

CORPORATION OF THE MUNICIPALITY OF CALVIN

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December 17, 2020

NOTICE OF REGULAR MEETING

To: Mayor and Council

The Regular Meeting of Council will be held **electronically** at 7 p.m. on Tuesday December 22nd, 2020.

If you are unable to be in attendance it is greatly appreciated that you notify the undersigned in advance.

Thank you.

Best regards;

Cindy Pigeau
Clerk-Treasurer

CORPORATION OF THE MUNICIPALITY OF CALVIN

**AGENDA
REGULAR COUNCIL MEETING
Tuesday December 22, 2020 at 7:00 p.m.
ELECTRONICALLY**

- 1. CALL TO ORDER**
- 2. WRITTEN DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST**
- 3. PETITIONS AND DELEGATIONS** None
- 4. REPORTS FROM MUNICIPAL OFFICERS** Jacob Grove, Recreation, Cemetery, Landfill
- 5. REPORTS FROM COMMITTEES** None
- 6. ACTION LETTERS**
 - A) Minutes of Regular Council Meeting Adopt Minutes of Tuesday, December 8/20
 - B) Report from Clerk-Treasurer 2020CT60 Report to Council – Emergency Control Group Meeting Summary – December 9, 2020
 - C) Municipality of Calvin – Administration Transfer to Reserves – Any Remaining Covid 19 Funds
 - D) Report from Clerk-Treasurer 2020CT61 Report to Council – Standing Up the Recreation Committee
 - E) Municipality of Calvin - Recreation Committee Resolution to Stand Up Recreation Committee
 - F) Municipality of Calvin – Fire Dept. Authorization to purchase Laptop for Calvin Fire Department
 - G) Municipality of Calvin – Recreation Dept. Declare 3 Jet Pumps and 2 Piston Pumps Surplus
 - H) Report from Clerk-Treasurer 2020CT62 Report to Council – AMENDED – Formal Complaint Policy – Further Information Requested from Municipal Advisor
 - I) Municipality of Calvin – Recreation Dept. Limit of People on Ice Skating Rink and in Change Room due to Covid 19
 - J) Ministry of Agriculture, Food and Rural Affairs Rural Economic Development (RED) Program
 - K) Report from Clerk-Treasurer Committee 2020CT63 Report to Council - Background, DRAFT Plan and Discussion on Financials for Consultant
 - L) Municipality of Calvin – Administration Commitment to Community Safety and Well-Being
 - L) Municipality of Calvin – Educational MPAC works with your municipality MPAC - Tax Application Process – Who does what and how

7. INFORMATION LETTERS

A)	Township of Puslinch	Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229
B)	Covid 19 Vaccine Distribution Task Force	Ontario's Vaccine Distribution Implementation Plan
C)	Rural Ontario Municipalities Association	ROMA Resource Guides on Broadband Connectivity
D)	City of Hamilton	Request for Interim Cap on Gas Plant and Greenhouse Gas Pollution and the Development and Implementation of a Plan to Phase-Out Gas-Fired Electricity Generation
E)	City of Hamilton	Temporary Cap on Food Delivery Service Charges
F)	Municipality of Southwest Middlesex	Municipal Drainage Matters and Need for Coordination with National Railways
G)	Association of Municipalities of Ontario	Policy Update – Covid 19 Vaccine Distribution Task Force, New Covid 19 Measures, Long-Term Care Commission and AMO-Ontario Annual Joint MOU Statement
H)	Municipality of Leamington	Cannabis Production Facilities, the Cannabis Act and Health Canada Guidelines
I)	Association of Municipalities of Ontario	Policy Update – Initial Vaccination Approach, AG Annual Report, Wetland Conservation Program
J)	Ministry of the Attorney General	Expanding the Use of Certified Evidence in Provincial Offences Act Courts
K)	Town of Orangeville	Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229
L)	Municipality of Marmora and Lake	Accessibility for Ontarians with Disabilities Act – Website Support
M)	Municipality of Chatham-Kent	Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229
N)	Resource Productivity & Recovery Authority	Update on Wind-Up of Programs
O)	Dufferin County	Aggregate Resource Properties
P)	Association of Municipalities of Ontario	Policy Update – New Stronger Public Health Measures
Q)	Association of Municipalities of Ontario	Policy Update – Covid 19 Municipal Financial Impacts, Supportive Housing Expansion, Covid-19 Modelling and Emergency Orders Extended, and Fall Legislative Session Adjourned

R)	Ontario Clean Air Alliance	A New GTA Nuclear Reactor vs. Wind and Solar
S)	Town of Carleton Place	Covid-19 and Child Care Options
T)	Township of Matachewan	Deadlines for Grant Applications
U)	Municipal Property Assessment Corporation	2021 Municipal Levy Letter
V)	North Bay Parry Sound District Health Unit	2021 Municipal Levy
W)	Association of Municipalities of Ontario	Policy Update – Social Services Relief Funding and Vaccine Rollout Planning
X)	Ministry of Municipal Affairs and Housing	Enforcement of Orders under the Reopening Ontario Act, 2020
Y)	Ministry of Transportation	Connecting the North: A DRAFT Transportation Plan for Northern Ontario
Z)	North Bay Parry Sound District Health Unit	Covid-19 Immunization
AA)	City of Port Colbourne	Proposed Regulation under the Ontario Heritage Act (Bill 108)
BB)	Cassellholme for the Aged	Redevelopment Update for Municipalities – November 30, 2020
CC)	Municipality of East Ferris	Cassellholme Preferred Method of Financing
DD)	Municipal Property Assessment Corporation	Assessment Change Summary for the Municipality of Calvin
EE)	Association of Municipalities of Ontario	Policy Update – Phase 2 Restart Agreement Municipal Funding
FF)	Vic Fedeli, MMP Nipissing	News Release – Fedeli Announces Further Financial Relief for Nipissing
GG)	Township of Perth South	Drainage Matters & CN Rail
HH)	Ministry of Agriculture, Food and Rural Affairs	Bill 197 of the Covid-19 Economic Recovery Act
II)	Ministry of Children, Community and Social	Building a Strong Foundation for Success: Reducing Poverty in Ontario (2020-2025)
8.	INFORMATION LETTERS AVAILABLE	None
9.	OLD AND NEW BUSINESS	
10.	ACCOUNTS APPROVAL REPORT	
11.	CLOSED PORTION	
12.	BUSINESS ARISING FROM CLOSED SESSION	
13.	NOTICE OF MOTION	
14.	ADJOURNMENT	

MUNICIPALITY OF CALVIN
REPORT TO COUNCIL
Recreation, Cemetery, Landfill JG2020-18

REPORT DATE: 17/12/2020
 PREPARED BY: Jacob Grove; Landfill, Cemetery, Recreation Superintendent
 SUBJECT: Council Report

Rink Report

- December 9th the rink liner was installed and 16500 gallons of water was added.
- December 10th the liner was adjusted to prevent bunching and pulling along the boards, 20300 gallons of water was added.
- December 14th the kick plate was installed, and plastic liner was cut down.
- December 15th the remainder of the kick plate was installed and the plastic removed, 2500 gallons of water was added.
- December 16th volunteers were trained.
- December 17th the rink lights were turned on.

There was a total of 39300 gallons of water used and 68 man hours before the lights were turned on.

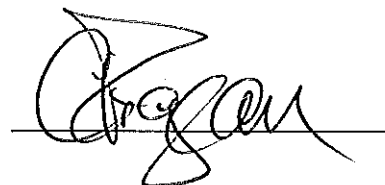
Full 14 Days Overview Dec 18 - Dec 31														
	Fri 12/18	Sat 12/19	Sun 12/20	Mon 12/21	Tue 12/22	Wed 12/23	Thu 12/24	Fri 12/25	Sat 12/26	Sun 12/27	Mon 12/28	Tue 12/29	Wed 12/30	Thu 12/31
Day	-6°	0°	2°	1°	-1°	-2°	-8°	-12°	-8°	-7°	-6°	-7°	-7°	-5°
POP	20%	60%	60%	40%	40%	70%	60%	40%	40%	60%	10%	20%	30%	60%
Night	-10°	-1°	-1°	-1°	-8°	-8°	-13°	-14°	-13°	-8°	-10°	-10°	-10°	-10°
POP	40%	40%	60%	70%	40%	70%	60%	40%	60%	40%	30%	30%	60%	20%

The weather report is included to show the above freezing temperatures that are forecasted during the next 2 weeks. These mild temperature could affect the ice conditions and may cause the ice conditions to become unsafe. If the ice is unsafe then the lights will be turned off until the rink is safe for use again.

Respectfully submitted;



Jacob Grove
 Landfill, Cemetery, Recreation Superintendent
 Municipality of Calvin



Cindy Pigeau
 Clerk - Treasurer
 Municipality of Calvin

CORPORATION OF THE MUNICIPALITY OF CALVIN
MINUTES OF THE REGULAR COUNCIL MEETING TUESDAY, DECEMBER 8, 2020

The regular meeting of Council was held this date by Zoom electronic meetings (due to Covid-19 pandemic). Present were Mayor Ian Pennell, Deputy Mayor Sandy Cross, Coun Dan Maxwell, Coun Heather Olmstead, Coun Dean Grant, Fire Chief, Dean Maxwell, Roads Superintendent, Chris Whalley, Recreation and Cemetery Supervisor/Landfill Superintendent, Jacob Grove and Clerk-Treasurer, Cindy Pigeau.

Regrets:0 Guests: 0

The meeting was called to order at 7:11 p.m. by Mayor Pennell (technical difficulties delayed the meeting)

PECUNIARY/CONFLICT OF INTEREST: Councillor Dean Grant declared a conflict of interest on Item No. 6 (H), (G); Item Title: Administration, Reason: "Item involves Stewarts Rd and I declare because family owns property on that Rd."

PRESENTATIONS/DELEGATIONS: None

2020-246 MINUTES OF REGULAR COUNCIL MEETING

Moved by Coun Maxwell and seconded by Coun Grant that the Minutes of the regular meeting of Council held on Tuesday, November 24, 2020 be hereby adopted and signed as circulated.

