decisions. When we review IC cases, we look at whether they followed a fair process, in accordance with legislation, policies and by-laws.

For example:

- We contacted an IC after a man told us he had twice complained to him about a council member and received no response. The IC told us he thought the resident wasn't interested in pursuing the complaint. We emphasized the best practice of communicating with complainants if a review is not going to proceed,



and the IC said he would consider the complaint if the man wished to pursue it.

- We prompted an IC to explain to a resident why he had dismissed his complaint about a councillor making inappropriate comments on social media. The IC's decision stated that the man's allegation that the comments violated the councillor's oath of office was outside his authority. After we spoke with the IC, he agreed to explain to the resident that although he could consider the oath of office, the councillor's conduct had not violated it or the code of conduct.
- The Ombudsman spoke out against the practice of charging fees for making a complaint to an Integrity Commissioner, after a man complained that he could not afford the \$100 fee to complain about the conduct of a Hamilton city councillor. The Ombudsman noted that instead of charging fees, municipalities should empower ICs to dismiss frivolous or vexatious complaints. The City of Hamilton has since removed the fee.

“There should be no fee or other barrier to make a complaint to the Integrity Commissioner [...] Charging a fee to complain is entirely inconsistent with the primary intent of the Integrity Commissioner scheme, which is to foster democratic legitimacy and public trust at the local level.”

– Ombudsman Paul Dubé, letter to Hamilton city council, January 12, 2022

We also resolved several complaints this year about other municipal accountability officers. For example:

- After a man complained to us that his municipality's ombudsman took too long to investigate his complaint,

we reviewed the local ombudsman's report and discovered the man had refused to provide any information during the investigation. We explained the role of a municipal ombudsman to him.

- We reviewed a municipal auditor general's handling of a complaint about a local development project, and determined his findings were based on a thorough review of the evidence and he provided detailed written reasons.

Public conduct

Municipalities can also set standards for conduct by members of the public while they are on municipal property or interacting with municipal staff. In many cases, we offer guidance to municipalities to ensure that any restrictions on individuals are justified, minimally impair the person's rights, and are issued through a fair process.

For example:

- A woman's complaint about her municipality's Chief Administrative Officer resulted in a third-party investigation, but she wasn't provided with the results – instead, her communications with the municipality were restricted and she wasn't told why. After we made inquiries, the municipality explained the outcome of the review to her, and updated its policies to clarify how it addresses cases of unreasonable public conduct.

Ombudsman's submission to the Ministry

In July 2021, the Ombudsman made a submission to the Ministry of Municipal Affairs and Housing as part of its consultation on strengthening accountability for municipal council members. He noted our Office's years of experience in reviewing complaints about accountability officers, and raised concerns about a lack of consistency in Integrity Commissioner complaint processes from municipality to municipality:

“Some municipalities have robust processes for code of conduct complaints, while others have none at all – leaving members of the public confused about how to submit a complaint and how the Integrity Commissioner will carry out a review. Integrity Commissioners are also left without the detailed guidance they need to ensure their processes are fair and consistent.”

– Ombudsman Paul Dubé, Submission to the Ministry of Municipal Affairs and Housing's consultation on strengthening accountability for municipal council members, July 2021

The Ombudsman called on the province to:

- Mandate and standardize complaint protocols for Integrity Commissioners.
- Standardize and expand requirements for codes of conduct.
- Mandate accreditation and training for Integrity Commissioners.

By-law enforcement

By-law enforcement consistently generates complaints to our Office – in 2021-2022, the number of by-law related complaints jumped to **406** from 239 the previous year. We helped resolve concerns about by-laws that were unclear, too strict, not strict enough, or that weren't being enforced.

For example:

- We confirmed with a municipality that a restaurant was in compliance with local by-laws when it extended its drive-through hours, and that the province had confirmed it did not exceed excessive noise levels.

- We facilitated communication between a municipality and a tenant, after a landlord failed to comply with a by-law officer's orders.
- After we pointed out that a municipality had not responded to a man's by-law complaint about his neighbour's shed for almost a year, they sent another by-law officer to the property, who confirmed the shed was not properly set back.

Housing

Municipalities and district social services administration boards administer social housing, and in 2021-2022, we received **311** cases about this topic, up from 217 in 2020-2021. We often resolve such cases by connecting directly with local officials.

For example:

- A woman who had been unhoused for a year after a fire in her last social housing placement sought our help connecting with local housing officials. After we spoke with municipal staff, they immediately contacted her to discuss available housing.
- A man told us he had repeatedly complained about being bitten by insects in his social housing unit, but the municipality would not respond. We spoke with municipal staff, who explained that they had inspected the man's unit multiple times, but found no evidence of the type of insects he described. They had also previously had the man's unit fogged and covered his laundry and hotel costs during the process, but they arranged a further inspection of his unit in light of his complaint.



Infrastructure and zoning

Municipalities are generally responsible for local infrastructure, including roads, bridges, sewage treatment, culverts and ditches. We received **137** complaints about infrastructure in 2021-2022, as well as **141** about municipal water and sewer services, and **161** related to planning, zoning, and land use.

We resolved hundreds of cases by connecting people with municipal officials, helping them navigate local complaint and appeal processes, or contacting the municipality directly.

For example:

- A woman sought our help after she repeatedly complained to her municipality that the asphalt on her road was not properly secured and floated away during heavy rain. After we intervened with municipal staff, they confirmed to the woman that the road would be repaired.
- A tenant in rent-geared-to-income housing told us she was confused about why she received a water bill from the municipality, when other tenants were not billed directly for water. After our inquiries, the municipality switched the bill to the landlord's name and confirmed the woman's water bills would be covered by her social benefits.

Good to know

See the **Appendix** of this report for more statistics on cases received about municipalities.

Investigations – general municipal issues

Hiring process for Regional Municipality of Niagara's Chief Administrative Officer

Report: *Inside Job*, released November 2019



Investigation update: This investigation revealed that the Chief Administrative Officer (CAO) hired by the Regional Municipality of Niagara in 2016 had been provided with inside information

during the hiring process. It also exposed serious inadequacies in the local ombudsman's review of the matter. The Ombudsman made 16 recommendations to improve the Region's processes for hiring a CAO and engaging a local ombudsman; **15** have since been implemented. The one outstanding recommendation relates to training municipal officials on the proper use of corporate email and document retention, which the Region has promised to do.

Trends in cases – open meetings

All municipal meetings must be open to the public, unless they meet certain narrow exceptions set out in section 239 of the *Municipal Act*. Anyone who thinks the open meeting rules may have been violated can make a complaint. The rules apply to all municipal councils, local boards, and committees of either of them – and since 2020, this includes electronic or "virtual" meetings.

The Act designates the Ombudsman as the investigator for these complaints in all municipalities except those that have appointed their own. The number of municipalities using the Ombudsman as their investigator continues to grow: As of March 31, 2022, it was **261**, up from 256 last year (the highest number since the open meeting complaint system was established in 2008). We also received a record number of complaints about closed meetings – **191**, more than double last year's 94. Of those, **152** were within the Ombudsman's jurisdiction; others related to municipalities that use another investigator, and we referred them accordingly.

We issued **36** reports and letters about open meeting complaints in 2021-2022, compared to 26 the previous year. Some **20** of the **52** meetings we reviewed were found to be illegal (**38%**), up from 17% in 2020-2021. The Ombudsman also found **14** procedural violations and made **26** best practice recommendations.

Many of these meetings were found to be illegal because the public could not access them in real time. For example, they were not properly broadcast or the broadcast failed midstream, or the municipality did not provide public notice of the meeting. In each instance, our Office worked with the municipalities to suggest improvements to their practices and bring them in line with the open meeting requirements.

All of these reports and letters can be found on our website and in our searchable **Open Meetings Digest** online.

Electronic meetings

Whether a meeting is virtual, in-person or a hybrid of the two, the open meeting rules still apply: The public continues to have the right to observe municipal government in process, minutes must be recorded, and a resolution must be passed in open session before a

meeting can be closed. Municipalities must also publicize the date and time of a meeting and how to access the livestream or the teleconference. They should also have a plan in place to make sure technical issues don't block the public's access to observe a meeting.

Some case examples:

- The Ombudsman found the **City of Hamilton's** LGBTQ Advisory Committee contravened the *Municipal Act* when it continued with a meeting, even though the livestream had stopped.
- The **Township of Bonfield** violated the Act when it first began holding meetings over Zoom – and failed to make them available to the public in any way. The Ombudsman recognized that these were the first meetings held by the Township during the pandemic, but made clear that the open meeting requirements remained the same.

In other cases, such as in the cities of **Greater Sudbury and Niagara Falls, and the Municipality of Temagami**, the Ombudsman found that the failure to broadcast resolutions to move into closed session rendered meetings illegal. A resolution provides information to the public about the general nature of the matters that will be discussed, and must be passed in open session.

Informal gatherings

We often receive complaints about council members exchanging information outside of formal meetings. In order for a gathering to be a "meeting" subject to the open meeting rules, a quorum of members must be present, and business or decision-making must be materially advanced. The rules are not meant to discourage informal conversations or socializing amongst council members, but to ensure that council business is conducted openly and transparently.



For example, the Ombudsman found that:

- When a member of council for the **Township of Loyalist** called other council members to share information before a meeting, a quorum of members was not present, and the discussions did not materially advance council business.
- When three members of council for the **Township of McKellar** met to welcome a new member of staff, they did not violate the open meeting rules because no council business was advanced.
- The same was true when two members of a committee for the **Municipality of St.-Charles** met with local residents in a parking lot to discuss a garbage collection issue.

As noted in last year's Annual Report, the Ombudsman has raised concerns about the definition of "meeting" – because requiring that a "quorum of members is **present**" means that councils could use email or other virtual means to skirt the open meeting rules. He has called on the province to remove the words "is present."

Exceptions to the rules – most common issues

The bulk of our investigations of municipal meetings involve the various exceptions set out in the *Municipal Act* that allow meetings to be closed, and whether councils used them appropriately. On our website, our **Open Meetings Guide** and **Digest** provide detailed information about these exceptions and numerous examples of the Ombudsman's decisions on how they should be used and interpreted.

Before going into a closed session, councils must pass a resolution in open session that cites the relevant exception. The law also states that any such resolution must also describe the general nature of the subject matter to be discussed behind closed doors.

Personal matters

The exception in section 239(2)(b) of the *Municipal Act*, for discussing "personal matters about an identifiable individual," is the most commonly used. In many cases we reviewed this past year, the Ombudsman found that the discussions fit within this exception – but others did not.

For example:

- When the councils for the **Township of Lanark Highlands** and the **Town of Hawkesbury** talked about the conduct of specific individuals, the discussion fit the "personal matters" exception.
- When the **Town of Grimsby** scrutinized the performance of its appointed Integrity Commissioner, the discussion was sufficiently personal in nature to fit within the exception.
- However, when the **Township of McMurrich/Monteith** discussed a disagreement between property owners over the location of a road, the information was already public and the discussion did not belong in closed session.

Confidential information

The Ombudsman has emphasized that councils cannot close meetings simply to discuss something that is considered sensitive or confidential. However, there are matters that fall within the prescribed exceptions for this type of discussion, such as information received in confidence from another level of government, confidential information provided by a third party, where disclosure could harm a competitive position or negotiations, and discussions about a position, plan, procedure, criteria, or instruction to be applied to negotiations. In several closed meetings we reviewed, the Ombudsman found these exceptions were appropriately used.

For example:

- The **Township of Russell** had been explicitly asked by another level of government to keep information confidential until both parties made a joint public statement.
- The **Town of South Bruce Peninsula** discussed information regarding a company's development plans, expected profits, and intended use of proprietary technology.
- The **Township of McKellar** discussed its position ahead of negotiations with other municipalities and First Nation communities relating to a pool and wellness centre.

Minutes, recordings, and notice

Ensuring the public is informed about when and where a meeting will take place is important for transparency and for ensuring trust in municipal decision-making. A closed meeting can be illegal if there is inadequate public notice.

For example:

- The **Saugeen Municipal Airport Commission** violated this rule for eight meetings by failing to provide adequate public notice about where and when they would be held.
- The **Township of Nairn and Hyman** attempted to exempt itself from this rule by passing a resolution stating that an investigation committee it established did not need to provide public notice of meetings. The Ombudsman found that a municipal by-law cannot override the notice requirements in the *Municipal Act*, which meant the meetings were illegally closed.

The Act also requires that the proceedings of all meetings be recorded, whether they are open or closed to the

public, and that minutes should describe all resolutions, decisions and proceedings. The Ombudsman found some municipalities failed to meet the mark in 2021-2022, for example:

- The **Township of Brudenell, Lyndoch and Raglan** did not take minutes, and instead relied on an incomplete audio recording of a closed meeting. The Ombudsman cautioned that an audio recording cannot replace written meeting records.
- The minutes kept by the townships of **Kirkland Lake, Bonfield, and Lanark Highlands** failed to include a sufficient record of what took place during their meetings. Minutes should include all resolutions and decisions, as well as detailed descriptions of the matters discussed.

In addition to minutes, it is a best practice for municipalities to make audio or video recordings of closed meetings. Doing so creates a record that greatly assists during our investigations, and can reinforce local transparency and accountability. The Ombudsman recommends that all municipalities make recordings of their meetings, open and closed, and recently commended the **Municipality of Grey Highlands** for adopting this best practice.

“I wanted to thank you for escalating this matter so it can get the attention it deserves. You’ve been very helpful. It’s been almost two years of trying to figure out what steps I need to take.... This matter is long from done, but it seems like now the right people are listening.”

– Complainant



Case summaries

Culvert conundrum

A homeowner complained to us that her municipality was demanding she pay more than \$5,000 in fees for a permit for a culvert that had been built under her driveway years ago. The woman maintained the municipality had installed the culvert, but municipal staff told us they had no record of this. They also explained the permit fees were required regardless of who did the installation. However, when Ombudsman staff pointed out that the city's own evidence indicated that the culvert had been in place for at least a decade, they agreed to lower the permit fees to 2012 levels, reducing the woman's fee to **\$2,356**.

Personal reasons

A man seeking a property tax deferment complained to us that council had unfairly rejected his request because there wasn't time to consider it. We spoke with municipal officials, who clarified that the man's application had been discussed before it was declined, but the discussion took place in a closed meeting to protect his privacy, because it included significant personal information. They agreed to contact him to explain this.

Triple trouble

A woman complained to us that she had no idea why her water bill had tripled in a few months with no change to her consumption, and the municipal billing department would not help. After we helped identify who she should speak with to escalate her concerns at the municipality, the woman told us that they had frozen her bills and that senior staff were looking into the consumption issue.

Paying the piper

After water rates were increased in a small municipality, we received 48 complaints from local residents who disagreed with the increase. We made inquiries with municipal staff, who explained that council had approved the hike at an open meeting, based on a staff report that detailed significant issues with the municipality's aging water and sewer pipes. They also noted that efforts were made to inform residents of the upcoming change on their water bills. The municipality also put an information line in place for residents to call if they had questions, and developed a Frequently Asked Questions document to be sent out with the next round of water bills and posted on the municipality's website.



CHILDREN & YOUTH

Overview

Under Ontario's *Child, Youth and Family Services Act, 2017* (CYFSA), children and youth "in care" – young people living in foster homes, group homes, treatment placements and youth justice facilities – have specific rights and certain entitlements while they receive services from the province's child welfare and residential care system. Children and youth who are not in care but are receiving services from a children's aid society also have certain rights.

Our dedicated Children and Youth Unit works to promote, protect and monitor these rights to ensure young people and families receiving services from Ontario's child welfare and residential care system are treated fairly.

In carrying out this role, we:

- Receive and respond to complaints from young people in the residential care system and/or receiving services from a children's aid society, or those who have concerns about the services provided to young people in these circumstances;
- Meet with children and youth in care to educate them about their rights and how to contact our Office if they have any concerns;
- Educate service providers and families about children's rights, the obligations of service providers under the CYFSA, and how our Office can help;
- Conduct investigations;
- Administer the Death and Serious Bodily Harm reporting system; and
- Provide advice and make recommendations to government.



“I am very grateful for everything you have done for me.”

– Complainant

The Ombudsman made two submissions to the Ministry of Children, Community and Social Services, in October 2021 and May 2022, offering comments and recommendations as part of its consultations on the CYFSA regulations. He made specific suggestions to improve proposed changes to the regulations regarding plans of care, the use of physical restraints, complaint processes and police record checks.

Investigations involving children and youth involve a high degree of confidentiality and are rarely announced or discussed publicly. In some individual cases, we communicate investigation results via issue briefings to the Ministry; in others, we publish reports. Other significant issues, such as the use of physical restraints in care settings, are part of our regular work and reporting.

Our Office also has a dedicated team that handles cases related to youth justice centres. In April 2022, the Ombudsman released our Office's first investigative report in this area, on the closure of two youth justice programs in the North.

Within the Children and Youth Unit, three specialized teams focus on concerns of specific groups of young people and consult on individual cases of children in these groups:

- **Indigenous Circle:** Created in 2020 in response to concerns about the overrepresentation of Indigenous youth in the child welfare system, this group is led by Indigenous staff, and has the capacity to incorporate Indigenous practices such as smudging, talking circles and Elder participation into our Office's work. They review Death and Serious Bodily Harm reports involving Indigenous children and youth every week,

and provide insight and guidance on individual cases and investigations.

- **Black Children, Youth and Families Table:** Established in 2021, this team leads outreach to Black children and youth in care and engages with agencies working with Black children, youth and families to provide information about children's rights and service providers' obligations under the law. They presented (virtually) to more than 200 young people in 2021-2022.
- **2SLGBTQ+ Outreach:** This team focuses on raising awareness of young people's right to receive services that take their sexual orientation, gender identity, and gender expression into account, in response to concerns that those who identify as 2SLGBTQ+ often feel unsafe, isolated and marginalized in residential care.

Our Office participates as a member of both the Canadian Council of Child and Youth Advocates and the United States Ombudsman Association's Children and Youth chapter, to share expertise and to discuss national and international systemic issues.

Trends in cases

Between April 1, 2021 and March 31, 2022, our Children and Youth Unit received **1,337** cases from adults (service providers, family members, police, etc.), and **314** from children and youth. This is a substantial increase from the previous year (1,051 cases from adults, 291 from young people). Our Office also received **141** cases about youth justice centres, a slight decline from 173 in 2020-2021.

We received **1,273** complaints and inquiries about children's aid societies, **178** about residential licensees (group homes and foster homes), and **30** about secure treatment facilities.

The most common issues raised by young people included requests to be moved to another placement, access to

siblings, feelings that their culture or personal identity was not respected in their placement, the refusal of a children's aid society to offer a Voluntary Youth Services Agreement, and conflicts with peers and staff at their placement.

Adults, including parents and extended family members, most frequently complained about their children's living situation, or that the children's aid society was not responsive to their concerns.

Use of physical restraints

The use of physical restraints in care situations – and also in youth justice centres – is a key concern in our work, and one often cited in complaints from young people. We treat such complaints with priority, as we do with any Death and Serious Bodily Harm report we receive about a young person who has been injured as a result of a physical restraint.

We follow up on every one of these reports by contacting the injured young person directly to check in with them. In 2021-2022, we followed up on **59** such cases.

In recent years, we have also closely monitored the measures the Ministry has taken with respect to physical restraints, and how it communicates these to service providers, foster parents and young people. This past year, the Ministry proposed changes to Regulation 155/18, which requires service providers to explain the rules governing the use of restraints to young people, and to inform them of the reason when they are used. Previously, the Ministry enhanced documentation and reporting requirements, developed a fact sheet on physical restraints for service providers and created a "rights" section on its website that offers information to young people about their rights regarding physical restraints.

Our Office continues to review the Ministry's efforts in this area, and we are in the process of preparing related

outreach materials for service providers and youth. These will help ensure young people in care are made aware of the appropriate use of restraints, how restraint use is reported, and how they can contact our Office if they have any concerns about being physically restrained.

Ombudsman's submission to the Ministry

In October 2021, the Ombudsman made a submission to the Ministry of Children, Community and Social Services about changes to CYFSA Regulations 155/18 and 156/18. Among other suggestions, he proposed two specific amendments – one to ensure that children are informed repeatedly and at specified times about the use of restraints, and the other to require service providers to ask children if they have any concerns about the use of restraints and to let them know they can raise concerns with them or the Ombudsman.

Death and Serious Bodily Harm (DSBH) reports

Children's aid societies and licensed residential service providers are required to notify the Ombudsman's Office when they become aware of an incident of death or serious bodily harm to a child or youth who has received services from a children's aid society within the past 12 months. The Children and Youth Unit's DSBH team reviews all death and serious bodily harm reports weekly to identify cases that require follow up, and analyze data monthly to identify potential systemic issues.