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross	Yea
Councillor Maxwell	Yea
Councillor Olmstead	Yea
Councillor Grant	Yea
Mayor Pennell	Yea

Carried

2020-247 MINUTES OF SPECIAL COUNCIL MEETING

Moved by Coun Olmstead and seconded by Coun Cross that the Minutes of the special meeting of Council held on Tuesday, December 1, 2020 be hereby adopted and signed as circulated.

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross	Yea
Councillor Maxwell	Yea
Councillor Olmstead	Yea
Councillor Grant	Yea
Mayor Pennell	Yea

Carried

2020-239 BEING A BY-LAW TO AMEND THE BY-LAW TO IMPOSE AND CONSOLIDATE THE FEES AND CHARGES FOR MUNICIPAL SERVICES OR ACTIVITIES AND FOR THE USE OF ITS PROPERTY.

By-law 2020-025 being a by-law to amend the by-law to impose and consolidate the fees and charges for municipal services or activities and for the use of its property. This By-law received the 3rd and final reading on Tuesday, December 8, 2020 and finally passed before an open Council on this date.

Recorded Vote as per Electronic Meeting Best Practices

Third Reading

Councillor Cross Yea
Councillor Maxwell Yea
Councillor Olmstead Yea
Councillor Grant Yea
Mayor Pennell Yea
Carried

2020-248 CRIME STOPPERS MONTH – JANUARY 2021

Moved by Coun Maxwell and seconded by Coun Olmstead that the Council of The Corporation of the Municipality of Calvin supports CRIME STOPPERS in declaring January 2021 as Crime Stoppers Month; and further The Corporation of the Municipality of Calvin will promote Crime Stoppers month on our social media platforms in January 2021.

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross Yea
Councillor Maxwell Yea
Councillor Olmstead Yea
Councillor Grant Yea
Mayor Pennell Yea
Carried

2020-249 ROAD AGREEMENT ON UNOPENED/UNASSUMED ROAD ALLOWANCE – TRAHAN ROAD

Moved by Coun Olmstead and seconded by Coun Cross that the Council requests the Roads Superintendent to contact the property owners who have done some work on a portion of the unopened/unassumed road allowance of Trahan Road and request that they enter into a Road Agreement with the Municipality to perform work and maintenance on the unopened/unassumed road allowance of Trahan Road.

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross Yea
Councillor Maxwell Yea
Councillor Olmstead Yea
Councillor Grant Yea
Mayor Pennell Yea
Carried

2020-250 INVESTIGATION INTO YEAR ROUND MAINTENANCE FOR STEWARTS ROAD

Moved by Coun Maxwell and seconded by Coun Cross that Council hereby requests the Clerk-Treasurer to further investigate the requirements of what it would cost to upgrade Stewarts Road to a year round maintained road as well as the costs involved in annual maintenance for Stewarts Road. In addition, the investigation will also include whether all the Municipality of Calvin roads meet provincial standards and if it's legislated that the Municipality's roads are required to meet these provincial standards. The investigation will include consultation and a report from our Municipal Engineer to explore the options available to the Municipality and provide the supporting documentation of the findings. ~~There will therefore be an unknown outside cost associated with this investigation.~~ The estimated cost associated for the Municipal Engineer to investigate and prepare a report is \$2,400.00 plus HST.

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross Yea
Councillor Maxwell Yea
Councillor Olmstead Nay
Councillor Grant Conflict of Interest Declared
Mayor Pennell Yea
Carried

2020-251 CLOSURE OF OUTDOOR WASHROOMS

Moved by Coun Cross and Coun Olmstead that Council hereby authorizes the closure of the outdoor outhouse style washrooms at the Municipal grounds rink building (2) and at the Calvin Union Cemetery (1) due to health and safety concerns regarding the spread of Covid 19 and at the recommendation of the Municipal solicitor; and further that the closure of these washrooms will remain in effect until Council has deemed it safe to reopen them.

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross	Nay
Councillor Maxwell	Nay
Councillor Olmstead	Nay
Councillor Grant	Nay
Mayor Pennell	Nay

Defeated

2020-252 CONSULTANT FOR THE JOINT COMMUNITY WELL BEIN AND SAFETY PLAN

Moved by Coun Maxwell and seconded by Coun Grant that Council deems it to be in the best interest of the Municipality to proceed with the use of a consultant to help prepare a provincially regulated (due date of January 1, 2021) joint Community Well Being and Safety Plan for the Town of Mattawa, Township of Papineau-Cameron, Municipality of Mattawan and the Corporation of the Municipality of Calvin; whereas the funds of approximately \$1,100 were not included in the 2020 budget as the hiring of a consultant was not anticipated to be undertaken; therefore, Council hereby authorizes the Clerk Treasurer to transfer funds in the amount of \$1,100 from the Working Reserve to allow this important project to proceed, meet the deadline imposed by the province and for the expense and revenue to be allocated into the applicable calendar year.

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross	Yea
Councillor Maxwell	Yea
Councillor Olmstead	Yea
Councillor Grant	Yea
Mayor Pennell	Yea

Carried

2020-253 DISBURSEMENTS

Moved by Coun Maxwell and seconded by Coun Grant that the disbursements dated December 3, 2020 in the amount of \$29,965.24 and December 8, 2020 in the amount of \$19,976.33, be hereby authorized and passed for payment.

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross	Yea
Councillor Maxwell	Yea
Councillor Olmstead	Yea
Councillor Grant	Yea
Mayor Pennell	Yea

Carried

2020-254 CLOSED PORTION

Moved by Coun Grant and seconded by Coun Cross that this portion of the meeting be now closed under the Municipal Act, 2001, as per Section 239 (2)(d) labour relations or employee negotiations and Section 239 (2)(d) personal matters about an identifiable individual, including municipal or local board employees (RE: Personnel Update).

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross	Yea
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Councillor Maxwell Yea
Councillor Olmstead Yea
Councillor Grant Yea
Mayor Pennell Yea
Carried

2020-255 ADOPTION OF COUNCIL REPORTS

Moved by Coun Olmstead and seconded by Coun Grant that Council Reports:

2020-25 Adopt Minutes of Last Closed Portion Held on Tuesday, November 10, 2020

2020-26 Adjourn Closed Portion

be hereby approved and adopted as presented.

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross Yea
Councillor Maxwell Yea
Councillor Olmstead Yea
Councillor Grant Yea
Mayor Pennell Yea
Carried

2020-256 ADJOURNMENT

Moved by Coun Maxwell and seconded by Coun Grant that this regular meeting of Council now be adjourned at 10:12 p.m.

Carried

Recorded Vote as per Electronic Meeting Best Practices

Councillor Cross Yea
Councillor Maxwell Yea
Councillor Olmstead Yea
Councillor Grant Yea
Mayor Pennell Yea
Carried

Mayor

Clerk

MUNICIPALITY OF CALVIN

2020CT60 REPORT TO COUNCIL

REPORT DATE: December 17, 2020
ORIGINATOR: Cindy Pigeau – Clerk-Treasurer
SUBJECT: Emergency Control Group Meeting Summary – December 9, 2020

The Emergency Control Group met electronically on Wednesday, December 9, 2020 by Zoom.

In regards to Key Legislation changes – Pfizer Vaccine was approved by Health Canada today. The first shipment is scheduled to arrive on Monday, December 14th. Transportation is an issue and therefore it will initially be going to only 14 locations across Canada. There have been some instances where people with severe allergies (not specified) are having an allergic reaction to the Pfizer vaccine. Others also have concerns about side effects and long term effects. It is estimated that the average person will receive the vaccine in the third quarter of 2021.

The Emergency Orders and Border Restrictions are in effect until December 21, 2020.

Currently, the North Bay Parry Sound District is in the Green Zone. It is estimated that a change in zone colour will be coming either before or after Christmas due to the News Release that was sent out on December 3, 2020.

The Emergency Control Group duties have not changed in the past two weeks.

We are in the final stages of meeting our requirements for the 2020 year. The final paperwork will be sent in early January to complete the process.

The Municipal State of Emergency still remains in effect.

Respectfully submitted;
Cindy Pigeau
Clerk-Treasurer

CORPORATION OF THE MUNICIPALITY OF CALVIN
Resolution

DATE: December 22, 2020 NO. _____

MOVED BY _____

SECONDED BY _____

“That the municipality has received \$34,700 plus an additional \$20,000 to be received shortly, in Federal-Provincial grant funding through the Safe Restart Agreement and noted that this grant may only be used for Covid 19 related expenditures that are operational in nature; and further,

That any unused portion of this Covid 19 grant shall be placed into the Working Fund Reserves account at year end of 2020 to be used for future Covid 19 expenditures that are operational in nature in the 2021 year.”

CARRIED _____

DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEA</u>	<u>NAY</u>
<u>Coun Cross</u>	_____	_____
<u>Coun Maxwell</u>	_____	_____
<u>Coun Olmstead</u>	_____	_____
<u>Coun Grant</u>	_____	_____
<u>Mayor Pennell</u>	_____	_____

**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
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MIN-234-2020-5724

December 16, 2020

Mayor Ian Pennell
Municipality of Calvin
ian.pennell@onlink.net

Dear Mayor Pennell:

From the outset of COVID-19, our government knew that the pandemic was going to put a significant strain on Ontario's municipalities. That is why we are committed to working with all levels of government to ensure municipalities can continue to deliver the critical services Ontarians rely on.

In our negotiations with the federal government, what started as a \$14 billion national proposal was negotiated into the \$19 billion Safe Restart Agreement – securing up to \$4 billion for Ontario's municipalities and transit systems.

In August, our government committed \$695 million in an initial round of allocations under the \$1.39 billion municipal operating stream. Earlier today, I announced that the Ontario government is investing an additional \$695 million under the historic Safe Restart Agreement's municipal operating stream to help our municipal partners manage the financial impacts of COVID-19 and start 2021 in a more secure financial position.

I am pleased to advise that your municipality's allocation is \$20,000. This amount is being provided to help your municipality with 2021 COVID-related operating pressures.

Allocations for 2021 funding for all 444 municipalities are based on the number of households in the municipality and the proportion of COVID-19 cases occurring in the municipality's public health unit. Funding under the municipal operating stream is in addition to funding being provided under the Safe Restart Agreement for municipal transit systems, Social Services Relief Fund and public health.

We know municipalities will continue to feel the impacts of COVID-19 into 2021. Our government is providing this additional support as you develop your 2021 budgets. With this funding, your municipality can continue to deliver the high-quality local services your

residents and business rely on every day and have the confidence you need to proceed with budgeting for planned capital projects in 2021.

We have heard that you require flexible funding and we are delivering. Funding under the municipal operating stream of the Safe Restart Agreement can be used to support your municipality's highest priority COVID-related operating needs. The province expects that any amount of funding not required by your municipality in 2020 will be used to address 2021 pandemic-related operating needs.

As previously communicated, your municipality will be expected to report back to the province in March 2021 with information about your COVID-related operating pressures and use of both funding allocations. This report template will be available via the Transfer Payment Ontario system by late January 2021. Municipalities will also be expected to report back on 2021 operating pressures due to the pandemic at a later date.

I am requesting that your municipal treasurer sign the acknowledgement below and return the signed copy to the ministry by December 24, 2020 by email to Municipal.Programs@ontario.ca. Please note that we must receive this acknowledgement before making a payment to your municipality. We expect to begin making payments to municipalities in December 2020 and complete all payments by the end of January 2021.

Municipalities are welcome to contact their municipal advisor or e-mail Municipal.Programs@ontario.ca with any questions.

Thank you once again for your commitment to serving your residents during these challenging times. Our government will continue to stand with our municipal partners because we know that strong communities are the foundation of a strong Ontario – your success is Ontario's success.

Sincerely,



Steve Clark
Minister of Municipal Affairs and Housing

c. Municipal Treasurer and Chief Administrative Officer

MUNICIPALITY OF CALVIN

2020CT61 REPORT TO COUNCIL

REPORT DATE: December 17, 2020
ORIGINATOR: Cindy Pigeau – Clerk-Treasurer
SUBJECT: Standing Up the Recreation Committee

PURPOSE

To provide information to Council regarding standing up the recreation committee as a municipal committee.

BACKGROUND

At the December 8, 2020 regular Council meeting, Councillor Olmstead requested that we reinstate the Recreation Committee. It was requested by Council that staff look into what would be involved in doing so.

Please see attached By-law 2015-019 and 2010-017 which are by-laws to authorize the carrying on of a Community Program of Recreation and for the appointment of a Recreation Committee for the Municipality of Calvin. By-law 2015-019 outlines who shall be appointed to the Committee and By-law 2010-017 provides for how the Committee is appointed, the Finance, the Programs and Facilities, the Administration and the Public Relations of the Committee.

In addition, the following are excerpts from the By-Law 2008-008 –Procedural By-law which outline Committee minutes, Standing Committee Meeting procedure and the mandate of the Recreation Committee.

PART 19

19.0 COMMITTEE MINUTES

19.1 Minutes – completed – Committee recommendations

Minutes of Committees of Council shall be listed in the Section on the Agenda designated for Reports from Committees for the next Regular Council Meeting following the Committee Meeting and the Minutes shall include all of the recommendations made at the Committee Meetings.

19.2 Minutes – adopted – confirmed – by motion of Council

Minutes of each Committee may be adopted by Council in a single motion and the passage of such a motion shall be taken to confirm and adopt all of the resolutions contained in the Minutes, except for those resolutions dealt with or voted on separately.

19.3 Resolutions – pulled – vote on separately – notification

The Clerk or his/her designate, requires notification from Councillors on any Committee resolutions that are to be pulled from the Minutes and voted on separately by Council, no later than 10:00 a.m. on the day of the Council Meeting.

PART 22

22.0 STANDING COMMITTEES - MEETINGS

22.1 Standing/Advisory Committees – composition

There shall be the following Standing Committees of Council.

- 1) Committee of Adjustment
- 2) Recreation Committee

22.2 Standing Committees – mandate - schedule “A”

Schedule “A” (attached) sets out the mandate for each committee.

22.3 Meeting – special – called by Chair

Special meetings of a Standing Committee may be called by the Chair whenever he/she considers it necessary.

22.4 Chairs – members – appointment – procedure

The Chair and Members of the Standing Committees shall be appointed by the Mayor at the Inaugural Meeting in each term of Council of a regular municipal election year or at the 1st regular meeting of Council thereafter.

22.5 Mayor – member – ex-officio – all standing committees

The Mayor shall be ex officio, a Member of all standing committees and entitled to vote and to make motions and amendments.

22.6 Procedure – modifications

The rules governing the procedure of the Council and the conduct of its members shall be observed in all Standing Committee meetings, with the necessary modifications, except that:

- 1) motions do not require a seconder;
- 2) a Member shall not speak more than once to a motion until every Member who desires to speak has spoken once;

22.7 Points of order – decision by Chair

Points of order arising in Standing Committee shall be decided by the Chair, subject to an appeal by a Member of the Committee.

22.8 Standing Committee – recommendations – to Council

Each Standing Committee may make recommendations to Council by Report of the Standing Committee at the next regular Council meeting, unless otherwise decided.

- 22.9 **Minutes – kept – report to Council**
Minutes of Standing Committees shall be kept and the proceedings shall be recorded in the form of recommendations voted upon by the members.
- 22.10 **Agenda – distribution – deemed notice**
The Agendas shall be deemed notice of regular Standing Committee meetings.
- 22.11 **Agenda – distribution**
The Chair, through the Clerk or his/her delegate (Recording Secretary), shall cause to be delivered to each Member of Council and Committee Member an Agenda for each Standing Committee in accordance with Section 5.2.
- 22.12 **Agenda – not received – validity – not affected**
Lack of receipt of the Agenda by the Members shall not affect the validity of the Standing Committee Meeting or any action lawfully taken thereat.

PART 25

25.0 CONTENTS OF BY-LAW

25.1 Standing and Advisory Committees

The contents of this By-law, which are applicable, shall apply to all Standing Committees of Council and Advisory Committees of Council.

Schedule “A”

COMMITTEES - MANDATES

RECREATION COMMITTEE

The mandate of the Recreation Committee is to report and make recommendations to Council on:

- Develop goals and objectives to ensure adequate provision of recreation services and facilities
- Policies to ensure the most effective and efficient delivery of recreation services and the use of recreation facilities
- Determine recreation needs and wants of community groups and citizens of the municipality and establish priorities for future development
- Assist, encourage and provide advisory services on request to all groups, organizations or persons regarding recreational activities within the municipality
- Keep the residents of the municipality aware of the recreational opportunities which are available and continually interpret to the public any community recreational program

As it was suggested that the Recreation Committee would hold events such as snowmobiling trips, 4 wheeling trips, etc... that would be Covid 19 safe events, our insurance company was also contacted to see what the coverage would be for these types of events. The following information is what was received: *"The events mentioned below (snowmobiling trips, 4 wheeling trips, etc...) are of a higher risk than we typically see from Rec Committees and as a result, we would have to seek additional coverage for the individual events. It is very likely, given the type of events, that the coverage we secure would exclude any coverage for participants. Each member would be reliant upon the accident benefits available under their personal insurance."*

One final note – The amount of \$2752.14 was transferred into Recreation Reserves for use in the Recreation Department in 2017 when the Recreation Committee was dissolved at that time.

Respectfully submitted;
Cindy Pigeau
Clerk-Treasurer

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2015-019

BEING A BY-LAW TO AMEND BY-LAW 2010-017 which is a By-law to authorize the carrying on of a Community Program of Recreation and for the appointment of a Recreation Committee for the Municipality of Calvin

WHEREAS the Ministry of Tourism and Recreation Act provides for the promoting of tourism and recreation in Ontario

AND WHEREAS O. Reg. 797 2 (1) provides that the council of a local municipality may, by by-law, appoint a Recreation Committee

AND WHEREAS the Council for the Corporation of the Municipality of Calvin deems it desirable to AMEND Section 2 of By-law No. 2010-017 in order to re-define the appointment of the Recreation Committee.

NOW THEREFORE the Council of the Corporation of the Municipality of Calvin enacts as follows:

1. That Section 2 of By-law No. 2010-017 shall be amended to read;

"The Committee shall be appointed from time to time by the Council of the Corporation as follows:

- (a) Two (2) members of the Council of the Corporation*
- (b) Three (3) members of the public shall sit on the Recreation Committee as approved by Council upon recommendation of the Recreation Committee*
- (c) One (1) secretary who is qualified to be elected as a member of Council and the secretary shall be a non-voting member of the Committee."*

2. This By-law shall come into full force and effect upon the date of the passing thereof.

READ A 1st, 2nd and 3rd TIME AND FINALLY PASSED BEFORE AN OPEN COUNCIL
THIS 13th DAY OF OCTOBER 2015.


MAYOR


CLERK

CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2010-017

Being a by-law to authorize the carrying on of a Community Program of Recreation within the meaning of the regulations under the Ministry of Tourism and Recreation Act and to provide for the establishment, operation and maintenance of Community Centres pursuant to the Community Recreation Centres Act and for the appointment of a Recreation Committee for the Municipality of Calvin as per O.Reg. 400/04, Section 2(1)

1. The Council of the Corporation enacts as follows:
 - (a) Pursuant to Regulations made under the Ministry of Tourism and Recreation Act, a Community Program of Recreation is hereby established for the residents of the Municipality.
 - (b) Pursuant to the Community Recreation Centers Act and the regulations made there under, a Community Center is hereby established for the residents of the Municipality.
 - (c) The said Community Program of Recreation, and the said Community Center shall be directed, managed and controlled on behalf of the Council of the Corporation by a committee known as the Calvin Recreation Committee.

2. The Committee shall be appointed from time to time by the Council of the Corporation as follows:

- (a) Two (2) members of the Council of the Corporation.
- (b) A minimum of three (3) members of the public shall sit on the Recreation Committee as approved by Council upon the recommendation of the Recreation Committee.
- (c) One secretary who is qualified to be elected as a member of Council. The secretary shall be a non-voting member of the Committee.

COMMITTEE APPOINTMENT

1. Each member of the Calvin Recreation Committee shall be appointed by resolution of the Council of the Corporation.
2. Each member of the Calvin Recreation Committee shall hold office until their successors shall have been appointed, provided that all members shall hold office during the pleasure of the Council of the Corporation.

AMENDS



- 3 The appointments of the Calvin Recreation Committee shall be made at the first regular meeting of the Council after the Inaugural Meeting or as soon thereafter as is expedient.