We received **1,915** DSBH reports in 2021-2022, relating to **134** death incidents, and **1,496** incidents of serious bodily harm (in some cases, multiple agencies are required to submit reports about the same incident).

Part of our follow-up involves ensuring that all agencies involved in a case who should have submitted a report did so. We also follow up if we identify any safety concerns. In every case where a report states that a child or youth was



injured as the result of a physical restraint, we follow up directly with the young person to check in with them.

Each month, the DSBH team meets with representatives from the Office of the Chief Coroner's Child and Youth Death Review Analysis Unit to identify whether there were any cases that were not reported to us by an agency, and to flag any issues of concern about a particular report. After the Coroner's death investigation review process is complete, we may make further inquiries, or initiate an investigation if we believe there are concerns about the services provided (by a children's aid society or a licensed residential service provider) prior to the death that were not addressed as part of the Coroner's investigation. For example, we recently opened an investigation into one case that involves the issue of access to Voluntary Youth Services Agreements.

The DSBH team delivered **38** presentations to children's aid societies and residential licensees over the last year in 2021-2022, to enhance awareness about the reporting requirements.

Youth justice centres

Young people who are awaiting trial or who are serving criminal sentences may be held in open or secure custody or detention at one of 27 youth justice facilities across the province. These facilities are either directly operated by the Ministry of Children, Community and Social Services or run by third parties that receive funding from the Ministry.

Among the **141** complaints we received, the most common issues were staff conduct, health care, disciplinary consequences, living conditions and transfers. We prioritize cases where a young person's safety or well-being is at risk.

For example:

- We flagged a youth's complaint that he had tooth pain and had not been able to see an orthodontist for a year. Shortly after our inquiries, the facility arranged for him to see an orthodontist.

- We prompted a centre to review its handling of a youth's complaint about inappropriate staff conduct, resulting in the staff member being suspended for 15 days without pay.
- We helped a youth who had been refused a transfer in the wake of altercations with another resident. We confirmed the centre had added extra staff to the unit to keep the youth safe, but in light of our inquiries, it arranged to move him to another facility within days.

We meet on a monthly basis with senior officials in the Ministry's Youth Justice Division and flag serious issues and trends in cases. These include ongoing concerns about a lack of consistency across facilities in identifying when local issues should be investigated, and in the application of disciplinary consequences.

For example:

- After one youth began punching another – apparently unprovoked – while watching TV, staff at the centre required him to stay in his room for 72 hours. The youth complained to us that this penalty was excessive, and our review found that it was contrary to the facility's own handbook. As a result, the facility amended the consequence to align with the handbook.
- Our review of a case where a youth complained that staff were told not to restrain him from self-harm revealed a lack of consistent processes for investigating such cases. Senior Ministry officials agreed to provide guidance for all staff in similar cases. The Ministry is also reviewing its suicide policy and provision of mental health services for youth in light of this.

We also alerted the Ministry to a concerning trend in complaints from youth in these facilities who have serious mental health challenges and have been the subject of multiple serious occurrence reports. Staff also complained of being burned out from their efforts to support these young people, and about a lack of options

– in some cases, youth were taken to hospital but not admitted.

- We received calls almost daily from a 12-year-old with serious mental health challenges and developmental disabilities, about the facility's response to his suicide attempts. Our review indicated that staff had tried to support this youth, and that the Ministry was involved. We will continue to monitor such cases and the Ministry's work on modernizing mental health supports and treatment across the youth justice system.

Investigations

Closures of youth justice programs in Kenora and Thunder Bay



Report: *Lost Opportunities*,
released April 2022

Investigation update: The Ombudsman launched this investigation after receiving complaints about the abrupt closures of the secure custody and detention programs at Creighton Youth

Centre in Kenora and J.J. Kelso Centre in Thunder Bay in March 2021. The investigation focused on how the Ministry of Children, Community and Social Services carried out the closures, rather than the government's policy decision to reduce the number of youth justice programs across the province.

The investigation revealed that the Ministry's planning was shrouded in secrecy, which left it without valuable insight into the unique nature of these programs and the Indigenous youth they served. The Ministry's tight control of information restricted its ability to leverage the knowledge and experience of its own staff and prevented it from fully benefiting from consultation with external

“Young people living in custody and detention are extremely vulnerable and they deserve maximum support and need a voice.”

“At the heart of all 16 of our recommendations is to encourage public bodies to reflect on learning from the Truth and Reconciliation Commission in operations like this. At the heart of reconciliation is consultation.”

“So if there is a next time, I would expect much more consultation and engagement from the Ministry with the youth involved and the staff – and definitely with the Indigenous groups and communities and more involvement from the Ministry of Indigenous Affairs.”

– Ombudsman Paul Dubé, as quoted by *TBnewswatch* (Thunder Bay), April 27, 2022

resources. As a result, its plans for communicating with Indigenous communities about the closures failed. The Ombudsman found that the Ministry's conduct was unreasonable and wrong, under the *Ombudsman Act*.

Investigators conducted 91 interviews, including with the affected youths, their families, Ministry officials and staff from the programs, and reviewed a large volume of briefing notes, policies, emails and other relevant documents.

The Ombudsman made **16** recommendations to improve the planning and implementation of such closures in future. The Ministry accepted all of his recommendations and will report back to our Office every six months on its progress in implementing them.



Communications and outreach

Over the past year, staff from the Children and Youth Unit made **41** virtual presentations to children and youth in foster homes, group homes and secure treatment centres, explaining their rights in care and how our Office can help them. After each presentation, we followed up privately with every youth who attended, to ask if they had concerns.

We also conducted two virtual presentations for students at Centre Jules-Léger, a French-language school for children who are Deaf or hard of hearing, blind, deafblind or have learning disabilities.

As well, we distributed posters, “Know Your Rights in Care” brochures and wallet cards to all children’s aid societies and child and family well-being agencies across the province.



We design our videos and presentations regarding children and youth in care with young people in mind, as these examples from 2021-2022 demonstrate. More resources for youth and service providers can be found on our website.

Case summaries

Refusal reversed

A 16-year-old complained to us that her children's aid society (CAS) had refused to allow her to enter into a Voluntary Youth Services Agreement (VYSA) after she had left her home due to the abusive behaviour of her aunt. VYSAs are offered to 16- and 17-year-olds who have left home because of concerns about their safety. CAS officials initially told us they were unable to verify that the youth's aunt was abusive. As we looked into the situation further, we discovered that her younger brothers had been removed from the home out of concerns for their safety. We asked the CAS to review the girl's allegations about her aunt again, and based on their review, the CAS agreed to offer her a VYSA.

Overcoming obstacles

A youth in care sought our help in filing a complaint about staff at her residential placement. She complained about the required forms not being made available, staff lacking knowledge about the complaints process, and not receiving a timely response. After we reached out to its director, the residence committed to ensuring the youth received the necessary forms, as well as assistance from staff. She was able to file her complaint, but told us it went unanswered for more than two weeks, so we contacted the director again. The youth later confirmed to us that her issues had been addressed, and she was happy with the outcome.

Online schooling okayed

A 14-year-old in care told us her worker was insisting that she go to school in person, even though her preference was to continue to attend school online. The youth had mental health issues, including anxiety, and felt more comfortable with virtual schooling. We followed up with her worker, who said that the children's aid society (CAS)

had indicated that all children should participate in school in person unless there were extenuating circumstances. She agreed to meet with the youth to discuss her situation. The CAS ultimately agreed to the youth's online learning request.

ID help

A 14-year-old needed our help getting identification documents to register for school and access health care, after he was removed from his home by a children's aid society (CAS) over safety concerns. The youth looked to his CAS worker for support because he was unable to get his identification documents from his mother. When he didn't hear back from the worker in more than two weeks, he contacted our Office. We spoke to the youth's worker, who said he would have to write an "advocacy letter" on the youth's behalf, then take him to a nearby ServiceOntario centre to obtain the ID. We asked him to schedule this, which he did, and the youth received his new temporary ID within three days.





EDUCATION

Overview

The Ombudsman oversees the province's 72 school boards, 10 school authorities, all publicly funded universities and colleges of applied arts and technology. We also oversee the Ministry of Education, the Ministry of Colleges and Universities, and their programs.

All of these bodies continued to be significantly affected by the COVID-19 pandemic in 2021-2022, although the relaxing of public health restrictions meant that students had more in-person classes than in the previous year.

We received **126** complaints and inquiries about the Ministry of Education and its programs, as well as **722** about school boards. In the post-secondary sector, we received **543** cases about the Ministry of Colleges and Universities (including **344** about colleges of applied arts and technology), and **361** about universities.

The increases in cases about school boards and universities were largely related to COVID-19 concerns, such as mask and vaccine requirements, issues with virtual or hybrid classes, and benefit programs for learners' families. We helped many students and parents resolve individual issues, and worked with several universities to suggest best practices for vaccine policies.

The Ombudsman continues to support robust oversight of education, including Integrity Commissioners for school boards, and ombudsman offices at the university and college level.

Trends in cases – early years through Grade 12

We received **722** cases about school boards in 2021-2022, a substantial increase from 569 the previous year, and the highest number since 2018-2019. The most common

issues were similar to the previous year, including pandemic-related school shutdowns, problems with virtual learning, mask mandates and restrictions on extra-curricular activities, as well as perennial problems like the conduct of school board officials, student safety and transportation services.

The Ombudsman does not generally intervene in the broad public policy decisions of elected representatives, but we were able to help many people resolve administrative issues, and/or refer them to relevant processes to address their concerns.

COVID-19 testing in schools

We received more than **1,200** complaints and inquiries in January 2022 after the government announced new limitations on some COVID-19 testing and removed the obligation for school boards to report daily cases. Although the Ombudsman cannot overturn policy decisions by elected officials, our staff contacted officials within the Ministry of Education and Ministry of Health to make them aware of the nature and volume of the complaints. These were largely from parents expressing concern that the changes would make schools less safe. Ministry officials explained that these decisions were based on directives from the Chief Medical Officer of Health and provided background information that we passed on to the complainants. We also assessed individual issues raised by these complainants on a case-by-case basis.

Trustee conduct and Integrity Commissioners

The conduct of school board trustees continues to be a common topic of complaint, and the Ombudsman encourages boards to have clear complaint processes, as well as their own Integrity Commissioners (ICs) to deal with them. Only a handful of boards have ICs,

“I’m very happy this is resolved. I fixed the problem with your help – your Office was very helpful.”

– Complainant

but we receive complaints about them as well. As in cases about municipal ICs, we do not redo the work of these officials, but we look to see if a fair process was followed, and/or suggest ways to improve their practices.

For example:

- A woman contacted us after her complaint about a trustee was dismissed by the school board, and the board’s IC wouldn’t respond to her. We spoke to the IC, who acknowledged she had missed the woman’s emails and promised to get back to her.

Ombudsman’s submission to the Ministry

In October 2021, the Ombudsman made a submission in response to the Ministry of Education’s consultation to improve school board governance. He noted that most of the 126 cases we received about trustees in the previous four years were about the conduct of trustees and how boards dealt with breaches of codes of conduct.

He urged the government to make Integrity Commissioners and codes of conduct mandatory for all school boards. In all, he made 14 proposals, including that:

- Codes of conduct should be standardized and consistent across school boards.
- School boards should be required to adopt complaint protocols explaining how complaints made under the code of conduct will be reviewed and investigated.
- Stakeholders other than trustees should be able to make complaints under the trustee code of conduct, freely and without fear of reprisal.



“Ethical conduct in decision-making is important for all governance bodies. Given the specialized role of school boards and the direct impact of their decisions on public education, ensuring trustees are accountable for their conduct is a matter of good governance and in the public interest.”

– Ombudsman Paul Dubé, Submission to the Ministry of Education’s consultation regarding school board governance, October 2021

- Codes of conduct should provide for the discretion to decline to investigate complaints that are frivolous, vexatious, or not in good faith.

Virtual learning and pandemic benefits for learners

As students continued to learn from home for several months of the 2021-2022 fiscal year, issues with virtual schooling – and sometimes the transition to and from in-person learning – continued to spark complaints. We facilitated communication between many parents and boards.

For example:

- A mother complained to us that her daughter’s teacher was repeatedly absent from virtual classes. After we contacted the board, it took steps to ensure a supply teacher was available to cover such absences.
- A Grade 10 student wanted to continue attending virtual classes at her Ontario school while living temporarily with a family member in another province – but her vice-principal said she would have to switch to a school in that province instead. With our help, her

mother escalated her concerns to the board, and the student was allowed to remain in her Ontario virtual class.

We also addressed more than **75** complaints about the Ministry of Education’s pandemic-related support programs for students and their families, such as Support for Families, Support for Learners and COVID-19 Child Benefit. Common concerns included applications being denied, missing payments, or communication issues – and we resolved many of these by contacting the programs directly.

For example:

- A mother who applied for the COVID-19 Child Benefit before the deadline discovered too late that her application had been automatically rejected because she had entered an incorrect identification number. After we contacted Ministry officials, they processed her application and she received **\$400**.

Special education, accommodations, and student safety

Schools are required to convene Identification, Placement and Review Committee meetings at the request of parents or principals, to determine appropriate supports or placements for students with special needs. Boards also must develop Individual Education Plans (IEPs) for such students. We often hear from families who need help navigating the processes for these or other necessary accommodations and supports.

For example:

- After parents of a student with an IEP complained that the board was not supplying assistive learning devices as the plan required, we made inquiries with the board and confirmed that a laptop with the necessary technology was made available to him.

- When we connected with a superintendent, they ensured a transgender child would be prioritized to receive the psychoeducational testing their family requested.

We also dealt with cases relating to student safety, bullying and discipline. In several instances, we connected students and parents with the appropriate school board officials, ensured any urgent concerns were dealt with in a timely way and confirmed the boards fairly applied their policies.

Ombudsman's submission to the Ministry

In June 2021, the Ombudsman made a submission to the Ministry as part of its consultations on a proposed new regulation that would update standards for residences at provincial and demonstration schools (for students who are Deaf, blind/low vision, deafblind or have severe learning disabilities).

He urged the Ministry to model the regulation on provisions of the *Child, Youth and Family Services Act*, including prohibiting corporal punishment of children, respecting their physical, emotional, cultural, spiritual, language, identity and developmental needs, and requiring that children in these residences are informed that they can contact our Office for help.

Transportation

With schools closed to in-person learning for many months, transportation and busing-related complaints have declined in the past two years, but the pandemic has also exacerbated issues related to staffing and planning. We were able to resolve several cases involving students with complex transportation needs.

For example:

- The mother of a child with special needs complained to us that her daughter's school bus kept arriving late or not at all, forcing her to drive the girl to school. We spoke

to the superintendent, who agreed to work out the issue with the school bus consortium.

- The mother of a Grade 9 student with special needs sought our help in meeting his specific transportation requirements, which included that an adult accompany him on the bus. We contacted school board officials, who worked with her on various accommodation options for her son, including a unique afternoons-only busing schedule and other supports. We also spoke with the transportation consortium about how similar issues will be handled in future.

Property tax designations of support for French-language school boards

As noted in last year's Annual Report, we are monitoring efforts by the Municipal Property Assessment Corporation (MPAC) to address a longstanding issue related to property tax designations of support for school boards – specifically French-language school boards.

Under the *Assessment Act*, MPAC is responsible for collecting information about school board supporters across the province. Although this data no longer determines school funding (which is now based on the Ministry of Education's per-pupil funding formula), it does determine how many trustees a school board has, and who can run and vote in trustee elections.

MPAC's system assumes property owners are supporters of their local English public school board – unless they submit a form declaring that they support the local English Catholic, French public or French Catholic board instead. In recent years, we have flagged several complaints to MPAC from Francophones who submitted forms supporting French-language boards, only to discover their support had defaulted to English boards.



We raised this issue with MPAC's Quality Services Commissioner in 2020. MPAC has since sent letters to school boards informing them of its plan to modernize its data collection, and it held a virtual session in February 2022 to gather their feedback. It plans to make other improvements after the next municipal and school board elections in October 2022, and will update us on its progress.

Trends in cases – Post-secondary

COVID-19 continued to be a dominant concern for universities and colleges and their students in 2021-2022, especially as they transitioned back to in-person classes in the fall of 2021. We met with many post-secondary officials to discuss best practices for communicating things like vaccine policies to their communities, and resolved numerous individual concerns related to virtual, in-person and hybrid classes.

Cases increased significantly overall – we received **361** about universities and **344** about colleges of applied arts and technology, compared to 213 and 200 in 2020-2021 – a 70% total increase.

Other common topics of complaint were issues related to admissions, loans and grants, academic appeals, and student services. We also heard from communities surrounding colleges and universities – for instance:

- In the fall of 2021, several members of the public complained to us about how a local university was handling student parties that were causing property damage and raising safety concerns. We alerted the university, and referred the residents directly to officials there.

In March 2022, the French Language Services Commissioner also reported on her investigation into Laurentian University's cuts to French-language programs, stemming from complaints received during its financial restructuring in the spring of 2021. All of her recommendations were accepted by the university, the Ministry of Colleges and Universities, and the Ministry of Francophone Affairs. For more, see the **French Language Services** chapter of this report.

COVID-19 vaccination policies

As of March 2022, universities and colleges were no longer required to mandate vaccines for in-person learning – although many opted to keep them in place for the rest of the 2021-2022 academic term. We received **75** complaints in fiscal 2021-2022 about these vaccine mandates and the institutions' exemption request processes. Some students struggled to find information about how the policy applied to them, or the criteria for exemption. Some weren't comfortable about being required to return to large in-person classes, while others were angry that their courses were only available online.

We heard from some unvaccinated students and educators who were barred from classes – even though they were taught online.

Our Office met with the Council of Ontario Universities and the Ministry of Colleges and Universities to gather information and to share our Office's insight into these concerns. We also met directly with senior officials at several universities, and shared best practices to increase the administrative fairness of their processes. For example, we suggested that they:

- Provide reasons why a vaccine exemption was accepted or denied, take any specific evidence provided into account, and include information about the qualifications of the people making the decision (e.g. doctor, faith leader) and the specific criteria used.

- Provide clear information about what circumstances entitle a student to a medical or non-medical exemption.
- Provide information about what further steps exist to address concerns about the university's decision, such as a referral to the university ombudsman.
- Provide a clear contact for questions or concerns.

Although most vaccine mandates were dropped as of May 2022, these best practices can be used as a guide when developing future policies.

Ontario Student Assistance Program (OSAP)

We routinely help students with issues related to loans and grants from OSAP, particularly its income verification requirements and appeal processes. For example:

- We helped a student whose OSAP grant had been converted to a loan because she hadn't verified her income within the necessary timeframe. She had gone to the university's ombudsman, but we discovered that her appeal was never forwarded to OSAP. After we intervened and OSAP officials verified her income, they converted her **\$5,727** loan back to a grant.

Fees and enrolment

In many cases involving tuition fees, enrolment, and similar issues, our inquiries prompted post-secondary institutions to review the circumstances and improve their internal processes. For example:

- A student in India was scheduled to begin studying in Ontario, but decided to postpone her plans due to the pandemic. She requested a refund of almost **\$20,000**

Good to know



See the **Appendix** of this report for more statistics on cases received about school boards, universities and colleges of applied arts and technology.

that she had paid for a full year's tuition – but was told she was only eligible to receive half because she had missed the refund deadline. Our review found that she had repeatedly requested to defer her studies through the agent who facilitated her application to the university. We raised this with university officials, who acknowledged the miscommunication and refunded her the full amount.

- After her mother passed away on the first day of college, a student struggled to continue studying, and withdrew from her courses a few months later. It wasn't until the next year that she became aware she had an outstanding debt to the college of **\$4,000** in tuition fees. We contacted college officials, who conceded that they hadn't fully reviewed the circumstances of her withdrawal, and forgave her tuition.
- A woman complained to us that a college refused to admit her to a program she had paid for, on the grounds that she had missed the fee deadline. After our review determined that it had never communicated the deadline to her, the college apologized, offered to pay her first semester fee of **\$1,300**, and updated its communications to clarify fee deadlines.



Case summaries

Far and unfair

We received a complaint from the father of a student with disabilities who resides during the week at a provincial demonstration school in southern Ontario. He said school officials had insisted that he pick up his daughter within two hours, because she was exhibiting COVID-19 symptoms. This was impossible, because he lives a 15-hour drive away. He said the school also refused to test the girl, even though it has its own medical staff. We flagged this case to Ministry of Education officials, who agreed to fly the man to southern Ontario and provide him and his daughter with accommodation if the need arose in future. The Ministry also committed to reviewing its policies to avert similar situations.