FINANCE

1. On or before the 31st day of March in each year, the said Committee shall submit to the Municipal Council a budget for its approval, and other reports as required.
2. The Council shall establish a bank account which shall be the General Account of the municipality. Funds designated for a specific project shall be kept in a special account. The signing officers for the account shall be the signing officers of the Corporation as appointed each year. The books and accounts of the said Committee shall be kept by the Treasurer of the Corporation.
3. No debt or obligation shall be incurred by the said Committee and no payments shall be made by or on behalf of the said Committee unless duly authorized by resolution of the Council.
4. The said Committee may incur expenditures, as may be recommended by the various committees, to the extent provided in the annual approved budget or as approved by Council.
5. The said Committee shall recommend a schedule of fees to council for participating in or admittance to any part of the community program or recreation or facilities used.

PROGRAM & FACILITIES

1. The said Committee shall conduct or encourage and assist the programs of recreation which will meet the needs and interests of the inhabitants of the Municipality.
2. The said Committee shall assist, encourage and advise groups, organizations and persons to initiate and carry on recreational activities in the Municipality.
3. The said Committee shall assist in the co-ordination of community recreational activities.
4. The said Committee shall operate, maintain and manage on behalf of the said Corporation all properties which are now or which may hereafter be established or regulations made there under.

ADMINISTRATION

1. Subject to the approval of Council, the said Committee shall formulate policies, rules and regulations for and relating to the administration of community programs of recreation.
2. The said committee may make rules and regulations for the conduct of the community program of recreation or any part thereof and to govern the conduct of all persons who in any way participate in or be in attendance at any part of the program.

3. The said committee shall hold monthly meetings, except during July and August if not required.
4. At any meeting of the said Committee a quorum shall consist of a majority of its members.
5. The said Committee shall elect a chairman from amongst its members; as well as a treasurer to financially account for all events, maintain a petty cash account and submit statements and funds to the Treasurer of the Corporation on a regular basis; and such other offices as may be required.
6. The said Committee shall submit to Council an annual report of its activities and such other reports as may be required from time to time.
7. The said Committee is encouraged to work jointly with other municipal services in establishing, operating and maintaining a supervised public recreation system of facilities and activities.
8. The said Committee may appoint as it deems necessary such committees to act in an advisory capacity to the Committee.
9. In carrying out the provisions of this by-law, the said Committee shall at all times be the agent of the Municipal Corporation and while acting, bona fide within the limits of the authority of this by-law, neither the committee nor any member thereof shall incur any liability by reason of anything done or left undone by the Committee; provided however, that nothing in this paragraph contained shall authorize or empower the Committee to incur any debt, liability or obligation for which the Municipal Corporation shall become liable without having previously obtained the consent of the Council of the Corporation.

PUBLIC RELATIONS

1. The said Committee shall at all times keep the inhabitants of the municipality aware of the recreation opportunities which are available and will continually interpret to the public the total community program of recreation.
2. The said committee shall inform the residents of the Municipality of the benefits of and the opportunities for recreation, and shall publicize the community program of recreation.

By-law No. 484 and 472 are hereby repealed.

Read a first, second and third time and passed in open council this ___ day of _____ 2010.

Mayor

Clerk

CORPORATION OF THE MUNICIPALITY OF CALVIN

Resolution

DATE December 22, 2020

NO. _____

MOVED BY _____

SECONDED BY _____

“THAT as per By-law No. 2015-019 and the Recreation Committee Mandate contained in Schedule A of By-law No. 2008-008, the Municipality of Calvin Recreation Committee will be stood up and Council hereby appoints the following Members of Council to the newly formed Recreation Committee

- 1) _____
- 2) _____

and the remaining four members of the Recreation Committee (3 voting members and 1 non-voting) will be members of the public; and who will hold this appointment from this date forward or until a replacement has been appointed should any appointee be unable to fulfill this appointment.

CARRIED _____

DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEA</u>	<u>NAY</u>
<u>Coun Cross</u>	_____	_____
<u>Coun Maxwell</u>	_____	_____
<u>Coun Olmstead</u>	_____	_____
<u>Coun Grant</u>	_____	_____
<u>Mayor Pennell</u>	_____	_____

CORPORATION OF THE MUNICIPALITY OF CALVIN

Resolution

DATE: December 22, 2020 NO. _____

MOVED BY _____

SECONDED BY _____

“That Council hereby authorizes the Fire Chief to purchase a laptop for the Fire Department to be used for administration purposes (originally removed from the 2020 budget for cost savings), using funds remaining in the Fire Training 2020 budget as the planned training for this year was unavailable due to the Covid 19 pandemic.”

CARRIED _____

DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEA</u>	<u>NAY</u>
<u>Coun Cross</u>	_____	_____
<u>Coun Maxwell</u>	_____	_____
<u>Coun Olmstead</u>	_____	_____
<u>Coun Grant</u>	_____	_____
<u>Mayor Pennell</u>	_____	_____

CORPORATION OF THE MUNICIPALITY OF CALVIN

Resolution

DATE: December 22, 2020 NO. _____

MOVED BY _____

SECONDED BY _____

“WHEREAS the Municipality no longer requires 3 jet pumps and 2 piston pumps for the cistern system as we now have a drilled well, and;

WHEREAS Council hereby declares the used 3 jet pumps and 2 piston pumps to be surplus to the further needs of the Municipality;

NOW BE IT THEREFORE RESOLVED that staff is hereby authorized to make the used pumps available through a public bidding process and sold to the highest bidder.”

CARRIED _____

DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEA</u>	<u>NAY</u>
<u>Coun Cross</u>	_____	_____
<u>Coun Maxwell</u>	_____	_____
<u>Coun Olmstead</u>	_____	_____
<u>Coun Grant</u>	_____	_____
<u>Mayor Pennell</u>	_____	_____

MUNICIPALITY OF CALVIN

2020CT62 REPORT TO COUNCIL

REPORT DATE: December 17, 2020
PREPARED BY: Cindy Pigeau, Clerk-Treasurer
SUBJECT: **AMENDED - Formal Complaint Policy – Further Information Requested from Municipal Advisor**

PURPOSE

To provide further information to and seek further direction from Council related the proposed addition of a clause within the Formal Complaint Policy that would address complaints made regarding the behaviour of Members of Council. At the December 8, 2020 regular Council meeting it was requested that staff contact our Municipal Advisor from the Ministry of Municipal Affairs and Housing, to clarify the statement that were made by him during the Council Training Session on December 1, 2020. The advice and recommendations from the Municipal Advisor have been added to the original report. Please see below in **BOLD**.

RECOMMENDATION

That Council maintain two separate complaint processes;

- For the feedback necessary to monitor and evaluate levels of service; and
- For the adherence to section 223 of the *Municipal Act*

And further that Council seek guidance from the Integrity Commissioner on how to amend the Integrity Commissioner Inquiry Protocol to implement a fair and accountable process that considers early resolution as opposed to a costly inquiry.

LEGAL AUTHORITY

Municipalities are statutory Governments and are required to adhere to the *Municipal Act, 2001* (the "Act") as amended from time to time. With respect to the adoption of a formal complaint policy the following sections of the Act should be considered by Council:

Council exercises their authority by passing bylaws for matters within their spheres of jurisdiction:

- Part II Section 10 (2) 2. *provides that Council may pass bylaws regarding Accountability and transparency of the municipality and its operations and of its local boards and their operation*
- Part II Section 10 (2) 7. *Provides that Council may pass bylaws related to Services and things that the municipality is authorized to provide under subsection (1) [which refers to the provision of any service or thing that the municipality considers necessary or desirable for the public subject to the rules set out in section (4) dealing with upper tier and lower tier municipalities]*

Section 223.3(1) of the Act outlines the role of the Integrity Commissioner, Section 223.3 (2) of the Act outlines the Powers and Duties of the Integrity Commissioner and Section 223. 4 (1) applies IF the Integrity Commissioner conducts an inquiry.

Section 5.4 - of the Integrity Commissioner Protocol – Post March 1, 2019 indicates that the Integrity Commissioner will conduct an initial review of the request for Inquiry to ensure that it is a proper allegation of a breach of the Code of Conduct. If it is not a breach then the Integrity Commissioner will dismiss the request.

Section 448 of the Act provides indemnification for Members of Council when acting within their role and in good faith.

BACKGROUND/ANALYSIS

The Formal Complaint Policy is intended to be a mechanism for the public to receive a fair and uniform response to complaints regarding the services of the Municipality. To be clear, the policy has been created to receive, log and respond to feedback from ratepayers regarding programs, facilities, staff or operational procedures. This is an important policy to assist Council in evaluating the programs and services of the Municipality. It is not intended to include complaints regarding Members of Council as the Code of Conduct is in place for that reason. Moreover, the Act requires the adoption of a Code of Conduct and the appointment of an Integrity Commissioner.

The proposed self-directed complaint management by Members of Council should clearly state what type of complaints against Council will be accepted under this policy and which ones should be directed to the Integrity Commissioner.

On Friday, November 20, 2020, the Clerk-Treasurer contacted the Municipality's Municipal Advisor for his advice on this issue. His response is as follows:

"It is a local decision as to how to handle your complaints policy, including the process to be followed in initiating an inquiry by your integrity commissioner.

It is the function of the integrity commissioner to provide advice to your municipality on the appropriate means to initiate an investigation under the code of conduct or Municipal Conflict of Interest Act. (See section 223.3(1) of the Municipal Act, 2001).

I understand your concern about directing any complaints about members of council to the member complained about prior to those proceeding to the integrity commissioner and I would suggest that you seek an opinion from your integrity commissioner about the propriety of that process."