Vaccination pass

A university student who was exclusively enrolled in online courses and as an online teaching assistant complained to us that he was “unenrolled” because he did not provide proof that he had received the COVID-19 vaccine. He complained that there was no clear appeal process, and no distinction was made between students who were on campus and those who weren’t. After our staff made inquiries with the university, he was re-enrolled and approved to continue his studies and TA duties off campus.

Conversion confusion

A man who had accidentally submitted incorrect information to the Ontario Student Assistance Program (OSAP) sought our help when OSAP converted his **\$32,000** grant to a loan. He told us that because of the mistake, OSAP had concluded that his wife was employed, when in fact she lived in Afghanistan and had no income, and she had submitted a notarized letter to that effect. Our review determined that the man had received

confusing information about OSAP’s requirements from his university’s financial aid office. After we helped him take steps to appeal the decision, OSAP converted his loan back to a grant.

Please remain seated

A man studying online for his real estate certification complained to us after he was accused of leaving his seat during a virtual exam and then locked out of the program. He insisted that he had never left his seat, and that a glitch in the virtual proctoring technology had mistakenly identified him as an “imposter.” He had already raised the issue with the college, which acknowledged the error – but didn’t absolve him of cheating, which he feared would affect his academic standing. As a result of our review, the college apologized to the man, officially acknowledged he had not cheated, and said it would review its relationship with the company that provided the virtual proctoring service.





SOCIAL SERVICES

Overview and trends in cases

Ontarians receive social services and benefits from a range of programs provided through the Ministry of Children, Community and Social Services, such as the Ontario Disability Support Program (ODSP), the Family Responsibility Office (FRO) and the Ontario Autism Program (OAP). Municipalities and local social services administration boards also administer social assistance through Ontario Works (OW).

The most common issues we see in the cases we receive in this area are communication and customer service problems and delays. These have been exacerbated by the challenges of the COVID-19 pandemic, both for the recipients and the public servants who administer the programs. Thanks to our longstanding relationships with senior officials responsible for the most complained-about programs, we are able to resolve most complaints and flag issues proactively.

Family Responsibility Office

The FRO is responsible for enforcing court-ordered child and spousal support payments, and has historically been one of the top sources of complaints to our Office. Cases have declined in recent years due to some customer service improvements, and have been relatively steady during the past two years of the COVID-19 pandemic (**350** cases in 2021-2022, compared to 381 the previous year). Ombudsman staff work closely with FRO officials to resolve complaints, which usually centre on the FRO's interpretation and enforcement of child and spousal support obligations.

For example:

- A father was in serious financial distress after the FRO mistakenly garnished his wages as enforcement for



child support, which he was no longer required to pay. He sought our help after learning his refund from the FRO would take nearly a month. After we contacted them, FRO officials confirmed a refund cheque would be sent to him in the next week.

- After the FRO took payments for child support from a father beyond the end date stated in his court order, it then told him the money could not be returned because it had already gone to the children's mother. We contacted FRO officials, who confirmed that they had not informed the man he had to file a particular form in order to stop the payments. He was reimbursed **\$1,500**.
- When a woman complained to us that she was no longer receiving her monthly spousal support payment, we confirmed with FRO officials that a federal garnishment issued against her former spouse had lapsed. After our intervention, it was reinstated and the woman received **\$686** owed to her.

Ontario Disability Support Program

The ODSP provides income and employment supports to Ontarians with disabilities, including coverage for prescriptions, dental care, and disability-related costs. We received **755** complaints about ODSP in 2021-2022 – a sharp increase from 553 in 2020-2021, but on par with 2019-2020's (mostly pre-pandemic) total of 754.

In many cases, we helped correct system errors and missing information that would have jeopardized recipients' income or housing. For example:

- We helped a man who was recovering in hospital and waiting to receive ODSP support. We learned ODSP officials had recently mailed him a document to confirm his financial eligibility. Once his family helped him complete this, he received an ODSP payment of **\$7,000**.
- A woman with Stage 4 cancer told us she was waiting to be approved for ODSP benefits but could not afford

to pay for her medication in the meantime. With our intervention, her application was sent for expedited review and approved the next day.

Ontario Works

Ontario Works falls within the Ombudsman's jurisdiction over municipalities and local boards. We received **210** complaints about Ontario Works (OW) in 2021-2022, up from 143 last year.

Some examples:

- After a woman told us her Ontario Works payments had stopped and her rent was due the next day, we contacted OW staff. They explained her account had been frozen because she had missed appointments with her caseworker, but as a result of our call, they connected with her and restarted her payments.
- A woman sought our help when her OW benefits were suddenly cut off and she was told she had been overpaid **\$1,400**. She could not pay her rent and was facing eviction. After we helped her reach OW staff, they determined the overpayment was an error and restarted her benefits. The woman was grateful and called our staff member a "magician."

Ontario Autism Program

The OAP offers support to families with children and youth on the autism spectrum. We received **88** complaints and inquiries about the program in 2021-2022, up from 18 the previous year, but substantially below the surge of 569 we saw in 2018-2019, when significant changes were made to the program.

Delays were the most common topic of complaint – in processing program registrations, receiving interim funding and reconciling expenses. Families told us they could not reach a live person at the OAP, and their messages asking

about the status of their applications went unanswered for months. Many said they felt they were living in a vacuum, not knowing if they had registered on time, if their application forms were being processed, or when their child would begin to receive services.

Much of our work focused on facilitating communication between the parents and the OAP, to help them obtain information about their applications and raise other questions. Senior Ombudsman staff also meet regularly with Ministry officials to share families' concerns and receive updates on the latest changes to the program.

A promise of interim one-time funding – which the province initially committed to deliver to families on the waitlist before April 2020 – was extended due to the impact of COVID-19. Some families complained to us that the interim funding amount was not sufficient and that those who registered after March 31, 2021 were ineligible. In March 2021, the OAP began to offer 600 children registered with the OAP access to core clinical services. These included applied behaviour analysis, speech language pathology, occupational therapy and mental health services.

Our intervention in several individual cases helped families get their interim one-time funding after several months of waiting for the OAP to respond. Program officials acknowledged the delays and in some cases rectified administrative errors. The Ministry has also acknowledged the need for clear and consistent communication, and has employed new staff and technologies to assist with this.

Services for adults with developmental disabilities

We received **26** complaints in 2021-2022 about the Ministry's Passport program, which provides funding to support adults with developmental disabilities to live in and engage with their communities. Most complaints focused on delays. Ministry officials told us that COVID-19

had affected processing times, but that staff were taking steps to address the backlog. We raised several individual cases with the Ministry to help families who could no longer care for loved ones.

For example:

- A 51-year-old man who has autism and a severe developmental disability was stuck in hospital while awaiting a suitable placement. His aging parents could not care for him, and his sister sought our help. We spoke with the Ministry and the local community agency handling the placement search to ensure they were considering all available options, and a residential placement was found within five months.
- A 23-year-old woman with a developmental disability and complex medical needs needed to move because her mother could not provide the necessary care and services, but options were limited because of her remote location. After we raised this case with Ministry officials, they arranged for more respite support for the mother immediately and then found a suitable residential placement within three months.

Investigations

Services for adults with developmental disabilities in crisis



Report: *Nowhere to Turn*, released August 2016

Investigation update: This investigation focused on the response by the Ministry of Children, Community and Social Services to situations where adults with developmental disabilities are in hospital, long-term care homes, shelters or even jail



because their families are in crisis and cannot find suitable places for them to live.

The report reviewed more than 1,400 complaints from families in such situations. In the six years since its release, we have received hundreds of new cases.

All but a few of the Ombudsman's 60 recommendations have since been implemented. We continue to meet regularly with the Ministry to monitor its progress on these, and to address new cases of the same nature.

In response to our recommendations, the Ministry developed a long-term plan to make it easier to help adults with developmental disabilities access services, which it expects to implement in phases over the next 8-10 years. Part of the reform includes new funding to help connect people with community-based housing options and to fund the Adult Protective Service Worker program. It is expected to help more than 1,200 adults with developmental disabilities.

Nevertheless, we continue to hear from families in crisis – some **130** cases this past year. The Ministry has acknowledged that staffing issues due to COVID-19 partly explained delays in some placements, but provides us with regular updates.

Care and custody of children with complex special needs



Report: *Between a Rock and a Hard Place*, released May 2005

Investigation update: It has been 17 years since our Office reported on the systemic challenges that exist for parents when they have children with complex special needs. This report

revealed cases where families gave up custody of their children to children's aid societies (CASs) when local

community agencies could not provide the residential services and supports they needed.

We report regularly on cases we receive that raise similar issues, and in last year's Annual Report, we noted that the Ministry's "early alert" process was often not used to flag these urgent situations. There are also few resources to help families on an urgent basis if existing supports in the community have been exhausted.

The Ministry committed to reviewing its processes to ensure consistency in the alert system, and issued guidance to agencies to ensure they work together so that parents need not relinquish custody of their children to get help. This past year, the Ministry reviewed its processes with agencies and service providers – including CASs, child and youth mental health agencies, and special needs agencies – to find ways to better support children with serious complex special needs.

We continue to monitor the Ministry's progress and any new developments, and to bring individual cases to the attention of senior Ministry officials to find solutions.

For example:

- A woman who has custody of her 11-year-old grandson sought our help in securing a residential placement for him. He was in hospital and could not return home because his behaviour put other family members at risk. The local CAS provided interim funding for a residential placement while funding approval was pending from the Ministry.
- The mother of a 13-year-old girl with complex needs told us her daughter's residential provider could no longer support her needs and she had nowhere to go. The girl was in hospital and then temporarily discharged to a CAS-funded hotel with supports. We raised the case with senior Ministry staff, who confirmed they were treating it with priority and kept us updated until the girl was transferred to an appropriate residential placement.

Case summaries

Power arrangers

A woman who was behind on her hydro bills asked Ontario Works (OW) for help to avoid getting disconnected. The agency granted the request, but accidentally transferred an extra \$1,600 to the utility, which added it to the woman's account. She assumed it was additional COVID-19 support, as OW had never told her exactly how much assistance she could expect. When OW realized the error weeks later, it arranged for a refund from the hydro company, but failed to tell the woman, who continued to rely on the credit and soon found herself in debt to the utility again. We raised her case with OW staff, who acknowledged their communication with the woman was lacking, and agreed to cover her outstanding hydro payments.

Found money

A mother had been waiting for months to access support funding to assist with her nine-year-old son's developmental mental health conditions. She was concerned that his behaviour was escalating and putting himself and others at risk. After we contacted officials at the Ministry of Children, Community and Social Services, they reviewed the file and discovered that the boy had in fact been approved for funding for the year, but due to a database error, the payment had not been released. They committed to sending the payment within two weeks.

Breaking the bank

A woman who was owed more than **\$10,000** in support payments from her ex-husband complained to us that she had provided documents to the Family Responsibility Office (FRO) proving that he had the money in a bank account, but the FRO would not take action. Our inquiries determined that the man's money was held in a tax-free

savings account, which the FRO could not garnish without the account holder's authorization. After we escalated the matter to senior FRO officials, they issued a new garnishment order and worked with the bank to obtain legal consent to release the funds that were owed to the woman.

Voicemail jail

An Ontario Works (OW) recipient urgently needed help when her benefits were suspended because she submitted some paperwork late. She had been in and out of hospital, and needed drug coverage to continue her medical treatments, but could not reach her OW caseworker. When we contacted OW staff, we discovered that the woman's caseworker had left the office indefinitely and no one had access to his voicemail, so her messages had not been retrieved. OW staff immediately contacted her to explain and arranged for temporary coverage so she could receive treatment.

Post-mortem refund

A man who had continued to make regular family support payments to his former mother-in-law, who had cared for his now-adult daughter, complained to us after he learned the older woman had been dead for more than a year. He alerted the Family Responsibility Office (FRO) – which had administered the support payments – and asked to be refunded all payments that it took after her death. We discovered that FRO officials had never been informed of the woman's death and were about to transfer the funds to the Ministry of Finance because she could not be located. Once they confirmed that she had died, they refunded the man more than **\$2,800**.

“Thank you again for your time and kindness in my time of need.”

– Complainant





MONEY & PROPERTY

Overview and trends in cases

Cases in this category relate to provincial ministries, agencies and corporations that deal with financial and property matters, including the Ministry of Finance, the Ontario Cannabis Store, the Municipal Property Assessment Corporation (MPAC), and the Landlord and Tenant Board. It also includes the Office of the Public Guardian and Trustee (OPGT), which handles money and property matters for people who are unable to do so themselves.

Complaints about the Landlord and Tenant Board (LTB), part of Tribunals Ontario, reached a new peak, with **964** cases in 2021-2022. We resolved many individual cases and new issues with the LTB as our ongoing systemic investigation into delays and backlogs neared completion (see more under **Investigations**).

For other organizations in this category, cases remained relatively low. As MPAC's provincewide property assessment continued to be postponed due to the pandemic, cases declined to **16** from 30 in 2020-2021. We received **31** cases about the Ontario Cannabis Store (most about customer service) – up from 20 the previous year, but far below the 2,411 we received in 2018-2019, its first year of operation.

Office of the Public Guardian and Trustee

We received **167** cases about the OPGT in 2021-2022, up from 116 the previous year. We frequently hear from OPGT clients who have difficulty reaching their caseworkers. Our staff help by escalating these concerns within the OPGT and making inquiries.

In one disturbing case:

- A woman contacted us on behalf of her friend, an OPGT client who has dementia and had been hospitalized to recover from an injury. She told us she had gone to her friend's apartment to fetch some personal items for her, and was shocked – it looked like a burglary had taken place. She discovered that OPGT staff had searched the apartment earlier to find some documents. We spoke with senior staff at the OPGT, who acknowledged they should have given the client advance notice of their search. They committed to educating investigators about the need for proactive communication to avoid similar situations in future.

Investigations

Landlord and Tenant Board delays

Launched: January 2020

Investigation update: The Ombudsman launched this investigation after receiving **110** complaints from landlords, tenants, advocacy groups, MPPs and other stakeholders about lengthy delays at the Landlord and Tenant Board (LTB). Since then, we have received **1,700** complaints, many related to new issues that emerged with the COVID-19 pandemic.

For example, once the LTB shifted to virtual hearings, there was an influx of complaints from people who did not have the technology to participate in them. Public access terminals were set up in four cities, but they were not easily accessible outside of these areas. As a result, there continue to be requests for in-person hearings.

The LTB continued to hear all types of applications throughout 2021, but a moratorium on residential evictions

“After two months of weekly attempts to contact [an official] and getting nowhere, I called the Ombudsman. Two hours later [the official] called me back to apologize and told me all my outstanding paperwork was processed... now I tell everyone, do not hesitate to contact the Ombudsman.”

– Complainant

during lockdowns in 2021 resulted in hundreds of additional complaints from landlords about delays.

In late 2021, the Tribunals Ontario Portal was launched, which allows applicants and their representatives to file applications online. We received more than **20** complaints about technical and customer service issues related to this new system, which led to resolutions affecting hundreds of people.

For example:

- A landlord told us she spent hours on her Tribunals Ontario Portal submission, only to see that it appeared blank in the system. Within days, we received similar complaints from other users. We alerted LTB officials, who confirmed there was a technical error affecting more than 600 applications. They resolved the glitch and asked those affected to refile their applications.
- A landlord who couldn't access his online LTB account complained that he had twice asked for a Personal Identification Number (PIN), and received one that did not work. We discovered that because he had retained a paralegal to submit his application, the LTB had already sent the PIN to the paralegal, and it would not work for two people. Our inquiry revealed



that some 800 other applications were affected this way, prompting the LTB to change its process so that applicants whose files are submitted by a legal representative also receive a PIN automatically.

In March 2022, the province announced a \$19-million investment in Tribunals Ontario and the LTB to address delays and resolve disputes faster by, for example, appointing more adjudicators. The Ombudsman is encouraged by this commitment, and by the willingness of Tribunals Ontario and LTB officials and staff to engage with our Office. We meet monthly with senior LTB staff to proactively address issues and resolve individual cases, while our work on the systemic investigation nears completion.

Case summaries

Finally heard

A couple with disabilities contacted us after trying for months to get an expedited hearing with the Landlord and Tenant Board (LTB) to address unsafe conditions in their apartment. Their landlord had failed to fix serious problems, including an unstable toilet, a broken intercom, and pest infestations, and the conditions made it difficult for their personal support workers to complete their care tasks. The couple's caseworkers had asked the LTB repeatedly to treat their case as urgent, only to get caught up in a convoluted and unclear process. Our staff were able to ensure the couple received a hearing date and followed up with them to make sure they received the notice. This case also prompted LTB officials to create a dedicated team of adjudicators and staff to process hearing requests from people in similar situations.

Up in smoke

A woman sought our help after trying for several weeks to get a refund from the Ontario Cannabis Store (OCS) for a package that Canada Post never delivered. She was told – and we confirmed – that her cannabis order had been destroyed when a truck carrying mail and parcels caught fire in the parking lot at a Canada Post facility. However, neither agency would assist her, with one saying she was too late and the other citing a data entry problem. We escalated the case to a senior manager at the OCS, who agreed to refund the woman's purchase.

Pardon the delay

A former client of the Office of the Public Guardian and Trustee (OPGT) contacted our Office after she was told she would have to pay an outstanding restitution order to receive a pardon for a past criminal offence. She told us she had paid the order through automatic deductions from her Ontario Disability Support Program (ODSP) benefits, and we connected with her ODSP caseworker to provide a letter confirming this. We then determined that in fact, the OPGT should have made the payment on her behalf – but it had neglected to do so. As a result, OPGT officials agreed to cover the cost of the interest that had accrued on the order.



Overview and trends in cases

Cases in this chapter relate to programs and agencies within the Ministry of Transportation, including those that deal with driving, vehicles and highways, and public transit (Metrolinx and GO Transit).

Since the onset of the COVID-19 pandemic, delays in driver testing have been the most common complaint to our Office in this category, although progress has been made to reduce enormous backlogs. In early 2022, the province resumed renewing driver's licences and eliminated the fee for vehicle licence plate renewals. We helped many people with issues related to these services, as well as with licence suspensions, medical review of licences – and expediting licences for a particular group of newcomers.

Licences for new arrivals from Ukraine

In the spring of 2022, as many people fled Ukraine in the wake of Russia's invasion and settled in Ontario, some contacted us for help in obtaining driver's licences. One man from a city that had been evacuated told us the Ministry of Transportation would not validate his Ukrainian licence and driving experience without a letter from the Ukrainian government – something he felt would not be feasible due to the war. He was told the letter was required so he could bypass Ontario's graduated licensing system and obtain a licence immediately.

We spoke with Ministry officials, who explained that newly arrived Ukrainians had been excluded from a policy that allows refugees to skip such requirements – but they were working on amending the policy. In the interim, we facilitated communication between individuals, the Ministry and DriveTest. The policy change was made in early May, and by mid-May, the man had passed his driving test, obtained a licence and was preparing to buy a used car.



DriveTest

Although DriveTest made significant efforts to reduce a huge backlog due to COVID-19 shutdowns and staff shortages, the volume of complaints remained at the same level (we received **272** in 2021-2022, and 283 the previous year – more than quadruple the number received in 2019-2020). We continued to meet regularly with Ministry officials for updates, and as of April 2022, the Ministry confirmed the backlog for G tests had been cleared.

Deteriorating vehicle plates

Our Office has been tracking this issue since 2015 and we continue to raise concerns about it with the Ministry. Thanks to our efforts, the Ministry agreed to publicly communicate its policy of offering free replacements for peeling, cracked, or bubbling licence plates that are less than five years old on its website. However, we continue to hear complaints from drivers with older licence plates who maintain they should also be eligible for free replacements, and the Ombudsman has not ruled out an investigation. We resolve these cases wherever possible.

For example:

- A driver complained to us that ServiceOntario had required him to pay to replace his deteriorating licence plates because they were the French version – with the slogan, “Tant à découvrir.” He was told he would not have to pay if he took replacement plates with the English slogan, “Yours to discover,” instead. We raised this case with Ministry officials, who acknowledged the fee was charged in error. They refunded the **\$59** fee immediately and made sure the staff at the man's ServiceOntario location were aware of the correct procedure for handling such requests.

Investigations

Driver's licence suspensions and reinstatements



Report: *Suspended State*, released September 2018

Investigation update: In the years since the Ombudsman's investigation revealed serious problems in the Ministry's processes for notifying drivers about licence suspensions due to unpaid fines, the Ministry has advised us that it has implemented **27** of the 42 recommendations he made in this report.