On Thursday, December 10th, 2020, the Clerk-Treasurer contacted the Municipality's Municipal Advisor for further clarification on "other" policies, procedures and rules for ethical behaviour that may be in place. The recommendation of the Municipal Advisor would be to have the Code of Conduct reworded to include the clause that Councillor Grant has requested be included in our Formal Complaint Policy. He also recommended that there is a procedure so that there is a record of the complaint. He felt a similar procedure as described in the formal complaint policy would be appropriate. It is the recommendation of the Municipal Advisor that the formal complaint policy should be related to operational behaviour, there should be the Council Code of Conduct and there should be a Staff Code of Conduct. The Municipality has a Council Code of Conduct and Staff Code of Conduct is included in the Employee Relations, Employment and Hiring Policy. The only thing we are missing is the Formal Complaint Policy which we are working on. Some concerns brought forth by the Municipal Advisor regarding the requested clause are: if the complaint is regarding some sort of harassment, the option should not be given for the Councillor to deal with it on their own. Second, if the person wants to submit an anonymous complaint, it will not be possible to do so if the Councillor will be contacting the complainant directly. And finally, many people do not like confrontation so if they think that they will have to deal directly with a Councillor regarding a complaint they have then they just won't complain. His final recommendation is that the form that complaints come in on under each policy include the following information:

- Date Received
- Contact Information
- Issue and Timing (the complaint may come in on a different day than the event took place)
- Who the complaint was assigned to
- What actions they took

- When they responded and when any follow up took place (If required)
- Completed date

He advised that it is important to track the feedback from the public. Specifically, is it a policy issue – Is the policy not working, does it need to be changed?

Our Integrity Commissioner was contacted on both Monday, November 16th and Friday, November 20th for advice on this clause as well.

Our Integrity Commissioner (the “IC”) suggested that Council review Sections 223.3 (10), 223.3 (2) and 223.4(1) of the Municipal Act, Section 5.4 of the Integrity Commissioner Protocol – Post March 1, 2019 which speak to the legal role of the IC and the protocol in place to initially review complaints received. This is the policy that should be amended to incorporate scope limitations on the handling of complaints. The present suggested addition to the Formal Complaint Policy is a contradiction to the Code of Conduct and the Integrity Commissioner Inquiry Protocol and could be seen by the public as an attempt to circumvent the legislated role of the IC.

In addition, the IC indicated concern for Members of Council and their protection under Section 448 of the Act. If Council adopts a policy/bylaw that is outside of their jurisdiction or is contrary to law, they can be challenged in court. Such a challenge would in all likelihood result in the action being considered outside of Council’s role and in bad faith thereby jeopardizing this protection and resulting in significant legal costs to individual members.

Also for Council to consider is the issue of record retention and accountability and transparency. Section 254 (1) of the Act. Requires that ALL municipal records be retained in accordance with the Municipality’s retention policy. In addition, Municipalities are required to produce, when requested, municipal records. Should Council consider to add this language to the Formal Complaint Policy it will be necessary to ensure that there is a documented process within the policy that requires the Member of Council to report back to Council about the process and results of the resolution process.

Options for Council to consider with respect to this matter are as follows:

1. That Council maintain two separate complaint processes: for the feedback necessary to monitor and evaluate levels of service and for the adherence to section 223 of the Municipal Act.
2. Council direct staff to prepare a draft of the amendment that would define the type of complaint the policy covers and would reflect any complaint of this nature must follow a specific process and the consequences for failure by the Member of Council to adhere to the process. For example, the Mayor (as the Head of Council) performs an investigation into the complaint (if the complaint is against the Mayor then either the Deputy Mayor or the Clerk-Treasurer performs the investigation), a decision is made, the complainant is notified of the outcome within 15 days and a copy of the decision is filed with the Clerk.
3. That Council not add this clause to the Formal Complaint Policy.

Respectfully submitted;
Cindy Pigeau
Clerk-Treasurer

CORPORATION OF THE MUNICIPALITY OF CALVIN

Resolution

DATE: December 22, 2020 NO. _____

MOVED BY _____

SECONDED BY _____

“WHEREAS the Provincial Covid 19 response framework: keeping Ontario safe and open limits the number of people for unstaffed social gatherings to 10 people indoors and 25 people outdoors for a health unit that is in a “Green” Zone, and;

WHEREAS the North Bay Parry Sound District Health Unit is currently in a Green Zone;

NOW BE IT THEREFORE RESOLVED that staff is hereby authorized to post appropriate signage at our outdoor facilities indicating as such; and

FURTHER BE IT RESOLVED that if the Provincial regulations and/or North Bay Parry Sound District Health Unit guidelines change then the signage will be updated to reflect these changes. ”

CARRIED _____

DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEA</u>	<u>NAY</u>
<u>Coun Cross</u>	_____	_____
<u>Coun Maxwell</u>	_____	_____
<u>Coun Olmstead</u>	_____	_____
<u>Coun Grant</u>	_____	_____
<u>Mayor Pennell</u>	_____	_____

Covid-19 Guidance document for outdoor ice surfaces/rinks and outdoor skating trails

Last revised Nov 30, 2020

This guidance document is for municipalities and community groups who operate outdoor ice surfaces/ rinks and skating trails. It provides requirements and recommendations to help stop the spread of COVID-19 while operating these types of outdoor recreational rinks or trails.

All owners and operators of outdoor ice surfaces/rinks and outdoor skating trails have a responsibility to assess risks associated with their facility and operations and ensure that they mitigate these risks for their employees, volunteers, and attendees.

Specific to COVID-19, owners and operators are responsible for implementing measures to reduce the risk of infection among all those who participate in their activities (e.g. employees, volunteers, attendees).

Provincial laws and recommendations to prevent the spread of COVID-19 are subject to change without notice. Effective November 7, 2020, the Province of Ontario has implemented the Keeping Ontario Safe and Open Framework, which guides public health restrictions based on COVID-19 transmission in the province. The North Bay Parry Sound District Health Unit (NBPSDHU) and local municipalities may also implement local public health directions, bylaws, and policies which can exceed the provincial laws and recommendations. Owners and operators of outdoor ice surfaces/rinks and outdoor skating trails should continue to consult with public health and their local municipality to ensure familiarity with the current laws and recommendations.

It is important for owners and operators to adhere to public health legislation and recommendations on gathering requirements to determine if activities on outdoor ice surfaces, skating rinks and skating trails can operate safely.

OUTDOOR ICE SURFACES/RINKS AND SKATING TRAILS DEFINITIONS

Outdoor ice surfaces/rinks and trails generally can be classified Under Ontario Regulation 364/20 in three formats:

Setting	Definition
-Outdoor ice surface/ rink or natural ice skating trail with supporting infrastructure* and employee monitoring.	Outdoor Recreational facility
-Outdoor ice surface/ rink or natural ice rink with no supporting infrastructure and unsupervised	Playground
-Outdoor natural skating trail with no supporting infrastructure and unsupervised	Outdoor walking trail

*supporting infrastructure includes but is not limited to: change rooms, warming centres, washrooms.

PROTECTING MEMBERS OF THE PUBLIC, EMPLOYEES AND VOLUNTEERS

Operators shall identify possible work-related exposure and health risks to employee, volunteers and attendees and plan how to reduce these risks. Further, they should develop a contingency and business plan for the potential of a COVID-19 positive employee, volunteer or attendee. Individuals testing positive for COVID-19 will be directed by NBPSDHU to self-isolate. Individuals that have had close contact (e.g. spent prolonged time within a 2 metre (6 feet) radius) with an employee, volunteer or attendee will be contacted by NBPSDHU if they need to take additional precautions.

COMMUNICATE PUBLIC HEALTH RECOMMENDATIONS TO ATTENDEES AND VOLUNTEERS BEFORE COMING TO THE OUTDOOR ICE SURFACE/RINK OR SKATING TRAIL

- Encourage attendees and volunteers to conduct a self-assessment for COVID-19 symptoms before attending an outdoor ice surface/rink or skating trail and remind them to stay home if they have COVID-19 symptoms, seek testing and self-isolate.
- At the outdoor ice surface/ rink or trail, encourage attendees and volunteers to maintain a 2 metre (6 feet) distance from those they don't live with, when possible, and to wear a mask or a face covering outdoors when physical distancing cannot be maintained. Post signage to reinforce these messages.
- Encourage attendees and volunteers to wash their hands frequently and/or use an alcohol-based hand sanitizer, and to practice proper cough etiquette. Post signage to reinforce these messages.
- Remind attendees and community volunteers that it is mandatory to wear a mask or a face covering in all indoor public spaces.
- Limit the volume of music to be no louder than the volume of a normal conversation.

LIMIT ATTENDANCE AND ENSURE PHYSICAL DISTANCING

- Physical distancing means keeping a distance of 2 metres (6 feet) from those you don't live with off the ice, and 3 metres (9 feet) while exercising at outdoor ice surfaces/ rinks and skating trails. Plan and modify the layout of all ice surfaces/rinks and skating trails to ensure enough space is provided for employees, volunteers and attendees to maintain physical distancing at all times.
- Information about gathering limits will be as per the requirements in Ontario Regulation 364/20, under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.
- Capacity limits for the outdoor ice surface/rink and skating trail will need to be determined and posted for users.
- Calculate and post occupancy limits within each space, including washrooms, locker rooms, etc.

- Signage should be provided to encourage physical distancing. • Place visual / textural markers spaced 2 metres (6 feet) apart (e.g. tape on the floor, pylons, signs) to encourage physical distancing and guide users throughout the space.
- For outdoor rinks designated as a recreational facility:
 - o Consider a registration process with assigned time slots and set duration periods for using the facility.
 - o Stagger arrivals and departures, where possible, to reduce congestion at points of entrance and exit and in common areas.
 - o Increase signage.
 - o Ensure enough space for people in high traffic areas and places where people may gather.
 - o Identify areas where crowding and bottlenecks are common, such as lobbies, washrooms, and use staff or barriers to redirect people who may gather in these areas.

USE OF MASKS AND FACE COVERINGS

- Every person within an indoor space shall wear a mask or a face covering in a manner that covers their mouth, nose, and chin during any period when they are in the indoor area. This is subject to exceptions set out in the Regulation. Persons not engaged in athletic or fitness activity must wear a mask or face covering. More information on the mask requirements is available on NBPSDHU website.
- In most circumstances masks or cloth face coverings are not deemed necessary in outdoor recreational spaces when physical distancing is possible and can be predictably maintained. However, use of a mask or face covering is recommended if physical distancing is not possible or is unpredictable. In some outdoor activities, wearing a mask or face covering may not be practical or tolerable. In those instances, physical distancing remains an important personal protective practice. Masks or face coverings should not be placed on young children under age two, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
- The employer must determine what Personal Protective Equipment (PPE) is required and ensure that it is worn by employees and volunteers.
- Educate staff and volunteers on the proper use and disposal of masks and PPE.

HAND HYGIENE

- Post handwashing and hand sanitizing posters in employee areas and all entrances to any supporting infrastructure.
- Provide alcohol-based hand sanitizer with minimum 60% alcohol content in dispensers outside all entrances to supporting infrastructure, particularly near high-touch surfaces.
- Employees should wash their hands with soap and water frequently or use alcohol-based hand sanitizer.

- Employees should use gloves if it is anticipated that hands will come into contact with bodily fluids, broken skin, mucous membranes, contaminated equipment, and high-touch surfaces.

CLEANING AND DISINFECTING

RENTAL EQUIPMENT AND FIXED STRUCTURES

- Encourage customers to bring their own gear for personal use, when practical and possible (e.g. helmet, skating aids, water bottle).
- As per [Ontario Regulation 364/20](#) all equipment that is rented out, provided to or provided for the use of users of the facility must be cleaned and disinfected between each use.
- Do not provide rental equipment or fixed structures that cannot be cleaned between each use.
- Frequently touched points, such as door handles, railings and barriers must be cleaned and disinfected frequently and when visibly dirty.
- Ensure routine and frequent cleaning and disinfection occurs throughout the day in workspaces and ensure that any washrooms open for use are cleaned and disinfected as frequently as is necessary to maintain a sanitary environment.
- Further disinfection recommendations are outlined in the Province of Ontario's [Guidance for facilities for sports and recreational fitness activities during COVID-19](#) see the section entitled Recommendations for health and safety. Provide adequate supplies and garbage bins for disposing used materials.
- Refer to [Public Health Ontario's Cleaning and Disinfection for Public Settings fact sheet \(PDF\)](#).
- Refer to Health Canada's lists of [disinfectants for use against coronavirus \(COVID-19\)](#).

SCREENING AND RECORD-KEEPING

- Employees, volunteers and attendees shall conduct self-screening for symptoms of COVID-19, prior to attending the outdoor ice surface/rink and outdoor skating trails.
- Anyone with symptoms should stay home. Individual would need to follow the recommendations if they have COVID-19 symptoms, seek testing and self-isolate.

OUTDOOR RECREATIONAL FACILITIES

- Facilities for sports and recreational fitness activities are required to conduct active daily screening on all persons who attend their facility including attendees and employees and keep related records for a period of 30 days. See screening section of [Guidance for facilities for sports and recreational fitness activities during COVID-19](#). This applies to members of the public, staff and volunteers who only attend outdoor settings even if they do not go inside a building.

- Encourage online or telephone sales and registration processes.
- Use a contactless process to log attendance (e.g. scanner), if necessary.

PLAYGROUND FACILITIES AND OUTDOOR TRAILS

- It is not mandatory to keep records of all persons who are in attendance, although it is encouraged.

DRINKING WATER SYSTEMS

- With many buildings either closed or experiencing lower occupancy as a result of COVID-19, many properties have used less water and increased the amount of water stagnation in plumbing systems. It is important to flush both cold and hot water lines, and drain hot water tanks to remove stagnant water from the building's plumbing system. For additional instruction please refer to the Ministry of Environment, Conservation and Parks Guide for maintaining building plumbing after an extended vacancy.
- Private drinking water supplies must be sampled ~~ahead of~~ prior to opening, with samples sent to a private licensed laboratory and operators continuing to sample throughout the operating season in accordance with drinking water regulations.
- Small Drinking Water System (SDWS) operators must provide specific information to the NBPSDHU Medical Officer of Health in writing before reopening after a 60 day closure, or alter the construction, installation, alteration, or extension of the SDWS. To comply with these requirements, owners/operators must complete and submit the NBPSDHU notice and designation form

Please contact NBPSDHU if you have any questions at 1-705-474-1400 option 5 for the Covid-19 response team. Monday to Friday 8:30 a.m. to 4:30 p.m or email covid-19.response@healthunit.ca

References

- Public Health Agency of Canada. (2020) Risk mitigation tool for outdoor recreation spaces and activities operating during the COVID-19 pandemic. Retrieved from: <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/guidance-documents/risk-mitigation-tool-outdoor-recreation-spaces-activities-operating-covid-19.html>



**25 PEOPLE
MAXIMUM
CAPACITY
ON ICE RINK AT ONE
TIME**

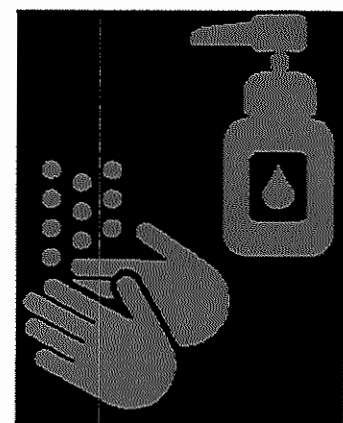
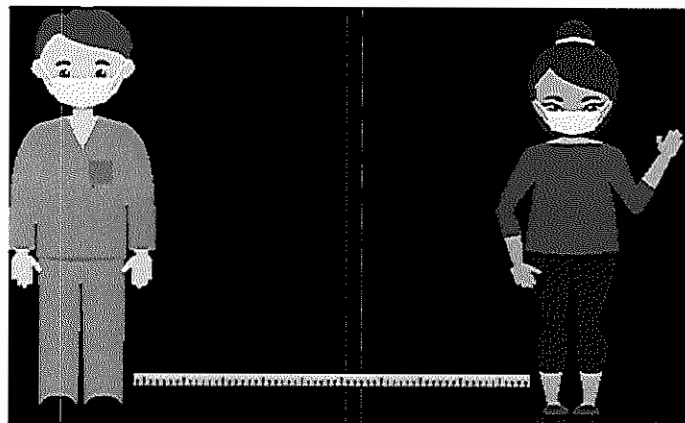
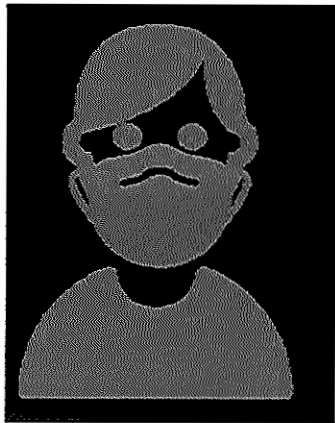
**PLEASE ADHERE TO
THE MAXIMUM NUMBER**

****Please Note: It is your responsibility to stay up to date on Public Health guidelines and Provincial regulations and adhere to any and all updates and changes.**

**For Your Safety And Ours. Please Help
Prevent The Spread.**

NOTICE

**Due to Current Health
Restrictions,
Only 1 Family/Household at
a time in the change room**



Ministry of Agriculture,
Food and Rural Affairs

Ministère de l'Agriculture, de
l'Alimentation et des Affaires rurales

Office of the Minister

Bureau du ministre

77 Grenville Street, 11th Floor
Toronto, Ontario M7A 1B3
Tel: 416-326-3074
www.ontario.ca/OMAFRA

77, rue Grenville, 11^e étage
Toronto (Ontario) M7A 1B3
Tél. : 416 326-3074
www.ontario.ca/MAAARO



December 15, 2020

Cindy Pigeau
Clerk/Treasurer
Municipality of Calvin
clerk@calvintownship.ca

Dear Ms. Pigeau:

I am pleased to announce the next application intake for the Rural Economic Development (RED) program opened on December 11, 2020 and will be available until February 1, 2021. You can find all program information, including how to apply, on my ministry's website at ontario.ca/REDprogram.

In July 2019, we announced the revitalized RED program. Our updates put the focus on outcome-based projects that will have tangible benefits for Ontario's rural and Indigenous communities. The updates to the RED program better align with our government's priorities to remove barriers to investment, open doors to rural economic development and create good jobs across the province.

The program has two project categories:

- The **Strategic Economic Infrastructure** stream provides up to 30 per cent in cost-shared funding for minor capital projects that advance economic development and investment opportunities.
- The **Economic Diversification and Competitiveness** stream provides up to 50 per cent in cost-shared funding for projects that remove barriers to business and job growth, attract investment, attract or retain a skilled workforce, strengthen sector and regional partnerships and diversify regional economies.

Our government is committed to supporting economic growth in rural communities and ensuring Ontario is open for business.

.../2



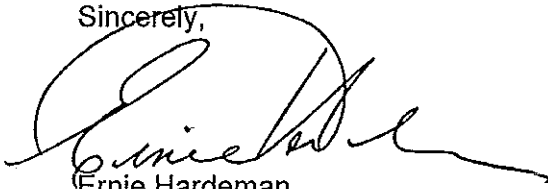
Foodland
ONTARIO
ONTARIO
Terre nourricière

Good things grow in Ontario
À bonne terre, bons produits

Ministry Headquarters: 1 Stone Road West, Guelph, Ontario N1G 4Y2
Bureau principal du ministère: 1 Stone Road West, Guelph (Ontario) N1G 4Y2

I encourage you to take advantage of this funding opportunity and submit an application for your economic development project. Together, we can ensure Ontario's communities thrive.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ernie Hardeman', written over a large, faint circular watermark or stamp.

Ernie Hardeman
Minister of Agriculture, Food and Rural Affairs

COVID-19 Reminders

- Practise physical distancing – stay 2 metres away from others in public
- Wash your hands – with soap and water thoroughly and often
- Get the facts - www.ontario.ca/page/covid-19-stop-spread



VICTOR FEDELI, MPP
Nipissing

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November 30, 2020

Dear Mayor Pennell,

As part of our government's commitment to creating jobs, boosting growth and encouraging investment in our rural communities, we are providing cost-share funding through the Rural Economic Development (RED) program to support activities that create strong rural communities in Ontario and opens doors to rural economic development.

I am pleased to let you know that as part of our continued efforts to support economic recovery the fourth intake of the RED program will open on December 11, 2020, with applications being accepted until February 1, 2021. During this intake, two program streams will be available to apply for.

Eligible projects under the **Economic Diversification and Competitiveness Stream** help remove barriers to business and job growth, attract investment, provide skills training and development and aids in diversifying regional economies. Projects could include revitalizing downtown areas to bring more businesses to the area, help for current businesses to attract customers, employee and youth training and promotional or marketing campaigns (e.g. to promote investment or tourism).