At the outset of this investigation, the Ministry required drivers whose licences were suspended due to unpaid fines to settle the fines at the same time they renewed their licence plate registrations. Ministry statistics indicated that this process served as an incentive to drivers to pay outstanding fines. In February 2022, licence plate renewal fees were eliminated. We are monitoring the impact of this change – if any – on the issues highlighted by this investigation.

The Ministry has noted that despite the lack of a fee, drivers whose licences are suspended for defaulted driver fines or who have defaulted vehicle fines will not be able to renew their licence plates until those fines are paid.

“It's amazing it took one call to your Office to get this situation figured out.”

– Complainant

Case summaries

Slow-speed cheque

A man contacted our Office after waiting almost two years for the Ministry of Transportation to return a \$5,000 security deposit. He had arranged a special permit from the Ministry to build a fence along a section of provincial highway near his property. The deposit was a Ministry requirement – once the fence was completed and inspected by the Ministry, it would be returned. The fence had since been built and inspected, but the man had not heard back about retrieving his security deposit. We raised his case with Ministry officials who conceded the delay was related to the pandemic and staff working remotely. They made special arrangements for staff to go to the office and process the man's cheque.

Clean record

A woman who needed to drive to visit her husband in hospital sought our help after ServiceOntario told her she could not renew her licence. The issue was an old driving offence on her record, which required that she complete three tests before her licence would be valid. She told us she had successfully appealed the charge years ago and the testing requirement had been lifted. We raised the case with Ministry of Transportation officials, who confirmed the woman's story and acknowledged their records had not been updated. They fixed the error and the woman was able to renew her licence, to her great relief.

Fax confirmed

A woman complained to us that the Ministry of Transportation had suspended her licence even though she had faxed in her eye test results a month earlier for special review. We provided the Ministry's Medical Review Section with a copy of the fax confirmation, which

showed the submission date. Staff at the Ministry retrieved and reviewed the woman's documents that same day. The suspension was cancelled and her licence was reinstated.

Address unknown

A woman sought our help when she found out her driver's licence had been suspended for medical reasons five years earlier, without her knowledge. Because of the delay, she would have to repeat the graduated licensing process to get her licence reinstated. Our inquiries revealed that the Ministry had mailed her medical review forms five years earlier to the wrong address, thanks to a glitch in its system at that time that created multiple files for drivers who had both a mailing address and a street address. Ministry officials explained that they could not waive the testing requirement, but agreed to reimburse the woman for the fees.





HEALTH

Overview and trends in cases

The Ombudsman oversees the Ministry of Health and the Ministry of Long-Term Care, along with the Ontario Health Insurance Plan (OHIP) and programs that assist with funding drugs and medical devices. The COVID-19 pandemic continued to be the dominant concern in this area throughout 2021-2022, and we continued to resolve a wide range of cases related to its impact on health services.

In particular, we drew attention to complaints from people with disabilities who couldn't renew their OHIP cards online because they didn't have driver's licences. The result was a much fairer online renewal system.

Our systemic investigation into the government's oversight of long-term care homes during the pandemic also approached completion in 2021-2022.

Our Office does not directly oversee several key areas of the health care system, but we receive many complaints and inquiries about them – particularly hospitals (**532** cases) and long-term care homes (**102** cases). These are within the jurisdiction of the Ministry of Health's Patient Ombudsman, and we refer patients to them accordingly. As we noted last year, the pandemic has also prompted many complaints about local public health units, but they are not subject to the oversight of the Ombudsman, the Patient Ombudsman, or the French Language Services Commissioner.

OHIP access and renewals

We received **70** complaints about the Ontario Health Insurance Plan in 2021-2022, primarily regarding eligibility or health card renewals. Several of these were from Ontarians with disabilities who use Ontario photo ID

cards instead of driver's licences as official identification, because they don't or cannot drive. They complained that ServiceOntario's OHIP card online renewal system would only accept a driver's licence as a valid form of provincial ID, forcing them to make in-person appointments at ServiceOntario centres instead (an option that was not always available during the pandemic, due to public health restrictions). We brought these complaints to the attention of officials at the relevant ministries, who confirmed they were updating the online process to accept Ontario photo ID cards, allowing people without driver's licences to renew their OHIP cards online. The update came into effect in May 2022.

Vaccine rollout

We received numerous complaints regarding the province's online booking and record-keeping systems for COVID-19 vaccines. Our staff were often able to help by making inquiries with the Ministry of Health to make sure people's vaccination records were updated and accurate.

For example:

- A woman sought our help after she was unable to book second doses for herself and her mother-in-law. Because they both have the same first and last name, the online reservation system misread their bookings as duplicates and cancelled their appointments. We raised the issue with the Ministry of Government and Consumer Services, which modified the online booking system to request additional identifiers (such as date of birth) to differentiate between users with the same name.
- We helped a man clarify his vaccine status so he could download his certificate from the Ministry's website. Our inquiries revealed the man's vaccination record was incomplete because he failed to check out after receiving his second dose at a local pop-up clinic.

Once Ministry officials verified with the local public health unit that he had received the shot, his record was fixed and he could download his certificate.

Public health units

We received **137** cases about public health units in 2021-2022, up from 87 the previous year. Many of these were about local COVID-19 directives issued by local public health units or concerns related to vaccine availability or service at vaccine clinics.

After calling on the province to implement independent oversight of public health units in last year's Annual Report, the Ombudsman met with the Association of Local Public Health Agencies in the fall of 2021. The association noted that some public health orders can be appealed to the Health Services Appeal and Review Board. However, the Ombudsman noted that in most provinces and territories, public health units are subject to broader independent oversight by the provincial or territorial ombudsman.

“Public health units have been central to Ontarians' experience of the pandemic, responsible for everything from playground closures to mask mandates to vaccination operations. Their work is crucially important and their decisions collectively affect millions. And yet they operate without oversight: They are exempt from the jurisdiction of my Office, and that of the Ministry of Health's Patient Ombudsman. [...] I encourage the government to establish independent oversight of public health units as soon as is practicable.”

— Ombudsman Paul Dubé, Annual Report 2020-2021



Home care and long-term care

In 2021-2022, we received **41** complaints about the Ministry of Long-Term Care and **89** complaints about Home and Community Care Support Services organizations, which help arrange in-home care and long-term care placements. Although we do not oversee long-term care homes directly, we can and do resolve complaints about the Ministry's oversight of these facilities.

For example:

- A woman contacted us about the Ministry's response to her complaint about conditions in her mother's long-term care home. She had learned that an inspection was done, but could not get anyone from the Ministry to discuss it with her. We arranged for a Ministry official to let her know how she could obtain a copy of the report and to provide her with more information about an upcoming second inspection, which would address some of the additional concerns she had about the facility.

Investigations

Oversight of complaints about ambulance services



Report: *Oversight 911*, released May 2021

Investigation update: This investigation, launched in May 2018, looked into 72 complaints about how the Ministry of Health reviews and investigates patient complaints and incident reports about

land and air ambulance services.

“I can't find words to thank you. Thank you from the bottom of my heart.”

– Complainant

The Ombudsman's report revealed that many complaints about ambulance services were not investigated because the Ministry viewed its role as limited – and even when it did investigate, it had no clear process. He also identified problems in the Ministry's review of incident reports (some 250,000 of which are submitted each year), and obstacles to public complaints.

The Ministry accepted all 53 of the Ombudsman's recommendations, and has implemented **14** of them since May 2021. These include improving public communication, complaint handling and investigator training, as well as updating some policies to strengthen its investigation process.

Ombudsman staff meet regularly with the Ministry to receive updates on its progress on the outstanding recommendations, and the Ministry has been proactive by including our Office in its planning. We received **4** new complaints about ambulance services, dispatch delays and the Ministry's investigations unit in 2021-2022.

Oversight of long-term care homes during COVID-19

Launched: June 2020

Investigation update: The Ombudsman launched this investigation on his own initiative, in the wake of a report by Canadian Armed Forces personnel which detailed shocking conditions in five long-term care homes. The investigation is focused on whether the Ministry of Health and the Ministry of Long-Term Care took adequate action

to ensure the safety of residents and staff during the COVID-19 pandemic.

Our Office has since received more than 200 complaints and submissions from long-term care residents, their family members, advocacy groups, associations, other interested parties and whistleblowers. Our investigations team has received more than 1 million documents and conducted almost 100 interviews with Ministry officials, complainants, long-term care administrators and staff, residents and stakeholders. The Ombudsman's report is now being drafted, for an anticipated release later this year.

Case summaries

Form fix

We heard from a man who was still waiting for his semi-annual grant for ostomy supplies from the Ministry's Assistive Devices Program. We spoke with Ministry staff and learned that they were waiting on a form from him. We arranged with staff from his doctor's office to send the form to the Ministry on his behalf. He received the grant of **\$975**.

Deductible decision

A man contacted our Office after trying unsuccessfully to have his Trillium Drug Program deductible increased. He had requested a reassessment, but the amount was still inconsistent with the program guide's formula. He was also having trouble getting reimbursed for his wife's kidney transplant medication. Thanks to our inquiries at the Ministry, the man's file was reviewed, his deductible was retroactively adjusted to match his income, and he was reimbursed for his wife's medication.

Tell us more

A man contacted us on behalf of his father, who was immunocompromised and receiving cancer treatments. He had applied to the Exceptional Access Program for funding for a drug necessary for managing the elder man's conditions – which the EAP had approved for him before. He complained that EAP staff were now asking him to provide additional information. We made inquiries with EAP officials, confirmed why the additional information was required, and facilitated communication between them and the family. The man's application was approved, and the funding was backdated to the time of his initial application.





FRENCH LANGUAGE SERVICES

Overview and trends in cases

Our Office has seen a steady increase in cases in this area over the past two fiscal years, as French Language Services Commissioner Kelly Burke and our dedicated French Language Services Unit helped hundreds of Francophones access services in their language and promoted the importance of Ontario's Francophonie.

Not only did the French Language Services Unit receive **361** complaints and inquiries between April 1, 2021 and March 31, 2022 (up **35%** from the same period last year), Commissioner Burke also released her second Annual Report, as well as her first investigation report (see more under **Investigations**). She continued outreach in the community, speaking to dozens of stakeholders as well as deputy ministers, ministers and other senior government officials – and also appeared in person at the Franco-Ontarian Day flag-raising event in Toronto in September 2021.

The bulk of the complaints we receive in this area are related to government service delivery and communications. Among the most common concerns are a lack of bilingual staff, the quality of French provided, and a lack of enforcement of policies to ensure services in French are available.

“When we evaluate French language services, we look at both the legal obligations under the *French Language Services Act* and the moral obligations we all have to protect our Francophone cultural heritage for future generations.”

— French Language Services Commissioner Kelly Burke, at the release of her Annual Report, December 7, 2021

Many groups in the community helped raise awareness of our work in 2021-2022 by sharing our French language services brochure, which we distributed digitally and by mail.

The Commissioner continued to represent our Office in the International Association of Language Commissioners and on the board of the Association des Ombudsmans et Médiateurs de la Francophonie (the international Francophone ombudsman association).

Annual Report of the French Language Services Commissioner, 2020-2021



Commissioner Burke released her second Annual Report in December 2021. She reported a 15% increase in cases over her previous reporting period. (The Commissioner reports cases on an October-September year; her next report will cover cases received from October 1, 2021 to

September 30, 2022.)

To assist government in fulfilling her 2020-2021 recommendation for more robust planning of French language services, the Commissioner's latest report included a new tool devised by our French Language Services Unit, called the French Language Services Commissioner's Compass (FLSC Compass). The Compass helps officials evaluate services in French in four categories: **F**airness, **L**ogistics, **S**atisfaction and **C**ommunication. Along with recommending that government bodies use this tool, the Commissioner released a series of videos explaining it in action, based on real cases we resolved.

All of the Commissioner's recommendations to date have been well received by the government. In December 2021, the province also moved to modernize the *French Language Services Act*, which will address several issues she has highlighted.



December 7, 2021 • French Language Services Commissioner Kelly Burke at Queen's Park, with the "FLSC Compass" image on the cover of her 2020-2021 Annual Report.

Investigations

Cuts to French-language programs at Laurentian University



Report: *Strengthening the Designation: A Collaborative Effort*, released March 2022

Investigation update: French Language Services Commissioner Kelly Burke launched this investigation in June 2021 after receiving **60** complaints about Laurentian University's cuts to French-language programs during its financial restructuring in April 2021. Many were from students who were left with no way to pursue or complete their chosen program of study in French.

The investigation looked into whether the university, as well as the ministries of Francophone Affairs and Colleges and Universities, had complied with their obligations under the *French Language Services Act*, in light of the university's designation under the Act.





Good to know

We publish a separate *Annual Report of the French Language Services Commissioner*, which includes detailed case breakdowns and the Commissioner's recommendations to government to improve services in French. Watch for the next one in late 2022.

It revealed a lack of leadership by all three bodies and made **19** recommendations to prevent similar situations in the future. All of these were accepted, and all parties agreed to report to our Office on their progress in implementing them. The Commissioner will provide a further update on this case in her Annual Report later this year.

“Thank you so much for your help. I truly appreciate it. You and your team are awesome!”

– Complainant

Case summaries

French connections

A Francophone man contacted us after noticing that Cancer Care Ontario's promotional messages on LinkedIn about virtual access to health care appeared in English only. We raised the issue with Ontario Health, the agency responsible for Cancer Care Ontario (CCO), which acknowledged that CCO's promotional messages

on LinkedIn were only available in English. As a result of this complaint and discussions with our Office, Cancer Care Ontario has begun creating and publishing bilingual messages on LinkedIn.

For follow-up in French, press 2

A man contacted the provincial COVID-19 vaccine system by phone and chose the “French” option to request his proof of vaccination by mail. He contacted us to point out that the follow-up call from the Ministry of Health to verify that he had received his proof of immunization was in English. As a result of our intervention, the Ministry of Health added a question to the initial call to ask whether people wanted to be called back in French.

Transit news, now bilingual

A resident who wanted to subscribe to a Durham Region newsletter from Metrolinx was disappointed to learn that it wasn't available in French. After we informed Metrolinx officials about this complaint, they confirmed that all regional newsletters published by Metrolinx would be translated going forward, including that of Durham Region, which became available in French in March 2022.

In French, please, Your Honour

We were contacted by a person who requested a bilingual hearing at a courthouse in Northern Ontario. However, at the time of the hearing, the judge present could only speak English and no other means of providing services in French were available. The self-represented person could not follow the hearing adequately or participate in it in French, so the judge decided to suspend the hearing. We raised the case with the Ministry of the Attorney General, and were told this was a scheduling error. As a result of our intervention, the Ministry reminded courthouse staff of the procedure for scheduling bilingual hearings, to ensure services are available and equivalent at all times.





EMPLOYMENT

Overview and trends in cases

The Ombudsman oversees the Ministry of Labour, Training and Skills Development and its programs, agencies and tribunals, including the Employment Practices Branch, the Workplace Safety and Insurance Board (WSIB) and its internal ombudsman, the Fair Practices Commissioner.

We received **341** complaints about the Ministry and its programs in 2021-2022 – a slight increase in complaints compared to the previous year.

The COVID-19 pandemic continued to affect employment across the province, as public health restrictions were modified or re-introduced, and various relief and support programs were phased out.

COVID-19 business relief grants

The Ombudsman also oversees the Ministry of Economic Development, Job Creation and Trade, which administered the Small Business Support Grant and the Small Business Relief Grant to help eligible businesses that were required to close during pandemic lockdowns.

This ministry's programs were the subject of **154** cases, many of which centred on poor communication and delays. We also heard from frustrated business owners whose applications for funding were rejected without clear reasons. We raised these issues with the Ministry, and helped many business owners access relief funds.

For example:

- A small business owner contacted us for answers when he did not qualify for the second payment of the Small Business Support Grant. Our inquiries prompted a review of his application by a program manager, who



“Until your Office got involved, I had no idea what we could do to fix this. You have really helped us avoid a lot of hardship.”

– Complainant

determined that the business did qualify, because it was inside a mall that had been closed to in-person shopping.

- After realizing that her accountant had made an error on her Small Business Relief Grant application, a business owner sought our help in reaching staff at the Ministry. We connected with a program manager, who said an attestation from the accountant was enough to have the application reviewed. Once she provided the attestation, her application was reassessed and she received **\$20,000** in grants.

Mandatory vaccination policies

As many workplaces in both the private and public sectors implemented policies requiring staff to be vaccinated against COVID-19, our Office fielded a range of complaints and inquiries from affected individuals. For example, we heard from workers who had lost their jobs or were placed on leave, or who worried they would face discrimination and eventually lose their positions because of their vaccination status. Wherever possible, our staff provided information and referrals to assist people in raising their concerns through available complaint mechanisms in the relevant organizations.

Case summaries

Extension explained

A woman whose husband was killed in a workplace accident complained to us that she had heard nothing about the Ministry of Labour, Training and Skills Development's investigation of the incident for more than a year. She was concerned that it was already too late for any charges to be laid under the *Occupational Health and Safety Act*. We arranged for Ministry officials to contact her directly, and they explained that due to the pandemic, the legislation now included a six-month extension of the window for potential charges.

Second chance

After receiving the first of two Small Business Support Grant payments, a business owner was told he was no longer eligible for the second. He sought our help after discovering that an error in his banking information had caused his bank to reject the second payment to his account. When he tried to correct the information, he was told he no longer qualified. Ombudsman staff intervened with program officials to request that they reconsider his application. Once they did, his second payment was authorized and he received a total of **\$31,494**. He thanked our staff for working quickly to resolve the problem.



ENERGY & ENVIRONMENT

Overview and trends in cases

Concerns about public sector administration of electricity, fuel, natural resources, rural affairs and the environment fall into this category. In 2021-2022, we fielded numerous complaints and inquiries about Ontario's provincial parks, sewage management policies, the overall preservation of natural resources – and municipal hydro corporations.

Similar to last year, we continued to hear concerns about communication gaps and delays relating to the Ministry of Energy, the Ministry of the Environment, Conservation, and Parks, and the Ministry of Northern Development, Mines, Natural Resources and Forestry. Our staff helped put people in contact with the relevant ministry officials, followed up to make sure they heard back, and encouraged the ministries to improve communication for greater transparency.

Municipal hydro

As part of our jurisdiction over municipalities, the Ombudsman oversees municipally-controlled corporations, which include hydro companies that are majority-owned or controlled by one or more municipalities. In 2021-2022, we received **79** complaints about a wide range of concerns, from billing to matters affecting people's property. We resolved the bulk of these by helping hydro customers connect with appropriate officials.

For example:

- A homeowner complained that his claim for compensation was denied after a contractor for the local hydro company damaged his gardens. After we spoke with hydro officials, they reviewed how their insurer handled the file and instructed the insurer to send the homeowner a settlement for the full amount of his claim – along with an apology.



“Bless you for helping me with this. I was at my wit’s end and thought I had nowhere to turn.”

– Complainant

- A woman who missed a payment on her hydro arrears told us she feared her electricity would be cut off. We helped her connect directly with the hydro company, which agreed to work with her to ensure she could keep her lights on.
- We spoke with hydro officials about a couple's concerns about noise and lights from the company's operations in a field beside their home. The company offered to have senior staff meet with the couple to address their concerns and work on a resolution.

Parks, conservation and environment issues

In 2021-2022, we received **28** complaints about provincial parks, including concerns about the Ontario Parks online reservation system for campsites. These included technical issues with the booking system, as well as concerns about the reselling of reservations – a practice the province cracked down on in the spring of 2021, announcing that anyone seeking to resell a reservation on social media could be fined and have their reservation cancelled.

In all, we received **67** complaints and inquiries about the Ministry of the Environment, Conservation and Parks, and **45** about the Ministry of Northern Development, Mines, Natural Resources and Forestry.

Some case examples:

- In a case first raised in last year's Annual Report, our intervention in complaints by Indigenous groups

as well as other affected individuals resulted in an apology from the Ministry of the Environment, Conservation and Parks and the Ministry of Northern Development, Mines, Natural Resources and Forestry. The complaints focused on the ministries' decision to cancel, without notice, a class environmental assessment (EA) related to the impacts of a local dam on native fish populations. Those engaged in the EA process complained they had not heard from the ministries in the three years leading up to the termination of the EA. After our initial inquiries, the ministries provided complainants with a written acknowledgement of the lack of communication and delay, as well as a detailed explanation for their decision. However, Indigenous groups had outstanding concerns and questions about consultation, and several groups had concerns about the lack of fisheries management planning in the area. Once our Office escalated these issues to senior officials, they acknowledged the seriousness of these concerns and agreed to provide an apology to affected Indigenous groups. The Ministries reaffirmed their commitment to working with the Indigenous groups and others, and will be in the process of developing a fisheries management plan for the area.