The **Strategic Economic Infrastructure Stream**, which we created last year, is designed for minor capital projects which advance economic development and investment opportunities in rural Ontario. Project examples include rehabilitating or restoring cultural, heritage or tourism attractions, redeveloping vacant or under-used property and improving the design quality of public spaces (e.g. through lighting, banners, murals, street furniture, public art and trees). You are eligible to apply if you are:

- a municipality
- a not-for-profit organization
- an Ontario Indigenous community or organization
- a Local Services Board

If you would like more information on the RED program and how to apply, please visit www.ontario.ca/page/rural-economic-development-program. You can also call 1-877-424-1300 or e-mail RED@ontario.ca to connect with a Regional Economic Development Advisor who can assist you with your application.

As always, if my office or I can be of assistance please feel free to contact me.
Best regards,

Vic Fedeli
MPP Nipissing

MUNICIPALITY OF CALVIN

2020CT63 REPORT TO COUNCIL

REPORT DATE: December 17, 2020
PREPARED BY: Cindy Pigeau, Clerk-Treasurer
SUBJECT: Background for the Community Safety and Well Being initiative,
DRAFT Community Safety and Well-Being Plan and Discussion
regarding Financials for Consultant

PURPOSE

To provide information to Council regarding the initiative of the Community Safety and Well-Being Committee, Plan and financial details for the consultant.

BACKGROUND

Please find attached a copy of a PowerPoint presentation that was presented to the Community Safety and Well-Being Committee at the second meeting on Wednesday, December 16th, 2020. The PowerPoint presentation provides information on what is involved in the process of developing this living document that will be used in conjunction with our Strategic Plan for years to come.

Also attached is a copy of a DRAFT Community Safety and Well-Being Plan prepared by consultant Mr. Garry Faye. Please provide any comments, questions, changes you would like to see made to the Clerk-Treasurer by Tuesday, January 5th, 2021. The comments, questions, changes will be amalgamated into one document for a Council discussion at the January 12th, 2021 regular Council meeting.

There is also a document attached entitled "CSWB Toolkit" which is a proposal from the consultant Mr. Garry Faye regarding a toolkit that he can put together to help us with the development of our Plan now and into the future. The estimated timeframe for the Toolkit to be developed is 25-30 hours at \$150.00/hour. This cost will hopefully be shared among the 4 participating municipalities (Township of Papineau-Cameron, Municipality of Mattawan, Town of Mattawa and Municipality of Calvin).

The cost to prepare the DRAFT Community Safety and Well-Being Plan as well as the potential cost for the development of a CSWB Toolkit was discussed at the Community Safety and Well-Being Committee meeting on December 16th. Two different approaches to the cost sharing between the municipalities was discussed – 1. Equal split of these costs between the four municipalities OR 2. Using a Per Capita split. The final document attached is the breakdown of how the costs are shared on a per capita basis for the Mattawa and Area Police Services Board, for reference. A preference from our Council will need to be determined before the next Community Safety and Well-Being Committee meeting in February. A discussion regarding this issue can take place at the January 12th, 2021 regular Council meeting as well.

One final note – it was mentioned by Staff Sergeant Bill McMullen at the meeting that as this plan is mandated by the Province, if it is not completed by the municipality on their own, the province will assign someone to prepare the plan on the municipalities behalf and send the invoice for the service to the municipality.

Respectfully submitted;
Cindy Pigeau
Clerk-Treasurer

CORPORATION OF THE MUNICIPALITY OF CALVIN

Resolution

DATE: December 22, 2020 NO. _____

MOVED BY _____

SECONDED BY _____

“WHEREAS The Corporation of the Municipality of Calvin unanimously resolved in 2020 to treat safety and well-being for all citizens and visitors a priority;

AND WHEREAS our Shared Commitment anchors all municipal safety and well-being policies, initiatives and activities and helps guide future municipal planning;

AND WHEREAS our Shared Commitment is designed to stimulate higher levels of civic engagement and pride in the creation of a more positive and cohesive community that is thriving and growing;

NOW THEREFORE BE IT RESOLVED THAT The Corporation of the Municipality of Calvin does hereby renew for its citizens this Council’s highest commitment to safety and well-being for all who choose to live, work, visit or play in the Municipality;

AND THEREFORE BE IT RESOLVED THAT The Corporation of the Municipality of Calvin does hereby expect all agencies, organizations, businesses and residents of The Corporation of the Municipality of Calvin to fully engage in and support, the enterprise of developing and sustaining safety and well-being for all to the fullest extent of their capabilities to do so.”

CARRIED _____

DIVISION VOTE

<u>NAME OF MEMBER OF COUNCIL</u>	<u>YEA</u>	<u>NAY</u>
<u>Coun Cross</u>	_____	_____
<u>Coun Maxwell</u>	_____	_____
<u>Coun Olmstead</u>	_____	_____
<u>Coun Grant</u>	_____	_____
<u>Mayor Pennell</u>	_____	_____

Tax Application Process Who does what and how MPAC works with your municipality

Michelle Lindquist, Regional Manager Zone 4
Brian Lopes, Sr. Legislation and Policy Support Analyst

November 4, 2020



What is a tax application and related legislation

A Tax Application

- An application for a refund of, or adjustment to property taxes that has been submitted to a taxing authority

Legislation

- *Municipal Act, 2001*
 - Sections 357, 358, 359
- *City of Toronto Act, 2006*
 - Sections 323, 325, 326
- *Provincial Land Tax Act, 2006*
 - Sections 8, 10

Timing

Section 357

Only applicable to the current taxation year.

Must be filed with the treasurer on or before the last day of February of the year following the year in respect of which the application is made.

Exception - an application under clause (1) (f) or (g) may be made by the treasurer of the local municipality on or before April 30 of the year following the year in respect of which the application is made if no application is made.

Section 358

Applicable for one or both of the two years preceding the year the application is made.

Application must be made between March 1 and December 31 of a year.

Section 359

Application must be submitted prior to December 31 following the year with respect to the application seeking an **increase** is made.

MPAC's Role

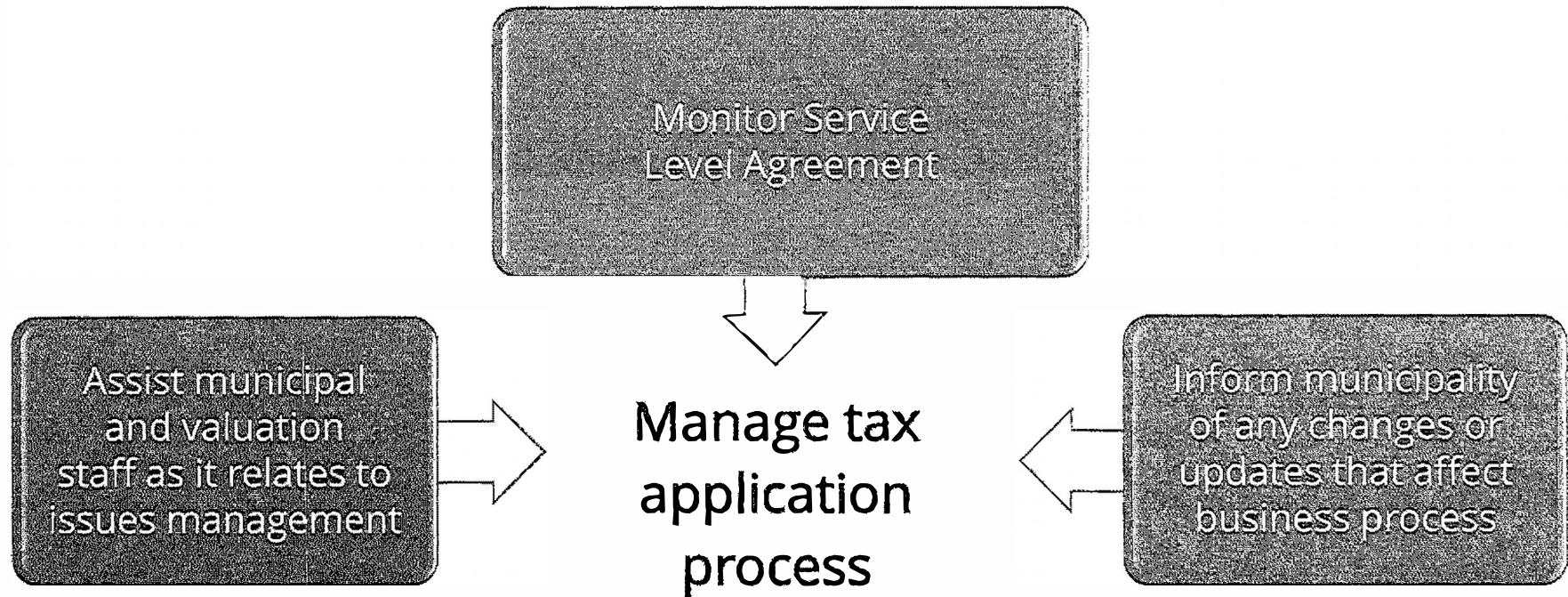
Sections 357 and 359 of the *Municipal Act, 2001*

- MPAC is not legislated to any specific roles nor responsibilities
- MPAC reviews the facts concerning each application and returns factual information to the municipality to assist them to determine whether a tax refund, cancellation, or reduction is warranted

Section 358 of the *Municipal Act, 2001*

- MPAC's obligation is implied in section 358(7) that provides a 358 application is not valid and shall not be heard by the municipal council unless MPAC *"has confirmed an error in the assessment referred to in the application"*
- MPAC does not confirm whether the error was *"gross or manifest"* within the meaning of the section
- MPAC will answer if a factual or clerical error was returned on the respective assessment roll