- When a man complained that the road leading to his usual boat launch in a provincial park was blocked without public consultation or notice, we made inquiries with the Ministry of the Environment, Conservation and Parks. We discovered the site was not an official boat launch as defined by legislation – and that it was blocked as part of a local First Nation's request to the Ministry to restore the beach. The Ministry offered to add the man to its mailing list so he could participate in its process to develop the park management plan.

- A group of cottagers complained to us after communication between them and the Ministry of the Environment, Conservation and Parks broke down. They had been told that new park protection legislation would result in changes to the terms of their longstanding access to a boat launch within a provincial park. Our review of the file found that the formal and legalistic language used by Ministry employees in communicating with cottage residents likely caused some misunderstanding. We encouraged the Ministry to use plain language to avoid further confusion, and continue to monitor its efforts to resolve the matter.
- A frustrated landowner sought our help after failing to get a clear answer from the Ministry of Northern Development, Mines, Natural Resources and Forestry about when and why a portion of his property was designated as provincially significant wetland. Ministry staff told us that because of COVID-19 work-from-home measures, they could not access the original file to respond to the landowner's questions. We put the landowner in touch with the right person at the Ministry who committed to responding to him once the file was accessible and to providing information about how the designation could be challenged.

We also continue to receive complaints about how the Ministry of the Environment, Conservation and Parks controls the spreading of untreated sewage, and we are monitoring its review of its policies regarding this practice. We first reported on this issue in our 2016-2017 Annual Report after hearing from Ontarians concerned about the resulting odour and other effects on surrounding land, wildlife and waterways. In January 2022, the Ministry posted a discussion paper to collect public input on the management of hauled sewage, among other topics.

Case summaries

Septic solution

A homeowner sought our help with servicing his septic tank – which was located on the property of a neighbour who would not allow access. We helped him reach the right people at the Ministry of the Environment, Conservation and Parks, who arranged to visit both properties and speak with both the homeowner and the neighbour. They mutually agreed to have the tank serviced, and the Ministry subsequently provided the homeowner with information about how to relocate the septic tank to his own property if he chose.

Debris debacle

A group of residents near a construction site complained that the Ministry of the Environment, Conservation and Parks was not acting on their complaints about debris. After Ombudsman staff spoke with Ministry officials, they explained the enforcement action they took to address the problem, which included issuing tickets to the responsible parties and referring the file for investigation and potential charges. The Ministry agreed to follow up with the concerned parties and ensure the site was cleaned up.

Errant pass

A woman sought our help after she purchased an annual Ontario Parks pass by mistake – she had meant to buy a Parks Canada pass (for national parks) instead. Her request for a refund was initially turned down but after we put her in touch with a more senior official at the Ministry of the Environment, Conservation and Parks, she was able to explain the situation and was reimbursed **\$112** for the pass.





CERTIFICATES & PERMITS

Overview and trends in cases

Every year, we hear from Ontarians who have difficulty obtaining birth certificates, death certificates and similar government-issued documents. The Registrar General issues these types of documents through ServiceOntario, and we regularly receive complaints about both organizations. In 2021-2022, we received **288** cases about ServiceOntario – a decline from the previous year's 305 – and **37** about the Registrar General (consistent with 35 in 2020-2021).

Document delays

People often come to our Office for help with long delays in processing their applications. In many cases, our intervention clears up confusion and resolves the issue.

For example:

- A woman who needed copies of her children's birth certificates after moving to another province sought our help when she could not find a guarantor in Ontario to sign her application. After our staff confirmed with the Registrar General's office that the guarantor could be located anywhere in Canada, she was able to complete the form.
- A man seeking a name change complained that the delay in processing his application was making it difficult for him to renew his registration with his professional college. Our staff confirmed the cause of the delay, and facilitated a call from the department responsible for processing the application to clarify what additional details were needed.

Unusual circumstances

We also help many people who aren't able to use ServiceOntario's process to obtain identification, because they don't have the standard required documentation. In these situations, we connect directly with officials in the Ministry of Government and Consumer Services to highlight the person's exceptional circumstances and resolve the issue.

For example:

- A group home worker contacted us on behalf of an adult resident with developmental disabilities. The woman needed a photo ID to use with her COVID-19 vaccine certificate for entry to certain businesses and facilities. She did not have the required documents to obtain a photo card via ServiceOntario, which typically requires an original birth certificate. Our staff explained the woman's unique situation to Ministry officials, who arranged for the woman to receive a photo health card rather than a photo ID card. We helped the woman make an appointment at the nearest ServiceOntario location to obtain this card.

Case summaries

Delay of name

A mother complained to us about delays in obtaining long-form birth certificates for her two university-aged children, who needed the documents to apply for post-secondary education funding. Our inquiries with the Registrar General's office revealed that the documents were stalled in its system because the mother had mistakenly listed her child instead of herself as the applicant on one of the two request forms. Once this error was corrected, we confirmed that both long-form birth certificates were sent.

“There are no words to describe how happy I am! Thank you for your excellent service... the whole process was so nice, such a pleasure dealing with your Office.”

– Complainant

Apply, return, repeat

A mother contacted us in frustration after waiting several months for her son's name change to be processed. She had already submitted a notarized application on his behalf twice, seeking to change the name on his birth certificate to reflect his gender identity. When the second submission was returned to her, the reason given was that it did not include her child's original birth certificate – which she had already sent in with the first application. Ombudsman staff made inquiries with the Registrar General's office, and they confirmed they still had the birth certificate, but failed to communicate that to the mother. The Registrar General's office apologized to the family for the miscommunication, and the son's name change application was allowed to proceed.

Good to know



Cases related to driver's licences and vehicle registration can be found in the **Transportation** chapter of this report; cases related to health cards can be found in the **Health** chapter.

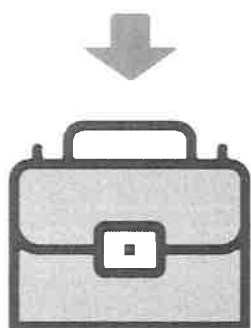


The background of the page is a dark teal color. It features several large, overlapping circles in various shades of grey and black, creating a layered, geometric effect. Additionally, there are several thin, vertical lines in different colors (blue, green, purple, yellow) running across the page, adding a modern, digital feel.

APPENDIX

Case Statistics

DISPOSITION OF CASES, 2021-2022



25,161

CASES RECEIVED IN
FISCAL 2021-2022

164

consultations or questions



679

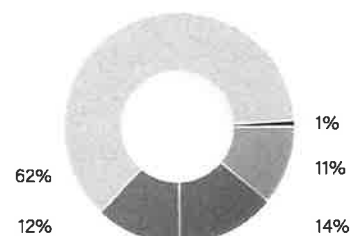
information submissions

CASES CLOSED - 2021-2022

16,717

cases within the
Ombudsman's
authority

7,659

cases outside the
Ombudsman's
authority

- INQUIRIES MADE OR REFERRAL GIVEN
- CLOSED AFTER OMBUDSMAN'S REVIEW
- RESOLVED WITH OMBUDSMAN INTERVENTION AND/OR BEST PRACTICES SUGGESTED
- DISCONTINUED BY COMPLAINANT
- RESOLVED WITHOUT OMBUDSMAN INTERVENTION

- OUTSIDE ONTARIO
- PROVINCIAL OUTSIDE AUTHORITY*
- BROADER PUBLIC SECTOR OUTSIDE AUTHORITY**
- FEDERAL
- PRIVATE

% OF CASES CLOSED IN A WEEK / 2 WEEKS



40%

closed in 1 week



52%

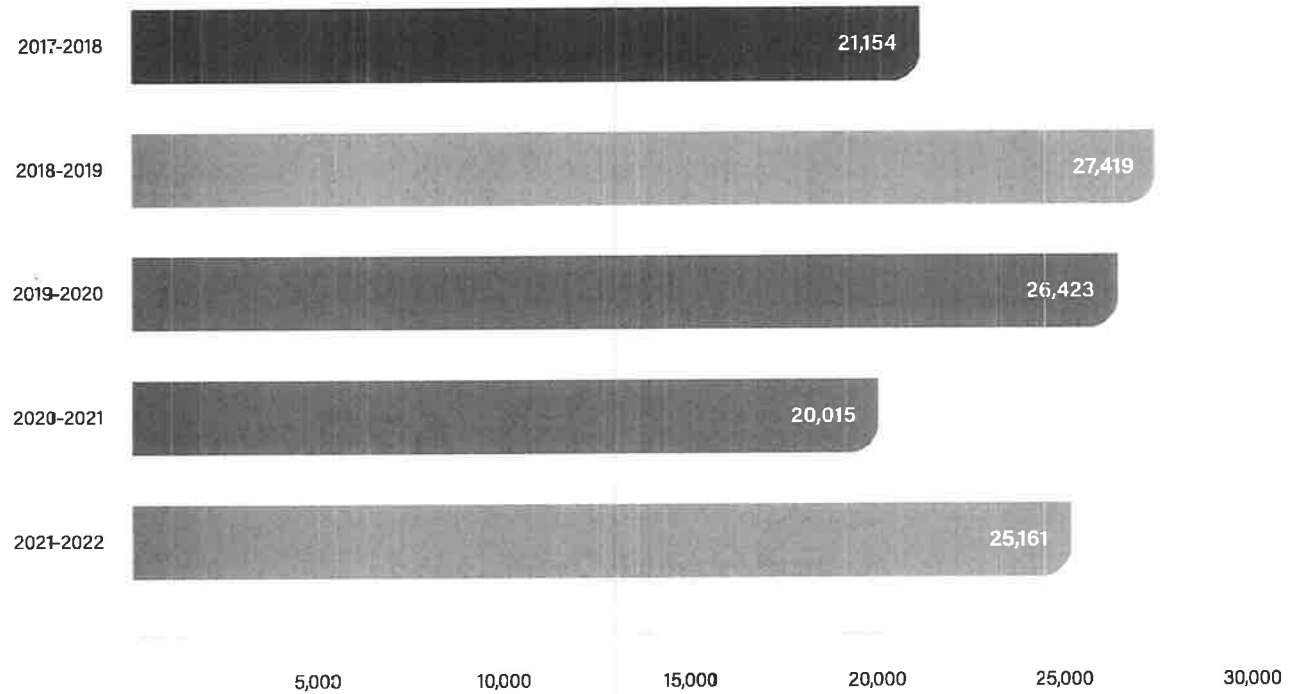
closed in 2 weeks

*E.g., complaints about officials and bodies outside the Ombudsman's jurisdiction

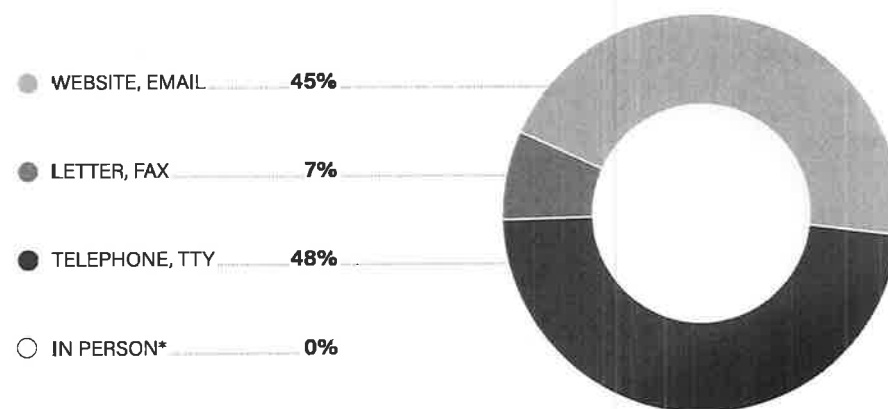
**E.g., complaints about hospitals, long-term care homes, public health units, municipal police



TOTAL CASES RECEIVED, FISCAL YEARS 2017-2018 - 2021-2022



HOW CASES WERE RECEIVED, 2021-2022



*We were not able to receive complaints in person, due to COVID-19 protocols.

CASES BY PROVINCIAL RIDING, 2021-2022

AJAX	123	GLENGARRY—PRESCOTT—RUSSELL	176
ALGOMA—MANITOULIN	174	GUELPH	147
AURORA—OAK RIDGES—RICHMOND HILL	87	HALDIMAND—NORFOLK	130
BARRIE—INNISFIL	121	HALIBURTON—KAWARTHA LAKES—BROCK	124
BARRIE—SPRINGWATER—ORO-MEDONTE	171	HAMILTON CENTRE	193
BAY OF QUINTE	138	HAMILTON EAST—STONE CREEK	110
BEACHES—EAST YORK	154	HAMILTON MOUNTAIN	105
BRAMPTON CENTRE	87	HAMILTON WEST—ANCASTER—DUNDAS	113
BRAMPTON EAST	70	HASTINGS—LENNOX AND ADDINGTON	143
BRAMPTON NORTH	71	HUMBER RIVER—BLACK CREEK	125
BRAMPTON SOUTH	111	HURON—BRUCE	106
BRAMPTON WEST	87	KANATA—CARLETON	73
BRANTFORD—BRANT	144	KENORA—RAINY RIVER	81
BRUCE—GREY—OWEN SOUND	145	KIOWATINOONG	16
BURLINGTON	105	KINGSTON AND THE ISLANDS	162
CAMBRIDGE	140	KING—VAUGHAN	96
CARLETON	79	KITCHENER CENTRE	124
CHATHAM-KENT—LEAMINGTON	126	KITCHENER SOUTH—HESPELER	77
DAVENPORT	134	KITCHENER—CONESTOGA	92
DON VALLEY EAST	77	LAMBTON—KENT—MIDDLESEX	119
DON VALLEY NORTH	78	LANARK—FRONTENAC—KINGSTON	149
DON VALLEY WEST	94	LEEDS—GRENVILLE—THOUSAND ISLANDS AND RIDEAU LAKES	98
DUFFERIN—CALEDON	132	LONDON NORTH CENTRE	177
DURHAM	131	LONDON WEST	124
EGLINTON—LAWRENCE	122	LONDON—FANSHAW	148
ELGIN—MIDDLESEX—LONDON	152	MARKHAM—STOUFFVILLE	120
ESSEX	144	MARKHAM—THORNHILL	45
ETOBICOKE CENTRE	112	MARKHAM—UNIONVILLE	73
ETOBICOKE NORTH	74	MILTON	88
ETOBICOKE—LAKESHORE	167	MISSISSAUGA CENTRE	91
FLAMBOROUGH—GLANBROOK	104	MISSISSAUGA EAST—COOKSVILLE	112

**All cases where a postal code was available, including those related to municipalities, universities and school boards, but excluding correctional facilities.*



CASES BY PROVINCIAL RIDING, 2021-2022

MISSISSAUGA—ERIN MILLS	85	SCARBOROUGH CENTRE	83
MISSISSAUGA—LAKESHORE	115	SCARBOROUGH NORTH	26
MISSISSAUGA—MALTON	89	SCARBOROUGH SOUTHWEST	124
MISSISSAUGA—STREETSVILLE	94	SCARBOROUGH—AGINCOURT	69
MUSHKEGOWUK—JAMES BAY	34	SCARBOROUGH—GUILDWOOD	97
NEPEAN	102	SCARBOROUGH—ROUGE PARK	88
NEWMARKET—AURORA	126	SIMCOE NORTH	183
NIAGARA CENTRE	225	SIMCOE—GREY	187
NIAGARA FALLS	200	SPADINA—FORT YORK	135
NIAGARA WEST	124	ST. CATHARINES	166
NICKEL BELT	138	STORMONT—DUNDAS—SOUTH GLENGARRY	138
NIPISSING	136	SUDBURY	190
NORTHUMBERLAND—PETERBOROUGH SOUTH	116	THORNHILL	88
OAKVILLE	122	THUNDER BAY—ATIKOKAN	112
OAKVILLE NORTH—BURLINGTON	85	THUNDER BAY—SUPERIOR NORTH	126
ORLÉANS	108	TIMISKAMING—COCHRANE	157
OSHAWA	150	TIMMINS	37
OTTAWA CENTRE	173	TORONTO CENTRE	177
OTTAWA SOUTH	104	TORONTO—DANFORTH	155
OTTAWA WEST—NEPEAN	100	TORONTO—ST. PAUL'S	99
OTTAWA—VANIER	185	UNIVERSITY—ROSEDALE	153
OXFORD	121	VAUGHAN—WOODBIDGE	93
PARKDALE—HIGH PARK	136	WATERLOO	119
PARRY SOUND—MUSKOKA	172	WELLINGTON—HALTON HILLS	100
PERTH—WELLINGTON	95	WHITBY	112
PETERBOROUGH—KAWARTHA	167	WILLOWDALE	72
PICKERING—UXBRIDGE	132	WINDSOR WEST	197
RENFREW—NIPISSING—PEMBROKE	103	WINDSOR—TECUMSEH	129
RICHMOND HILL	93	YORK CENTRE	102
SARNIA—LAMBTON	111	YORK SOUTH—WESTON	99
SAULT STE. MARIE	166	YORK—SIMCOE	118

**All cases where a postal code was available, including those related to municipalities, universities and school boards, but excluding correctional facilities.*

TOP 10 PROVINCIAL GOVERNMENT ORGANIZATIONS AND PROGRAMS BY CASE VOLUME, 2021-2022*

		NUMBER OF CASES
1	TRIBUNALS ONTARIO	1,110
2	ONTARIO DISABILITY SUPPORT PROGRAM	755
3	FAMILY RESPONSIBILITY OFFICE	350
4	COLLEGES OF APPLIED ARTS AND TECHNOLOGY	344
5	SERVICEONTARIO	288
6	WORKPLACE SAFETY AND INSURANCE BOARD	200
7	ONTARIO STUDENT ASSISTANCE PROGRAM	180
8	DRIVER LICENSING	169
9	OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE	167
10	ONTARIO PROVINCIAL POLICE	128

*Excluding correctional facilities.

TOP 10 CORRECTIONAL FACILITIES BY CASE VOLUME, 2021-2022

		NUMBER OF CASES
1	CENTRAL EAST CORRECTIONAL CENTRE	600
2	CENTRAL NORTH CORRECTIONAL CENTRE	537
3	TORONTO SOUTH DETENTION CENTRE	383
4	NIAGARA DETENTION CENTRE	239
5	OTTAWA-CARLETON DETENTION CENTRE	226
6	MAPLEHURST CORRECTIONAL COMPLEX	198
7	SOUTH WEST DETENTION CENTRE	198
8	HAMILTON-WENTWORTH DETENTION CENTRE	163
9	VANIER CENTRE FOR WOMEN	133
10	QUINTE DETENTION CENTRE	130



TOTAL CASES RECEIVED FOR PROVINCIAL GOVERNMENT MINISTRIES AND SELECTED PROGRAMS,* 2021-2022

MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS		10
MINISTRY OF THE ATTORNEY GENERAL		1,567
ALCOHOL AND GAMING COMMISSION OF ONTARIO	24	
CHILDREN'S LAWYER	14	
COURT ADMINISTRATION	60	
HUMAN RIGHTS LEGAL SUPPORT CENTRE	13	
LEGAL AID CLINIC	11	
LEGAL AID ONTARIO	65	
OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE	167	
TRIBUNALS ONTARIO	1,110	
MINISTRY OF CHILDREN, COMMUNITY AND SOCIAL SERVICES		1,530
DEVELOPMENTAL SERVICES PROGRAMS	34	
DEVELOPMENTAL SERVICES - PASSPORT PROGRAM	26	
FAMILY RESPONSIBILITY OFFICE	350	
MINISTRY FUNDED SERVICE PROVIDER - CHILDREN AND YOUTH	16	
MINISTRY FUNDED SERVICE PROVIDER - COMMUNITY AND SOCIAL SERVICES	69	
ONTARIO AUTISM PROGRAM	88	
ONTARIO DISABILITY SUPPORT PROGRAM	755	
SPECIAL NEEDS PROGRAMS - CHILDREN	13	
YOUTH JUSTICE CENTRES - DIRECT OPERATED	87	
YOUTH JUSTICE CENTRES - MINISTRY FUNDED	54	
MINISTRY OF COLLEGES AND UNIVERSITIES		543
COLLEGES OF APPLIED ARTS AND TECHNOLOGY	344	
ONTARIO STUDENT ASSISTANCE PROGRAM	180	
PRIVATE CAREER COLLEGES BRANCH	11	
MINISTRY OF ECONOMIC DEVELOPMENT, JOB CREATION AND TRADE		154
MINISTRY OF EDUCATION		126
MINISTRY OF ENERGY		31
ONTARIO ENERGY BOARD	15	
ONTARIO POWER GENERATION	10	
MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS		67
ONTARIO PARKS	28	
MINISTRY OF FINANCE		227
FINANCIAL SERVICES REGULATORY AUTHORITY	26	
LIQUOR CONTROL BOARD OF ONTARIO	23	
MUNICIPAL PROPERTY ASSESSMENT CORPORATION	16	
ONTARIO CANNABIS STORE	31	
ONTARIO LOTTERY AND GAMING	64	

**Total figures are reported for each provincial government ministry including agencies and programs falling within its portfolio. Each government agency or program receiving 10 or more cases is also included. Cases related to French language services are not included.*

TOTAL CASES RECEIVED FOR PROVINCIAL GOVERNMENT MINISTRIES AND SELECTED PROGRAMS,* 2021-2022

MINISTRY OF GOVERNMENT AND CONSUMER SERVICES		410
CONSUMER PROTECTION ONTARIO	22	
REGISTRAR GENERAL	37	
SERVICEONTARIO	288	
MINISTRY OF HEALTH		469
ASSISTIVE DEVICES / HOME OXYGEN PROGRAMS	23	
HEALTH CARE CONNECT	11	
HEALTH PROFESSIONS APPEAL AND REVIEW BOARD	13	
HOME AND COMMUNITY CARE SUPPORT SERVICES	89	
MINISTRY FUNDED SERVICE PROVIDER	25	
ONTARIO HEALTH	36	
ONTARIO HEALTH INSURANCE PLAN - OHIP	70	
ONTARIO PUBLIC DRUG PROGRAMS	24	
MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES		16
MINISTRY OF INDIGENOUS AFFAIRS		1
MINISTRY OF INFRASTRUCTURE		3
MINISTRY OF LABOUR, TRAINING AND SKILLS DEVELOPMENT		341
EMPLOYMENT PRACTICES BRANCH	19	
OCCUPATIONAL HEALTH AND SAFETY BRANCH	16	
ONTARIO LABOUR RELATIONS BOARD	15	
WORKPLACE SAFETY AND INSURANCE BOARD	200	
WORKPLACE SAFETY AND INSURANCE APPEAL TRIBUNAL	36	
MINISTRY OF LONG-TERM CARE		41
LONG-TERM CARE INSPECTIONS BRANCH	21	
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING		21
MINISTRY OF NORTHERN DEVELOPMENT, MINES, NATURAL RESOURCES AND FORESTRY		45
MINISTRY FOR SENIORS AND ACCESSIBILITY		1
MINISTRY OF THE SOLICITOR GENERAL		3,920
CORRECTIONAL FACILITIES	3,691	
OFFICE OF THE CHIEF CORONER	21	
ONTARIO PROVINCIAL POLICE	128	
PROBATION AND PAROLE	38	
MINISTRY OF TRANSPORTATION		613
DRIVER LICENSING	169	
METROLINX/GO TRANSIT	34	
DRIVETEST	272	
TRANSPORTATION - MEDICAL REVIEW	44	
VEHICLE LICENSING	30	
TREASURY BOARD SECRETARIAT		4



CASES RECEIVED ABOUT MUNICIPALITIES, 2021-2022 • TOTAL: 2,877

ADDINGTON HIGHLANDS, TOWNSHIP OF	2	CARLOW/MAYO, TOWNSHIP OF	1
ADELAIDE METCALFE, TOWNSHIP OF	2	CASSELMAN, MUNICIPALITY OF	15
ADJALA-TOSORONTIO, TOWNSHIP OF	6	CAVAN MONAGHAN, TOWNSHIP OF	1
AJAX, TOWN OF	6	CENTRAL ELGIN, MUNICIPALITY OF	11
ALFRED AND PLANTAGENET, TOWNSHIP OF	4	CENTRAL FRONTENAC, TOWNSHIP OF	1
ALGONQUIN HIGHLANDS, TOWNSHIP OF	6	CENTRAL HURON, MUNICIPALITY OF	4
ALNWICK/HALDIMAND, TOWNSHIP OF	6	CENTRAL MANITOULIN, MUNICIPALITY OF	6
AMARANTH, TOWNSHIP OF	2	CENTRE HASTINGS, MUNICIPALITY OF	3
AMHERSTBURG, TOWN OF	13	CENTRE WELLINGTON, TOWNSHIP OF	3
ARMOUR, TOWNSHIP OF	1	CHAMPLAIN, TOWNSHIP OF	3
ARNPRIOR, TOWN OF	2	CHAPLEAU, TOWNSHIP OF	1
ARRAN-ELDERSLIE, MUNICIPALITY OF	2	CHATHAM-KENT, MUNICIPALITY OF	44
ASSIGINACK, TOWNSHIP OF	4	CLARENCE-ROCKLAND, CITY OF	2
ATHENS, TOWNSHIP OF	2	CLARINGTON, MUNICIPALITY OF	7
AURORA, TOWN OF	4	CLEARVIEW, TOWNSHIP OF	8
AYLMER, TOWN OF	1	COBALT, TOWN OF	3
BANCROFT, TOWN OF	1	COBOURG, TOWN OF	3
BARRIE, CITY OF	17	COCHRANE, TOWN OF	1
BAYHAM, MUNICIPALITY OF	19	COLEMAN, TOWNSHIP OF	2
BECKWITH, TOWNSHIP OF	2	COLLINGWOOD, TOWN OF	2
BELLEVILLE, CITY OF	10	CORNWALL, CITY OF	12
BILLINGS, TOWNSHIP OF	1	CRAMAHE, TOWNSHIP OF	2
BLACK RIVER-MATHESON, TOWNSHIP OF	5	DAWSON, TOWNSHIP OF	1
BLANDFORD-BLENHEIM, TOWNSHIP OF	1	DOURO-DUMMER, TOWNSHIP OF	4
BLIND RIVER, TOWN OF	1	DUBREUILVILLE, TOWNSHIP OF	1
BONFIELD, TOWNSHIP OF	3	DUFFERIN, COUNTY OF	5
BONNECHERE VALLEY, TOWNSHIP OF	1	DURHAM, REGIONAL MUNICIPALITY OF	29
BRACEBRIDGE, TOWN OF	7	DUTTON-DUNWICH, MUNICIPALITY OF	2
BRADFORD WEST GWILLIMBURY, TOWN OF	1	DYSART ET AL, MUNICIPALITY OF	3
BRAMPTON, CITY OF	48	EAST FERRIS, MUNICIPALITY OF	3
BRANT, COUNTY OF	5	EAST GWILLIMBURY, TOWN OF	1
BRANTFORD, CITY OF	15	EAST ZORRA -TAVISTOCK, TOWNSHIP OF	1
BRIGHTON, MUNICIPALITY OF	4	ELLIOT LAKE, CITY OF	5
BROCKTON, MUNICIPALITY OF	1	ENGLEHART, TOWN OF	1
BROCKVILLE, CITY OF	5	ERIN, TOWN OF	8
BROOKE-ALVINSTON, MUNICIPALITY OF	2	ESSEX, COUNTY OF	2
BRUCE, COUNTY OF	1	ESSEX, TOWN OF	10
BRUDENELL, LYNDONCH AND RAGLAN, TOWNSHIP OF	1	FAUQUIER-STRICKLAND, TOWNSHIP OF	4
BURK'S FALLS, VILLAGE OF	1	FORT ERIE, TOWN OF	20
BURLINGTON, CITY OF	8	FORT FRANCES, TOWN OF	5
BURPEE AND MILLS, TOWNSHIP OF	1	FRENCH RIVER, MUNICIPALITY OF	3
CALEDON, TOWN OF	12	FRONT OF YONGE, TOWNSHIP OF	1
CALLANDER, MUNICIPALITY OF	5	FRONTENAC ISLANDS, TOWNSHIP OF	2
CALVIN, MUNICIPALITY OF	2	FRONTENAC, COUNTY OF	1
CAMBRIDGE, CITY OF	17	GANANOQUE, TOWN OF	8
CARLING, TOWNSHIP OF	1	GEORGIAN BAY, TOWNSHIP OF	3

Note: Municipalities that were not the subject of any cases are not listed.

CASES RECEIVED ABOUT MUNICIPALITIES, 2021-2022

GEORGIAN BLUFFS, TOWNSHIP OF	9	LAKE OF BAYS, TOWNSHIP OF	1
GEORGINA, TOWN OF	3	LAKESHORE, TOWN OF	9
GILLIES, TOWNSHIP OF	1	LAMBTON SHORES, MUNICIPALITY OF	8
GRAND VALLEY, TOWN OF	1	LAMBTON, COUNTY OF	7
GRAVENHURST, TOWN OF	9	LANARK HIGHLANDS, TOWNSHIP OF	3
GREATER NAPANEE, TOWN OF	3	LANARK, COUNTY OF	4
GREATER SUDBURY, CITY OF	62	LASALLE, TOWN OF	9
GREENSTONE, MUNICIPALITY OF	1	LEAMINGTON, MUNICIPALITY OF	5
GREY HIGHLANDS, MUNICIPALITY OF	7	LEEDS AND GRENVILLE, UNITED COUNTIES OF	1
GREY, COUNTY OF	5	LEEDS AND THE THOUSAND ISLANDS, TOWNSHIP OF	5
GRIMSBY, TOWN OF	21	LENNOX & ADDINGTON, COUNTY OF	2
GUELPH, CITY OF	14	LINCOLN, TOWN OF	6
HALDIMAND COUNTY	6	LONDON, CITY OF	52
HALIBURTON, COUNTY OF	2	LOYALIST TOWNSHIP	3
HALTON HILLS, TOWN OF	2	LUCAN BIDDULPH, TOWNSHIP OF	1
HALTON, REGIONAL MUNICIPALITY OF	13	MACDONALD, MEREDITH & ABERDEEN ADDITIONAL, TOWNSHIP OF	1
HAMILTON, CITY OF	82	MACHAR, TOWNSHIP OF	1
HAMILTON, TOWNSHIP OF	3	MADAWASKA VALLEY, TOWNSHIP OF	7
HANOVER, TOWN OF	3	MADOC, TOWNSHIP OF	1
HASTINGS HIGHLANDS, MUNICIPALITY OF	5	MAGNETAWAN, MUNICIPALITY OF	1
HASTINGS, COUNTY OF	9	MALAHIDE, TOWNSHIP OF	2
HAVELOCK-BELMONT-METHUEN, TOWNSHIP OF	4	MANITOUWADGE, TOWNSHIP OF	3
HAWKESBURY, TOWN OF	5	MARATHON, TOWN OF	2
HIGHLANDS EAST, MUNICIPALITY OF	1	MARKHAM, CITY OF	16
HOWICK, TOWNSHIP OF	1	MARKSTAY-WARREN, MUNICIPALITY OF	1
HUNTSVILLE, TOWN OF	5	MARMORA AND LAKE, MUNICIPALITY OF	1
HURON EAST, MUNICIPALITY OF	1	MATTAWAN, MUNICIPALITY OF	1
HURON-KINLOSS, TOWNSHIP OF	5	MCDUGALL, MUNICIPALITY OF	5
HURON, COUNTY OF	2	MCGARRY, TOWNSHIP OF	7
IGNACE, TOWNSHIP OF	4	MCKELLAR, TOWNSHIP OF	6
INGERSOLL, TOWN OF	4	MCMURRICH/MONTEITH, TOWNSHIP OF	3
INNISFIL, TOWN OF	6	MCNAB/BRAESIDE, TOWNSHIP OF	1
IROQUOIS FALLS, TOWN OF	10	MEAFORD, MUNICIPALITY OF	5
JOHNSON, TOWNSHIP OF	1	MELANCTHON, TOWNSHIP OF	1
JOLY, TOWNSHIP OF	2	MERRICKVILLE-WOLFORD, VILLAGE OF	8
KAPUSKASING, TOWN OF	1	MIDDLESEX CENTRE, MUNICIPALITY OF	3
KAWARTHA LAKES, CITY OF	28	MIDDLESEX, COUNTY OF	1
KEARNEY, TOWN OF	2	MIDLAND, TOWN OF	8
KENORA, CITY OF	2	MILTON, TOWN OF	9
KILLALOE, HAGARTY AND RICHARDS, TOWNSHIP OF	4	MINDEN HILLS, TOWNSHIP OF	2
KINCARDINE, MUNICIPALITY OF	1	MINTO, TOWN OF	2
KING, TOWNSHIP OF	3	MISSISSAUGA, CITY OF	56
KINGSTON, CITY OF	27	MISSISSIPPI MILLS, MUNICIPALITY OF	7
KINGSVILLE, TOWN OF	2	MONO, TOWN OF	6
KIRKLAND LAKE, TOWN OF	11	MONTAGUE, TOWNSHIP OF	2
KITCHENER, CITY OF	10	MUSKOKA LAKES, TOWNSHIP OF	2



CASES RECEIVED ABOUT MUNICIPALITIES, 2021-2022

MUSKOKA, DISTRICT MUNICIPALITY OF	4	PORT COLBORNE, CITY OF	66
NAIRN AND HYMAN, TOWNSHIP OF	1	POWASSAN, MUNICIPALITY OF	5
NEEBING, MUNICIPALITY OF	1	PRESCOTT AND RUSSELL, UNITED COUNTIES OF	2
NEW TECUMSETH, TOWN OF	13	PRESCOTT, TOWN OF	1
NEWMARKET, TOWN OF	8	PRINCE EDWARD, COUNTY OF	7
NIAGARA FALLS, CITY OF	15	PUSLINCH, TOWNSHIP OF	3
NIAGARA-ON-THE-LAKE, TOWN OF	5	QUINTE WEST, CITY OF	9
NIAGARA, REGIONAL MUNICIPALITY OF	32	RAMARA, TOWNSHIP OF	8
NIPIGON, TOWNSHIP OF	1	RENFREW, COUNTY OF	1
NORFOLK COUNTY	15	RENFREW, TOWN OF	1
NORTH BAY, CITY OF	3	RICHMOND HILL, CITY OF	17
NORTH DUMFRIES, TOWNSHIP OF	3	RIDEAU LAKES, TOWNSHIP OF	3
NORTH DUNDAS, TOWNSHIP OF	3	RUSSELL, TOWNSHIP OF	2
NORTH HURON, TOWNSHIP OF	3	RYERSON, TOWNSHIP OF	3
NORTH KAWARTHA, TOWNSHIP OF	3	SABLES-SPANISH RIVERS, TOWNSHIP OF	1
NORTH MIDDLESEX, MUNICIPALITY OF	2	SARNIA, CITY OF	17
NORTH PERTH, MUNICIPALITY OF	6	SAUGEEN SHORES, TOWN OF	4
NORTH STORMONT, TOWNSHIP OF	3	SAULT STE. MARIE, CITY OF	22
NORTHEASTERN MANITOULIN AND THE ISLANDS, TOWN OF	1	SEGUIN, TOWNSHIP OF	1
NORTHERN BRUCE PENINSULA, MUNICIPALITY OF	6	SELWYN, TOWNSHIP OF	3
NORTHUMBERLAND, COUNTY OF	6	SEVERN, TOWNSHIP OF	1
NORWICH, TOWNSHIP OF	1	SHUNIAH, MUNICIPALITY OF	3
OAKVILLE, TOWN OF	26	SIMCOE, COUNTY OF	23
OLIVER PAIPOONGE, MUNICIPALITY OF	1	SIOUX NARROWS-NESTOR FALLS, TOWNSHIP OF	2
ORANGEVILLE, TOWN OF	3	SMITHS FALLS, TOWN OF	1
ORILLIA, CITY OF	8	SOUTH BRUCE PENINSULA, TOWN OF	6
ORO-MEDONTE, TOWNSHIP OF	22	SOUTH BRUCE, MUNICIPALITY OF	1
OSHAWA, CITY OF	18	SOUTH DUNDAS, MUNICIPALITY OF	6
OTONABEE-SOUTH MONAGHAN, TOWNSHIP OF	3	SOUTH FRONTENAC, TOWNSHIP OF	2
OTTAWA, CITY OF	157	SOUTH GLENGARRY, TOWNSHIP OF	1
OWEN SOUND, CITY OF	6	SOUTH RIVER, VILLAGE OF	1
OXFORD, COUNTY OF	4	SOUTH STORMONT, TOWNSHIP OF	4
PARRY SOUND, TOWN OF	1	SOUTHGATE, TOWNSHIP OF	6
PEEL, REGIONAL MUNICIPALITY OF	75	SOUTHWEST MIDDLESEX, MUNICIPALITY OF	4
PELEE, TOWNSHIP OF	3	SOUTHWOLD, TOWNSHIP OF	2
PELHAM, TOWN OF	4	SPRINGWATER, TOWNSHIP OF	2
PEMBROKE, CITY OF	2	ST. CATHARINES, CITY OF	26
PENETANGUISHENE, TOWN OF	1	ST. JOSEPH, TOWNSHIP OF	3
PERTH EAST, TOWNSHIP OF	2	ST. THOMAS, CITY OF	9
PERTH, COUNTY OF	1	ST.-CHARLES, MUNICIPALITY OF	2
PETAWAWA, TOWN OF	1	STIRLING-RAWDON, TOWNSHIP OF	1
PETERBOROUGH, CITY OF	17	STORMONT, DUNDAS & GLENGARRY, UNITED COUNTIES OF	1
PETERBOROUGH, COUNTY OF	4	STRATFORD, CITY OF	10
PETROLIA, TOWN OF	1	STRATHROY-CARADOC, MUNICIPALITY OF	8
PICKERING, CITY OF	16	SUNDRIDGE, VILLAGE OF	1
PLUMMER ADDITIONAL, TOWNSHIP OF	1	TARBUTT, TOWNSHIP OF	1

CASES RECEIVED ABOUT MUNICIPALITIES, 2021-2022

TAY, TOWNSHIP OF	5	SHARED CORPORATIONS	77
TECUMSEH, TOWN OF	2	ALECTRA	33
TEHKUMMAH, TOWNSHIP OF	2	BLUEWATER POWER DISTRIBUTION CORPORATION	1
TEMAGAMI, MUNICIPALITY OF	2	CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY	4
TEMISKAMING SHORES, CITY OF	5	CONSERVATION HALTON	1
THAMES CENTRE, MUNICIPALITY OF	3	CREDIT VALLEY CONSERVATION	1
THE ARCHIPELAGO, TOWNSHIP OF	5	CROWE VALLEY CONSERVATION AUTHORITY	2
THE BLUE MOUNTAINS, TOWN OF	7	ELEXICON ENERGY	3
THE NATION MUNICIPALITY	2	ENTEGRUS POWERLINES	1
THE NORTH SHORE, TOWNSHIP OF	3	ESSEX REGION CONSERVATION AUTHORITY	1
THOROLD, CITY OF	11	GRAND RIVER CONSERVATION AUTHORITY	3
THUNDER BAY, CITY OF	13	HAMILTON CONSERVATION AUTHORITY	2
TILLSONBURG, TOWN OF	3	KAWARTHA CONSERVATION	1
TIMMINS, CITY OF	5	KITCHENER-WILMOT HYDRO INC.	2
TINY, TOWNSHIP OF	3	LOWER THAMES VALLEY CONSERVATION AUTHORITY	2
TORONTO, CITY OF	307	LOWER TRENT CONSERVATION	1
TRENT HILLS, MUNICIPALITY OF	5	NEWMARKET-TAY POWER DISTRIBUTION LTD.	2
TRENT LAKES, MUNICIPALITY OF	3	NIAGARA PENINSULA CONSERVATION AUTHORITY	1
TUDOR & CASHEL, TOWNSHIP OF	3	NIAGARA PENINSULA ENERGY INC.	1
TWEED, MUNICIPALITY OF	2	NICKEL DISTRICT CONSERVATION AUTHORITY ("CONSERVATION SUDBURY")	1
TYENDINAGA, TOWNSHIP OF	4	ORANGEVILLE HYDRO	1
UXBRIDGE, TOWNSHIP OF	7	QUINTE CONSERVATION	2
VAUGHAN, CITY OF	27	RIDEAU VALLEY CONSERVATION AUTHORITY	3
WAINFLEET, TOWNSHIP OF	4	SAUGEEN VALLEY CONSERVATION AUTHORITY	1
WASAGA BEACH, TOWN OF	17	SYNERGY NORTH	1
WATERLOO, CITY OF	3	TORONTO AND REGION CONSERVATION AUTHORITY	3
WATERLOO, REGIONAL MUNICIPALITY OF	21	UPPER THAMES RIVER CONSERVATION AUTHORITY	2
WAWA, MUNICIPALITY OF	2	WESTARIO POWER	1
WELLAND, CITY OF	14	SHARED LOCAL BOARDS	64
WELLESLEY, TOWNSHIP OF	9	ALGOMA DISTRICT SERVICES ADMINISTRATION BOARD	5
WELLINGTON, COUNTY OF	13	DISTRICT OF COCHRANE SOCIAL SERVICES ADMINISTRATION BOARD	4
WEST ELGIN, MUNICIPALITY OF	4	DISTRICT OF NIPISSING SOCIAL SERVICES ADMINISTRATION BOARD	7
WEST GREY, MUNICIPALITY OF	5	DISTRICT OF PARRY SOUND SOCIAL SERVICES ADMINISTRATION BOARD	5
WEST LINCOLN, TOWNSHIP OF	3	DISTRICT OF SAULT STE. MARIE SOCIAL SERVICES ADMINISTRATION BOARD	9
WEST NIPISSING, MUNICIPALITY OF	13	DISTRICT OF TIMISKAMING SOCIAL SERVICES ADMINISTRATION BOARD	2
WEST PERTH, MUNICIPALITY OF	2	KENORA DISTRICT SERVICES BOARD	4
WHITBY, TOWN OF	7	KINGSTON AREA TAXI LICENSING COMMISSION	2
WHITCHURCH-STOUFFVILLE, TOWN OF	9	MANITOULIN-SUDBURY DISTRICT SERVICES BOARD	7
WHITESTONE, MUNICIPALITY OF	1	NIAGARA CENTRAL AIRPORT COMMISSION	1
WILMOT, TOWNSHIP OF	5	RAINY RIVER DISTRICT SOCIAL SERVICES ADMINISTRATION BOARD	3
WINDSOR, CITY OF	58	SAUGEEN MUNICIPAL AIRPORT COMMISSION	3
WOLLASTON, TOWNSHIP OF	2	THUNDER BAY SOCIAL SERVICES ADMINISTRATION BOARD	12
WOODSTOCK, CITY OF	2		
WOOLWICH, TOWNSHIP OF	2		
YORK, REGIONAL MUNICIPALITY OF	53		
CASES WHERE NO MUNICIPALITY WAS SPECIFIED	33		



CASES RECEIVED ABOUT CLOSED MUNICIPAL MEETINGS, 2021-2022 • TOTAL: 191

CASES ABOUT MUNICIPALITIES WHERE OMBUDSMAN IS THE INVESTIGATOR* 152

CASES ABOUT MUNICIPALITIES WHERE ANOTHER INVESTIGATOR HAS BEEN APPOINTED** 39

SUMMARY OF COMPLETED INVESTIGATIONS				
MUNICIPALITY	MEETINGS & GATHERINGS REVIEWED	ILLEGAL MEETINGS	PROCEDURAL VIOLATIONS FOUND	BEST PRACTICES SUGGESTED
BONFIELD, TOWNSHIP OF	2	2	1	2
BRUDENELL, LYNDONCH AND RAGLAN, TOWNSHIP OF	1	0	2	5
COLLINGWOOD, TOWN OF	2	0	0	0
ESPANOLA, TOWN OF	1	0	0	0
FORT ERIE, TOWN OF	1	0	0	0
GREATER SUDBURY, CITY OF	1	1	1	0
GREY HIGHLANDS, MUNICIPALITY OF	1	0	0	1
GRIMSBY, TOWN OF	1	0	0	0
HAMILTON, CITY OF	5	1	0	3
HAWKESBURY, TOWN OF	1	0	0	0
KIRKLAND LAKE, TOWN OF	1	0	1	3
LANARK HIGHLANDS, TOWNSHIP OF	2	0	1	1
LOYALIST, TOWNSHIP OF	1	0	0	0
LUCAN BIDDULPH, TOWNSHIP OF	1	1	2	1
MCKELLAR, TOWNSHIP OF	2	0	0	0
MCMURRICH/MONTEITH, TOWNSHIP OF	2	1	0	1
NAIRN AND HYMAN, TOWNSHIP OF	3	2	1	3
NIAGARA FALLS, CITY OF	2	2	3	1
PELEE, TOWNSHIP OF	1	0	0	0
RUSSELL, TOWNSHIP OF	2	0	0	0
SAUGEEN MUNICIPAL AIRPORT COMMISSION	8	8	1	4
SOUTH ALGONQUIN, TOWNSHIP OF	2	0	0	0
SOUTH BRUCE PENINSULA, TOWN OF	1	0	0	0
SOUTH FRONTENAC, TOWNSHIP OF	1	0	0	0
ST-CHARLES, MUNICIPALITY OF	1	0	0	0
TEMAGAMI, MUNICIPALITY OF	2	2	0	0
THE NORTH SHORE, TOWNSHIP OF	2	0	1	1
WASAGA BEACH, TOWN OF	1	0	0	0
WEST NIPISSING, MUNICIPALITY OF	1	0	0	0

*Not all cases result in investigations; multiple cases may relate to the same meeting.

**These cases were referred accordingly.

CASES RECEIVED ABOUT SCHOOL BOARDS, 2021-2022 • TOTAL: 722

ENGLISH PUBLIC SCHOOL BOARDS			
ALGOMA DISTRICT SCHOOL BOARD	6	HALTON CATHOLIC DISTRICT SCHOOL BOARD	10
AVON MAITLAND DISTRICT SCHOOL BOARD	2	HAMILTON-WENTWORTH CATHOLIC DISTRICT SCHOOL BOARD	1
BLUEWATER DISTRICT SCHOOL BOARD	3	HURON-SUPERIOR CATHOLIC DISTRICT SCHOOL BOARD	2
DISTRICT SCHOOL BOARD OF NIAGARA	7	KENORA CATHOLIC DISTRICT SCHOOL BOARD	1
DISTRICT SCHOOL BOARD ONTARIO NORTH EAST	1	LONDON DISTRICT CATHOLIC SCHOOL BOARD	4
DURHAM DISTRICT SCHOOL BOARD	22	NIAGARA CATHOLIC DISTRICT SCHOOL BOARD	3
GRAND ERIE DISTRICT SCHOOL BOARD	6	NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD	2
GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD	10	NORTHWEST CATHOLIC DISTRICT SCHOOL BOARD	1
HALTON DISTRICT SCHOOL BOARD	17	OTTAWA CATHOLIC SCHOOL BOARD	8
HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD	26	PETERBOROUGH VICTORIA NORTHUMBERLAND AND CLARINGTON CATHOLIC DISTRICT SCHOOL BOARD	3
HASTINGS & PRINCE EDWARD DISTRICT SCHOOL BOARD	2	SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD	13
KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD	10	ST CLAIR CATHOLIC DISTRICT SCHOOL BOARD	2
KEEWATIN-PATRICIA DISTRICT SCHOOL BOARD	3	SUDBURY CATHOLIC DISTRICT SCHOOL BOARD	4
LAKEHEAD DISTRICT SCHOOL BOARD	5	THUNDER BAY CATHOLIC DISTRICT SCHOOL BOARD	4
LAMBTON KENT DISTRICT SCHOOL BOARD	5	TORONTO CATHOLIC DISTRICT SCHOOL BOARD	36
LIMESTONE DISTRICT SCHOOL BOARD	4	WATERLOO CATHOLIC DISTRICT SCHOOL BOARD	7
NEAR NORTH DISTRICT SCHOOL BOARD	13	WELLINGTON CATHOLIC DISTRICT SCHOOL BOARD	1
OTTAWA-CARLETON DISTRICT SCHOOL BOARD	63	WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD	7
PEEL DISTRICT SCHOOL BOARD	23	YORK CATHOLIC DISTRICT SCHOOL BOARD	40
RAINBOW DISTRICT SCHOOL BOARD	3		
RAINY RIVER DISTRICT SCHOOL BOARD	2	FRENCH CATHOLIC SCHOOL BOARDS	
RENFREW COUNTY DISTRICT SCHOOL BOARD	4	CONSEIL DES ÉCOLES CATHOLIQUES DU CENTRE-EST	9
SIMCOE COUNTY DISTRICT SCHOOL BOARD	22	CONSEIL SCOLAIRE CATHOLIQUE DE DISTRICT DES GRANDES RIVIÈRES	1
SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD	2	CONSEIL SCOLAIRE CATHOLIQUE MONAVENIR	2
THAMES VALLEY DISTRICT SCHOOL BOARD	39	CONSEIL SCOLAIRE CATHOLIQUE PROVIDENCE	5
TORONTO DISTRICT SCHOOL BOARD	72	CONSEIL SCOLAIRE DE DISTRICT CATHOLIQUE DE L'EST ONTARIEN	10
TRILLIUM LAKELANDS DISTRICT SCHOOL BOARD	3	CONSEIL SCOLAIRE DE DISTRICT CATHOLIQUE DES AURORES BORÉALES	2
UPPER CANADA DISTRICT SCHOOL BOARD	7		
UPPER GRAND DISTRICT SCHOOL BOARD	7	FRENCH PUBLIC SCHOOL BOARDS	
WATERLOO REGION DISTRICT SCHOOL BOARD	16	CONSEIL DES ÉCOLES PUBLIQUES DE L'EST DE L'ONTARIO	6
YORK REGION DISTRICT SCHOOL BOARD	64	CONSEIL SCOLAIRE PUBLIC DU GRAND NORD DE L'ONTARIO	1
		CONSEIL SCOLAIRE VIAMONDE	5
ENGLISH CATHOLIC SCHOOL BOARDS			
ALGONQUIN AND LAKESHORE CATHOLIC DISTRICT SCHOOL BOARD	3	SCHOOL AUTHORITIES	
BRANT HALDIMAND NORFOLK CATHOLIC DISTRICT SCHOOL BOARD	1	JOHN MCGIVNEY CHILDREN'S CENTRE SCHOOL AUTHORITY	1
CATHOLIC DISTRICT SCHOOL BOARD OF EASTERN ONTARIO	6	NIAGARA PENINSULA CHILDREN'S CENTRE SCHOOL AUTHORITY	1
DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD	17		
DURHAM CATHOLIC DISTRICT SCHOOL BOARD	12	CASES WHERE NO SCHOOL BOARD WAS SPECIFIED	22

Note: Boards that were not the subject of any cases are not listed.



CASES RECEIVED ABOUT COLLEGES OF APPLIED ARTS AND TECHNOLOGY, 2021-2022 • TOTAL: 344

ALGONQUIN COLLEGE	13	GEORGIAN COLLEGE	16
CAMBRIAN COLLEGE	5	HUMBER COLLEGE	43
CANADORE COLLEGE	7	LAMBTON COLLEGE	7
CENTENNIAL COLLEGE	20	LOYALIST COLLEGE	5
COLLEGE BORÉAL	4	MOHAWK COLLEGE	21
COLLEGE LA CITÉ	7	NIAGARA COLLEGE CANADA	13
CONESTOGA COLLEGE	17	NORTHERN COLLEGE	6
CONFEDERATION COLLEGE	13	SAULT COLLEGE	8
DURHAM COLLEGE	18	SENECA COLLEGE	30
FANSHAW COLLEGE	12	SHERIDAN COLLEGE	25
FLEMING COLLEGE (SIR SANDFORD FLEMING COLLEGE)	17	ST. CLAIR COLLEGE	10
GEORGE BROWN COLLEGE	21	ST. LAWRENCE COLLEGE	4
		CASES WHERE NO COLLEGE WAS SPECIFIED	2

Note: Colleges that were not the subject of any cases are not listed.

CASES RECEIVED ABOUT UNIVERSITIES, 2021-2022 • TOTAL: 361

ALGOMA UNIVERSITY	4	TRENT UNIVERSITY	6
BROCK UNIVERSITY	17	UNIVERSITÉ DE L'ONTARIO FRANÇAIS	2
CARLETON UNIVERSITY	14	UNIVERSITY OF GUELPH	47
LAKEHEAD UNIVERSITY	6	UNIVERSITY OF OTTAWA	11
LAURENTIAN UNIVERSITY*	42	UNIVERSITY OF TORONTO	40
MCMASTER UNIVERSITY	27	UNIVERSITY OF WATERLOO	16
NIPISSING UNIVERSITY	6	UNIVERSITY OF WINDSOR	14
OCAD UNIVERSITY	4	WESTERN UNIVERSITY	6
ONTARIO TECH UNIVERSITY	15	WILFRID LAURIER UNIVERSITY	5
QUEEN'S UNIVERSITY	23	YORK UNIVERSITY	30
RYERSON UNIVERSITY**	23	CASES WHERE NO UNIVERSITY WAS SPECIFIED	3

Note: Universities that were not the subject of any cases are not listed.

**There were an additional 60 complaints related to cuts to French language programs at Laurentian University, which are discussed in the French Language Services section of this report.*

***Renamed Toronto Metropolitan University in April 2022.*

CASES RECEIVED ABOUT CHILDREN'S AID SOCIETIES, 2021-2022 • TOTAL: 1,273

ALGOMA, CHILDREN'S AID SOCIETY OF	29	NISSISSING AND PARRY SOUND, CHILDREN'S AID SOCIETY OF THE DISTRICT OF	18
ANISHINAABE ABINOOJII FAMILY SERVICES	10	NOGDWINDAMIN FAMILY AND COMMUNITY SERVICES	22
BRANT FAMILY AND CHILDREN'S SERVICES	31	NORTH EASTERN ONTARIO FAMILY AND CHILDREN'S SERVICES	25
BRUCE GREY CHILD AND FAMILY SERVICES	20	OGWADENI:DEO	7
CHATHAM-KENT CHILDREN'S SERVICES	29	OTTAWA, THE CHILDREN'S AID SOCIETY OF	52
DILICO ANISHINABEK FAMILY CARE	20	OXFORD COUNTY, CHILDREN'S AID SOCIETY OF	15
DNAAGDAWENMAG BINNOOJIIYAG CHILD & FAMILY SERVICES	24	PAYUKOTAYNO JAMES AND HUDSON BAY FAMILY SERVICES	2
DUFFERIN CHILD AND FAMILY SERVICES	8	PEEL CHILDREN'S AID SOCIETY	44
DURHAM CHILDREN'S AID SOCIETY	35	RENFREW COUNTY, FAMILY AND CHILDREN'S SERVICES OF	17
FRONTENAC, LENNOX AND ADDINGTON, FAMILY AND CHILDREN'S SERVICES OF	27	SARNIA-LAMBTON CHILDREN'S AID SOCIETY	27
GUELPH AND WELLINGTON COUNTY, FAMILY AND CHILDREN'S SERVICES OF	25	SIMCOE MUSKOKA FAMILY CONNEXIONS	53
HALDIMAND AND NORFOLK, THE CHILDREN'S AID SOCIETY OF	17	ST. THOMAS AND ELGIN COUNTY, FAMILY AND CHILDREN'S SERVICES OF	22
HALTON CHILDREN'S AID SOCIETY	24	STORMONT, DUNDAS AND GLENGARRY, THE CHILDREN'S AID SOCIETY OF THE UNITED COUNTIES OF	15
HAMILTON, CATHOLIC CHILDREN'S AID SOCIETY OF	16	SUDBURY AND MANITOULIN, THE CHILDREN'S AID SOCIETY OF THE DISTRICTS OF	29
HAMILTON, CHILDREN'S AID SOCIETY OF	38	THUNDER BAY, THE CHILDREN'S AID SOCIETY OF THE DISTRICT OF	10
HIGHLAND SHORES CHILDREN'S AID	21	TIKINAGAN CHILD AND FAMILY SERVICES	15
HURON-PERTH CHILDREN'S AID SOCIETY	17	TORONTO, CATHOLIC CHILDREN'S AID SOCIETY OF	21
JEWISH FAMILY AND CHILD SERVICES	10	TORONTO, CHILDREN'S AID SOCIETY OF	62
KAWARTHA-HALIBURTON CHILDREN'S AID SOCIETY	33	TORONTO, NATIVE CHILD AND FAMILY SERVICES OF	15
KENORA-RAINY RIVER DISTRICTS CHILD AND FAMILY SERVICES	8	VALORIS FOR CHILDREN AND ADULTS OF PRESCOTT-RUSSELL	13
KINA GBEZHGOMI CHILD & FAMILY SERVICES	2	WATERLOO REGION, FAMILY AND CHILDREN'S SERVICES OF THE	35
KUNUWANIMANO CHILD & FAMILY SERVICES	7	WEECHI-IT-TE-WIN FAMILY SERVICES	5
LANARK, LEEDS AND GRENVILLE, FAMILY AND CHILDREN'S SERVICES OF	17	WINDSOR-ESSEX CHILDREN'S AID SOCIETY	30
LONDON AND MIDDLESEX, CHILDREN'S AID SOCIETY OF	36	YORK REGION CHILDREN'S AID SOCIETY	20
NIAGARA, FAMILY AND CHILDREN'S SERVICES	83	CASES WHERE A CHILDREN'S AID SOCIETY WAS NOT SPECIFIED	109
NIJAANSINAAIK CHILD AND FAMILY SERVICES	3		

Note: Children's aid societies that were not the subject of any cases are not listed.



FINANCIAL SUMMARY, 2021-2022

Our Office's budget for the fiscal year 2021-2022 was **\$30.46 million**. Actual expenditures (unaudited) were **\$20.88 million**. All unspent funds were returned to the Ministry of Finance. The financial statements of the Ombudsman are audited on an annual basis, however, the annual audit occurs after the publication of the Annual Report.

	(IN \$ THOUSANDS)
OPERATING EXPENSES	
SALARIES & WAGES	12,915
EMPLOYEE BENEFITS	3,045
COMMUNICATION & TRANSPORTATION	195
SERVICES	4,129
SUPPLIES & EQUIPMENT	595
TOTAL ANNUAL OPERATING EXPENSES	20,879



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AN OPEN LETTER TO ONTARIO CABINET MINISTERS RESPONSIBLE FOR LONG-TERM CARE, HEALTH, AND DISABILITY RIGHTS

August 23, 2022.

Dear Ministers,

As co-founders and members of Seniors for Social Action Ontario we are writing to you to express our vehement objections to your government's introduction of regulations forcing older adults and people with disabilities into institutions, especially those not of their choosing.

Disabilities do not come with an expiry date. And your actions are in direct contradiction to a recent decision of the Nova Scotia Court of Appeal (*Disability Rights Coalition v. Nova Scotia (Attorney General)*) as well as many decisions of the Supreme Court of Canada addressing issues of systemic discrimination going back to 1987 concerning the rights of persons with disabilities.

The Nova Scotia decision, in particular, addressed systemic discrimination caused by unjustifiable institutionalization resulting from that provincial government's failure to provide reasonable supports and services to allow the appellants to continue to live in their own homes and communities. This was the finding of the Nova Scotia Court of Appeal: "Applying the law to the Board's findings and the record, we are satisfied that the DRC has established a *prima facie* case of systemic discrimination."

<https://www.canlii.org/en/ns/nsca/doc/2021/2021nsca70/2021nsca70.html>

On April 14, 2022 the Supreme Court of Canada dismissed the government of Nova Scotia's attempt to appeal the systemic discrimination ruling of the lower court. "The application for leave to appeal from the judgment of the Nova Scotia Court of Appeal, Number CA 486952, 2021 NSCA 70, dated October 6, 2021, is dismissed with costs to the Disability Rights Coalition." <https://decisions.scc-csc.ca/scc-csc/news/en/item/7401/index.do>

Furthermore, as you know, Canada is a signatory to the U.N. Convention on the Rights of Persons with Disabilities. Your government's actions are in violation of two articles of that Convention – Articles 14 and 19 which state:

Article 14:

"Parties shall ensure that persons with disabilities, on an equal basis with others:

- a) Enjoy the right to liberty and security of person;
- b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty".

Article 19:

"Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs."

Your government's announcement of billions of dollars to fund 30,000 new long-term care beds plus refurbish many others, thereby rewarding the corporations with some of the worst track records during the pandemic, has directed funding exactly where it should not be going. And it is an obvious violation of older adults' constitutional rights and their human rights to be reasonably accommodated with supports and services that allow them to live in their own homes and communities and not be excluded from their communities and segregated in institutions.

If you were truly concerned about the pressure on hospital beds, there are some actions you could have taken immediately to reduce that pressure. These include:

- Directing significantly increased funding to the High Intensity Supports at Home Program so that individuals currently occupying hospital beds who have "high, complex care needs" could return home with the support they require. This funding could be targeted to those areas where pressure on hospitals is greatest;
- Introducing a pilot program to invite paid family caregivers to take people home from hospital and provide care to them with virtual care support. Paying family caregivers would have also eased the staffing shortage by having those who know their loved ones best provide their care;
- Introducing, through OHIP, a Money Follows the Person direct funding program, tying funding to the individual needing care, rather than to service providers. This would empower individuals and their families to obtain the care they require at the right time, in a way that meets their needs, and in the right place;
- Directing Ontario Health Teams to introduce PACE (Program of All-Inclusive Care of the Elderly) programs across Ontario, working with municipalities to introduce them in community housing, especially buildings that have high numbers of older adults and people with disabilities requiring this type of care. PACE has been proven to keep people out of institutions and to facilitate their care once they return from hospital;
- Funding Hub and Spoke models in naturally occurring seniors' communities all across Ontario, employing a consumer-directed case management model. An example of this is the program operated by Peel Senior Link which, through its Assisted Living Services for High Risk Seniors program used this model to serve 399 people through 12 hub and spoke locations in a partnership with Peel Housing Corporation. This program diverted 116 individuals from emergency rooms, and 121 individuals from having to be institutionalized in long-term care facilities.

There are many alternatives like this that would have taken the pressure off hospitals while also addressing what older adults have asked for decades – that they be assisted to age in place, or at least in their own communities. Instead, your government chose the most restrictive, least respectful, and most expensive option – institutionalization - building institutions that no one wants to end up in, and staff do not want to work in. Where was the logic in that when so many other options were available to you?

And now, in an unprecedented move that violates the fundamental rights of individuals to choose their place of residence, you are forcing people, at the most vulnerable time in their lives, to be uprooted and shipped to an institution not of their choosing, and possibly miles away from their natural support systems. You are also infringing on their privacy rights in allowing release of their personal health information to licensees of institutions, without their consent.

This is the most draconian step ever taken against a vulnerable segment of Ontario's population, and it demonstrates utter contempt for the needs, rights, and dignity of older adults. These were the people who paid their taxes, obeyed the law, raised their families, contributed countless volunteer hours in their communities, and your government is treating them abominably. You are seeking to exclude them from their communities, segregate them in institutions, and are showing complete contempt for them by taking away their personal autonomy and right to choose. Your entire government, and especially the Cabinet, should be ashamed of treating older adults this way.

We respectfully request that you withdraw this draconian and arguably reprehensible Bill 7, and focus instead on finally addressing the stated needs of older adults, through the means listed in this letter, to assist them to age in their own homes and communities, close to their natural support systems. Doing this would ease the burden on hospitals, respect older adults' human and constitutional rights, and move Ontario into the 21st Century with respect to long-term care provision.

Yours truly,

Members and Co-Founders of Seniors for Social Action Ontario

Maureen Roy, Niagara Region
Dr. Sal Amenta, York Region
Ceciley White, Durham Region
Lorna Abedain, Kitchener
Mary Richardson, Toronto
Linda Till, York Region

Kate Chung, Toronto
Steve Tennant, Perth
John Lord, Waterloo
Marilyn Dolmage, Toronto
Doug Cartan, Mallorytown
Marvin Zuker, Toronto

Response may be directed to:

Dr. Patricia Spindel,
Co-Founder, Seniors for Social Action Ontario,
seniorsactionontario@gmail.com

c.c. Hon. David Lametti, Minister of Justice and Attorney General of Canada
Chief Commissioner, Patricia DeGuire, Ontario Human Rights Commission

Southgate Affordable Attainable Housing Advisory Committee - Information Package

Summary

In the fall of 2021, the Southgate Affordable-Attainable Housing Advisory Committee (SAAHAC) was formed to provide recommendations and an overall strategy for Council's consideration regarding the implementation of Community Affordable-Attainable Housing plans to support homelessness prevention, and develop a plan for housing that supports the rights of all Southgate residents "to live somewhere in security, peace and dignity" (United Nations).

This document summarizes the current status of affordable housing in the area through the inclusion of statistics highlighting housing issues, the current efforts of the SAAHAC, and future plans involving the Committee to improve levels of affordable-attainable housing in the Township of Southgate.

Statistics surrounding Affordable Housing

Many local residents not meeting criteria of living with Affordable Housing

Ontario's Provincial Policy Statement, 2020 defines "affordable" as the following¹:

In the case of ownership housing, the least expensive of:

- Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
- Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

In the case of rental housing, the least expensive of:

- A unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
- A unit for which the rent is at or below the average market rent of a unit in the regional market area

Many local residents do not currently meet this criteria of living with affordable housing, as highlighted within the Grey County Housing and Homelessness Plan - 5 Year Review which showed over 8,000 households fall into an income bracket where the average market rent would be unaffordable by this definition.²

¹ Government of Ontario (2020) Provincial Policy Statement

² Grey County (2019) Housing and Homelessness Plan - 5 Year Review

Recognition of affordable housing issues on a provincial scale

In early 2022, Ontario published the report from the Housing Affordability Task Force, which highlights expert recommendations for additional measures to increase the supply of market housing to address the housing crisis. The Task Force report included recommendations to quickly increase the supply of market housing, to meet a goal of adding 1.5 million homes over the next 10 years. The effort to increase housing supply will help combat the fact Ontario is last in the country in *supply of homes per capita*, and Canada has the lowest amount of housing per capita of any G7 country.³

Need for increased support in rural areas recognized by service providers

A study completed by Ontario Municipal Social Services Association concluded 64% of service providers across the province identified service gaps in rural and northern Ontario including:

- A lack of supply of affordable housing
- Substandard conditions with existing housing stock
- Lack of accessible services
- Lack of transportation

The service providers also identified the lack of supply of affordable housing as a contributor to hidden homelessness, and over half of these providers (51 - 54%) reported people living with hidden homelessness are often invisible to the service system because they do not access services, define themselves as homeless or believe that services will meet their needs⁴.

Current Affordable Housing units in Southgate and increasing demand

Currently, there are four affordable housing sites with a total of 65 units located in Southgate.

- Victoria Apartments (Dundalk) - 24 1-bedroom units
- Highview Apartments (Dundalk) - 14 1-bedroom units
- Duniere Apartments (Dundalk) - 7 bachelor units, 4 1-bedroom units
- Parkside Apartments (Holstein) - 16 1-bedroom units

The waiting list for rent-geared-to-income housing in Ontario has grown to more than 171,000 people, with little new development to accommodate it.⁵

3 Ministry of Municipal Affairs and Housing (2022) Ontario Publishes Housing Affordability Task Force Report

4 Ontario Municipal Social Services Association (2017)

5 Ontario Non-Profit Housing Association (2016) 2016 Waiting Lists Survey Report

Current work of the Southgate Affordable Attainable Housing Advisory Committee

The SAAHAC is working to provide recommendations and an overall strategy for Council's consideration regarding the implementation of community affordable-attainable housing by undertaking the following responsibilities and priority tasks:

Responsibilities:

1. Develop a strategy for Southgate Council to address the present community challenges of Affordable-Attainable Housing and the Prevention of Homelessness to consider as recommendations and specific actions to be taken.
2. Create a detailed strategy with recommended implementation timelines.
3. Identify possible resources, programs and support services required to achieve each strategy and recommendation.
4. Establish a schedule for providing and communicating an Affordable Housing Strategy and recommendations reporting should be presented for discussion to Southgate Council.
5. Promote awareness about the importance and benefits of affordable housing in a proactive manner to address some community attitudes.
6. Consider, engage with and advocate to other levels of government for increased funding as well as changes in legislation and regulations supporting the Southgate strategy.
7. The Southgate Affordable Attainable Housing Advisory Committee will be required to engage with public, private and not-for-profit sector experts to develop an Affordable-Attainable Housing Strategy that will ensure sustainable outcomes.

Southgate Housing Committee 7 Priority Tasks:

1. Apply a "Housing First" Policy to work with developers of privately owned property.
2. Apply a "Housing First" Policy to use municipally-owned surplus land.
3. Conduct a Community Survey and Data Collection.
4. Investigate the merits of forming an Attainable Housing Development Corporation.
5. Consider reducing or waiving Development Charges.
6. Explore the existing planning policy frameworks and Zoning By-Law.
7. Update Official Plan(s) & Zoning By-Law to accommodate additional housing models/types.

Future plans for the Southgate Affordable Attainable Housing Advisory Committee

Create a South Grey Affordable Housing Strategy

The core of the strategy would be to create an Attainable Housing Development & Mortgage Corporation (AHDMC), in collaboration with the municipalities of Grey Highlands, Hanover and West Grey.

This corporation would create partnerships, developments and long-term funding models to deliver and manage the *project life cycle* of rental affordable and attainable ownership housing spaces in our communities.

Municipal AHDMC partners may need to consider consistent local affordable housing development policies and project development agreements.



August 31, 2022 - For Immediate Release

Grey Bruce Hospice to Release Funds for Saugeen Hospice South Build

The Grey Bruce Hospice Inc (GBH) Board [formerly the Residential Hospice of Grey Bruce] announced Wednesday that it will be making a transfer of \$568,732.33 to the Saugeen Hospice Inc, who is the newly incorporated charity responsible for the “South Build Hospice”. Following the GBH announcement of May 31st, the Saugeen Hospice received their charitable status, which made them a qualified donee for these funds according to the Canada Revenue Agency. Vice Chair and Treasurer Dr. Sabrina Saunders stated, “We have been waiting to make a transfer pending a final response from the Ministry of Health & Long-term Care on how they wish GBH to proceed with the \$180,000 Seed Money provided for this project.” After waiting several months for direction, the Board passed a resolution to release the funds at this time, less any Ministry dollars.

GBH Chair Bill Pearson stated, “Saugeen Hospice Inc has been fundraising over the past months and these funds will more than triple their standing. This money was gifted by our community for this project, so we are happy to be able to make this transfer.”

GBH has retained \$228,314.68, which is the \$180,000 Ministry Seed Money and the \$48,314.68 expenses paid on the project to date. Pending Ministry direction, any remaining balances will be added as a final transfer to this project and the Saugeen Hospice.

If members of the community have questions about this transfer or any aspect of our involvement to date, they may contact the Grey Bruce Hospice Inc Vice Chair and Treasurer by [email](mailto:ssaunders@GreyBruceHospice.com) at Chapman House. Saunders stated, “We have heard from some members of our community that these funds were donated to Chapman House to complete this project; however, following the decisions of our Board and advice by CRA, the intent of this reserve fund was for the South Build, and therefore all funds, inclusive, will be transferred to the new charity for this project.” The GBH Board as a leader in palliative care in our region, looks forward to supporting and working with the Saugeen Hospice Board and the establishment of much needed additional hospice beds in our region.

--30--

Dr Sabrina Saunders
Vice Chair & 2022 Treasurer of the Grey Bruce Hospice Inc. Board of Directors
ssaunders@GreyBruceHospice.com



Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

Township of Wellington North
7490 Sideroad 7 W
Kenilworth ON N0G2E0

August 25, 2022

Township of Southgate
185667 Grey Rd 9,
Dundalk, ON N0C 1B0

Subject: Participation Rates at Mount Forest Pool

Dear Mayor John Woodbury,

On behalf of Council, I would like to thank you for taking the time to hear our deputation related to the new Mount Forest Outdoor Pool and Aquatics Centre.

During our deputation, we were asked the approximate percentage of users from Southgate at the Mount Forest Pool. Our Recreation Services team has estimated that the number of swimming lesson participants would be between 15-25% of overall swimming lesson registrants. We are only able to provide this estimate by reviewing historical registration data.

As we do not track where customers are arriving from for public, family, lane or aquafit swims, we cannot expand that percentage to those programs.

We thank you again for your consideration.

Sincerely,

DocuSigned by:

80AF05F09D284A3...

Mayor Andy Lennox
Township of Wellington North
alennox@wellington-north.com

DocuSigned by:

396328952C8B40F...

Steve McCabe
Chair, Recreation, Parks & Leisure
smccabe@wellington-north.ca

CC: Chair, Mount Forest Aquatics Ad Hoc Advisory Committee, Township of Wellington North
Interim CAO/Director of Operations, Township of Wellington North
Director of Legislative Services, Township of Wellington North

August 25, 2022

Honourable Michael Kerzner
Solicitor General
George Drew Building 18th Floor, 25 Grosvenor St.
Toronto ON M7A 1Y6

Via Email

Dear Solicitor General:

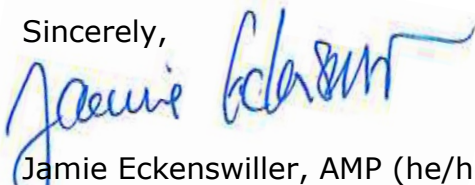
Re: Changes to the Amber Alert System

City Council, at its meeting held on July 25, 2022, considered the above-noted matter and passed Resolution No. R-220725-010 as follows:

"THAT in consideration of correspondence listed as Items 5.a and 5.b on the July 25, 2022 Information Package respecting the Draven Alert, City Council directs staff to send a letter to the Ministry of the Solicitor General, Commissioner of the Ontario Provincial Police, Premier of Ontario, all Ontario municipalities, and the Association of Municipalities of Ontario (AMO) requesting that changes be made to the Amber Alert system to alert the public of missing vulnerable children who have not been abducted, but are at high risk of danger, injury, or death."

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Jamie Eckenswiller, AMP (he/him)
Deputy Clerk
City of Owen Sound

cc. Thomas Carrique, Ontario Provincial Police Commissioner
Hon. Doug Ford, Premier of Ontario
Association of Municipalities of Ontario
All Ontario Municipalities

From: [Angie Cathrae](#)
To: [clerk@arran-elderslie.ca](#); [patty.sinnamon@chatsworth.ca](#); [Brittany Drury](#); [Corrina Giles](#); [C@greyhighlands.ca](#); [Lindsey Green](#); [inquiry@hanover.ca](#); [clerk@meaford.ca](#); [info@westgrey.com](#); [cityadmin@owensound.ca](#); [Linda White](#); [clerks@grey.ca](#)
Cc: [Bill Jones](#)
Subject: FW: Resolution for GSCA
Date: August 16, 2022 3:25:08 PM

At their meeting held on August 2, 2022, Council discussed the program rates and fees review being undertaken by the Grey Sauble Conservation Authority. Council adopted the below resolution. We ask for your support. Should you have any questions, please contact our Chief Administrative Officer Bill Jones directly. Bill.jones@southbrucepeninsula.com or 519-534-1400 ext 121

R-282-2022

It was **Moved** by T. Bell, **Seconded** by J. Kirkland and **Carried**

That Council directs staff to provide to the Grey Sauble Conservation Authority (GSCA), comments regarding their “Program Rates and Fees Review” currently in its consultation phase;

And that the Town of South Bruce Peninsula recognizes the need for and importance of routine rate and fee reviews, however when the proposed fee increases are as high as 1224%, the Town of South Bruce Peninsula cannot support the GSCA Program Rates and Fees Review;

And that alternative options must be considered to prevent significant financial impacts to development in all GSCA represented municipalities;

And that the Town of South Bruce Peninsula requests that Bruce County undertake a review of its current agreement with the GSCA and where possible, consider alternative service delivery options pertaining to the environmental and natural heritage planning services provided by the GSCA;

And further that this motion is sent to all GSCA member municipalities as well as to Grey County.

Angie Cathrae | Director of Legislative Services/Clerk

Town of South Bruce Peninsula | P.O. Box 310, 315 George Street | Wiarton, ON N0H 2T0

519-534-1400 Ext. 122 | Toll Free 1-877-534-1400

angie.cathrae@southbrucepeninsula.com | www.southbrucepeninsula.com



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August 12, 2022

Mayor Janice Jackson
Town of South Bruce Peninsula
PO Box 310
315 George Street
Wiarton, ON M7A 1A1

Via Email: janice.jackson@southbrucepeninsula.com

Re: Endorsement of Resolution - Physician Shortages In Ontario

Further to your correspondence dated July 22, 2022 regarding the above noted matter, please be advised that Hanover Council passed the following resolution at their August 8, 2022 meeting:

Moved by COUNCILLOR HOCKING | Seconded by COUNCILLOR KOEBEL

THAT the Council of the Town of Hanover support the motion from the Town of South Bruce Peninsula requesting that the Province acknowledge the shortage in all health care worker disciplines and that they take steps to increase the number of practicing physicians in the Province of Ontario. **CARRIED**

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully,



Vicki McDonald
Clerk

cc: Premier Doug Ford, Premier@ontario.ca
Hon. Sylvia Jones, Minister of Health and Long-Term Care Sylvia.jones@pc.ola.org
Rick Byers, MPP, Bruce Grey Owen Sound rick.byers@pc.ola.org
Hon. Stephen Lecce, Minister of Education stephen.lecce@pc.ola.org
Prime Minister Justin Trudeau justin.trudeau@parl.gc.ca
Hon. Jean-Yves Duclos, Minister of Health jean-yves.duclos@parl.gc.ca
Alex Ruff, MP, Bruce Grey Owen Sound alex.ruff@parl.gc.ca
College of Physician and Surgeons of Ontario feedback@cpsso.on.ca
All Municipalities in Ontario



August 19, 2022

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street
17th Floor
Toronto ON
M7A 2J3

Dear Minister Clark:

Re: Strong Mayors, Building Homes Act

Please be advised that the Council of the Town of Wasaga Beach, during their August 18, 2022 Council meeting adopted the following resolution:

"That Council receive the letter dated August 10, 2022 from the Ministry of Municipal Affairs and Housing pertaining to Strong Mayors, Building Homes Act, for information;

And further that a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and other matters, and that the motion be circulated to all Ontario municipalities."

The Town of Wasaga Beach Council does not support the Strong Mayors, Building Housing Act as the proposed changes will not demonstratively speed up the construction of housing and will erode the democratic process at the local level where members of Council have to work together to achieve priorities. What is needed to speed up construction of housing is greater authority for local municipalities to approve development without final clearances from outside agencies after they have been given reasonable time to provide such clearances.

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at mayor@wasagabeach.com or (705) 429-3844 Ext. 2222.

Yours sincerely,

Nina Bifulchi
Mayor

c. Members of Council
All Ontario Municipalities

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

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

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

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



234-2022-3540

August 10, 2022

Dear Head of Council:

As Ontarians face the rising cost of living and a shortage of homes, our government was re-elected with a strong mandate to help more Ontarians find a home that meets their needs.

Our government also made an election promise to build 1.5 million new homes for the people of Ontario over the next 10 years to address the housing supply crisis.

I am pleased to inform you that our government introduced the proposed Strong Mayors, Building Homes Act on August 10, 2022, that, if passed, would make changes to the *Municipal Act, 2001*, *City of Toronto Act, 2006*, and the *Municipal Conflict of Interest Act*. These amendments would empower mayors in the City of Toronto and City of Ottawa to deliver on shared provincial-municipal priorities and get more homes built faster.

If passed, the proposed changes impacting the City of Toronto and City of Ottawa are intended to take effect on November 15, 2022, which is the start of the new municipal council term. Other growing municipalities could follow at a later date.

If you have any comments or feedback regarding these proposed changes, you may submit them to the Ministry of Municipal Affairs and Housing at:
StrongMayors@ontario.ca.

Sincerely,

Steve Clark
Minister

The Corporation of the Township of Southgate
By-law Number 2022-135
being a by-law to confirm the proceedings of the
Council of the Corporation of the Township of Southgate
at its regular meeting held on September 7, 2022

Authority: Municipal Act, 2001, S.O. 2001, c.25, as amended, Sections 5 (3) and 130.

Whereas, the Municipal Act, 2001, S.O. 2001, c.25, as amended, Section 5 (3), provides that the jurisdiction of every Council is confined to the municipality that it represents, and its powers shall be exercised by by-law;

And whereas, the Municipal Act, 2001, S.O. 2001, c.25, as amended, Section 130 provides that every Council may pass such by-laws and make such regulations for the health, safety and well-being of the inhabitants of the municipality in matters not specifically provided for by this Act and for governing the conduct of its members as may be deemed expedient and are not contrary to law;

Now therefore, the Council of the Corporation of the Township of Southgate hereby enacts as follows:

1. **That** the action of the Council at its regular meeting held on September 7, 2022 in respect to each report, motion, resolution or other action passed and taken by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by separate by-law.
2. **That** the Mayor and the proper officers of the Township are hereby authorized and directed to do all things necessary to give effect to the said action, or to obtain approvals where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary in that behalf and to affix the corporate seal of the Township to all such documents.
3. **That** this by-law, to the extent to which it provides authority for or constitutes the exercise by the Council of its power to proceed with, or to provide any money for, any undertaking work, project, scheme, act, matter or thing referred to in subsection 65 (1) of the Local Planning Appeal Tribunal Act, 2017, S.O. 2017 Chapter 23, shall not take effect until the approval of the Local Planning Appeals Tribunal with respect thereto, required under such subsection, has been obtained.
4. **That** any acquisition or purchase of land or of an interest in land pursuant to this by-law or pursuant to an option or agreement authorized by this by-law, is conditional on compliance with Environmental Assessment Act, R.S.O. 1990, Chapter E.18.

Read a first, second and third time and finally passed this 7th day of September, 2022.

John Woodbury - Mayor

Lindsey Green – Clerk