Municipal and Stakeholder Relations' Role



Tax Application Process



Municipality logs applications into WorkSight



Valuation Manager assigns application to staff for completion in WorkSight



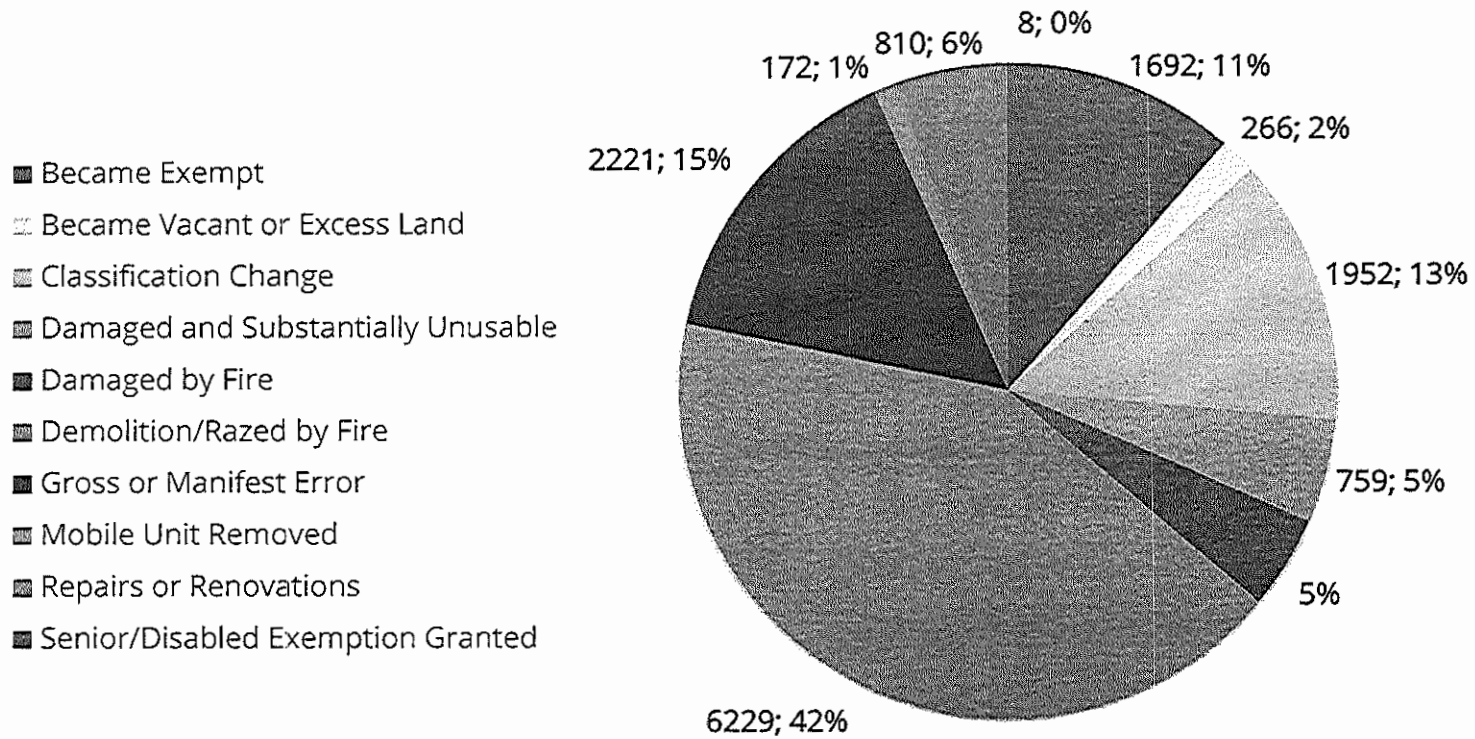
MPAC returns applications to municipality via WorkSight within 90 days

Tax Application Appeals

Parties to the Assessment Review Board appeal

- Applicant
- Assessed person
- Municipality
- MPAC is **not** a Party but may attend the hearing as an expert witness, if requested
 - In limited circumstances, MPAC may prepare a motion to the Assessment Review Board requesting that MPAC be added as a Party

Distribution of tax applications by reason – 2019 and 2020 Tax Years



Section 357/358 Application

SECTION 357 / 358 / 359 APPLICATION
TO THE COUNCIL OR THE ASSESSMENT REVIEW BOARD

Application/Appeal #: _____
 Taxation Year: _____

Municipality: _____ Roll Number: _____

Property Address: _____ Applicant Name: _____

Owner Name: _____ Contact Number: _____

Mailing Address: _____ Alternative Number: _____

_____ Email Address: _____

Reason for s357 application: (Check one box - applicable to s357 only)

<input type="checkbox"/> Ceases to be liable for tax at rate it was taxed - 357(1)(a)	<input type="checkbox"/> Became vacant or excess land - 357(1)(b)
<input type="checkbox"/> Became exempt - 357(1)(c)	<input type="checkbox"/> Sickness or extreme poverty - 357(1)(d.1)
<input type="checkbox"/> Razed by fire, demolition or otherwise - 357(1)(d)(i)	<input type="checkbox"/> Mobile unit removed - 357(1)(e)
<input type="checkbox"/> Damaged and substantially unusable - 357(1)(d)(ii)	<input type="checkbox"/> Gross or manifest clerical/factual error - 357(1)(f)
<input type="checkbox"/> Repairs/Reno's preventing normal use (min. 3 months) - 357(1)(g)	

Details of Reason for s357, s358 or s359 application: _____

Effective from: ___/___/___ to ___/___/___ Applicant Signature: _____ Date: ___/___/___
(MM/DD/YY) (MM/DD/YY)

ASSESSMENT REPORT: MUNICIPALITY				TREASURER'S RECOMMENDATION TO COUNCIL				
Assessment Roll As Returned	Revised Since Roll Return <input type="checkbox"/>	Enter Revisions Below		Assessment Report	School Bd: <input type="checkbox"/> Eng <input type="checkbox"/> Fr <input type="checkbox"/> Other			
RTC/RTQ	2005 Base-year CVA	2008 Base-year CVA	Current Phased Assessment	Revised RTC/RTQ	Revised 2005 Base-year CVA	Revised 2008 Base-year CVA	Revised Current Phased Assessment	Change to Current Phased Assessment

Tax Application Scenarios

Ceases to be liable for tax rate it was taxed s. 357 (1)(a)

- Change Events that result in a different property classification with a **lower** tax ratio

- A 'Change Event' per the *Assessment Act* includes:
 - (a) a change in the use of all or part of the parcel of land;
 - (b) an act or omission that results in all or part of the parcel of land ceasing to be in a class or subclass of real property; and
 - (c) the opting, by a council of a single or upper tier municipality, to have a class or subclass of real property apply or cease to apply within the municipality.

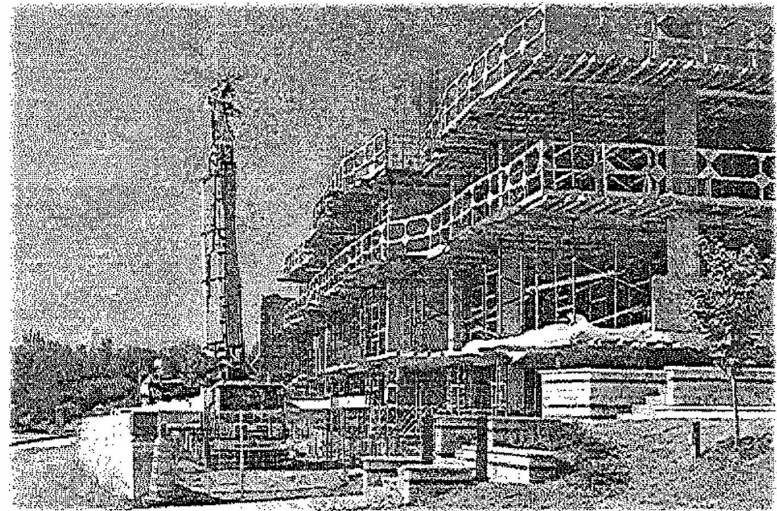
- Key Information
 - If applicable, request information from the owner to support the effective date being requested
 - i.e., occupancy agreement (new tenant)

Became Vacant or Excess Land s. 357 (1)(b)

Property or a portion of the property became eligible to be vacant land or excess land

NOTE: The definition of vacant land is available in section 1 of O.Reg. 282/98 and includes:

- Land that has no building or structures;
- Land upon which a building or structure is being built;
- Land where a building or structure is being built if no part has commenced to be used; and
- Land where a building or structure was built if the building or structure is substantially unusable.



Became Exempt 357(1)(c)

- The land has become eligible for property tax exemption
- A majority of the conditions to qualify for Property Tax Exemption are provided in section 3 of the *Assessment Act*
- Key supporting information often includes:
 - Information to support when the exemption should commence.
 - i.e. First day of worship, copy of Municipal Capital Facility (MCF) agreement and MCF by-law, occupancy agreements...
 - Letters Patent for Non-Profit Organizations
 - Information detailing how the property is being used
 - Copy of Private Legislation

Damaged and substantially unusable 357 (1)(d)(i)&(ii)

A building on the land,

(i) was razed by fire, demolition or otherwise, or

(ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage

Key Information:

- Permit Information
- Fire Marshall report, Engineering reports, or estimates to repair
- Photographs
- When did the damage occur or when did the demolition commence/become completed?
- Did the property continue to be used?

Note: The municipality determines if the building or structure is substantially unusable for the purposes prior to the damage.



Repairs/renos preventing normal use 357(1)(g)



Repairs or renovations to the land prevented the normal use of the land for a period of at least three months during the year

Key Information includes:

- Permit Information;
- Total building area and size of area under renovation;
- Did the property continue to be used; and
- Information to support the duration of the repair or renovation work.

Payment in Lieu of Taxes S. 357.1(1)

Applicable for a reduction to a payment in lieu of taxes due to any of the criteria in section 357(1) of the *Municipal Act, 2001*



A clerical or factual error that is Gross or Manifest 358

- A person was overcharged due to a gross or manifest error that is clerical or factual in nature, including the transposition of figures, a typographical error or similar error but not an error in judgment in assessing the property for one or both of the two preceding years
 - MPAC will confirm if a factual or clerical error was returned on the relevant assessment roll along with any resulting impacts
 - The municipality is responsible for determining if the error is gross or manifest

Unique Scenarios

Tax Applications with Severances or Consolidations

- When a property undergoes a severance or consolidation, often new roll numbers are created
- We often refer to the original roll number as the Parent roll number and the newly created parcel(s) as the children roll numbers

When a tax application is submitted, it is important for all parties to recognize the relationship between what was returned on the assessment roll (parent roll number) and the request for tax relief that may be required for one of the children roll numbers

- The following Form should be used as a valuable reference:
 - Severance/Consolidation Information Form (SCIF);
 - MPlan Information Form (MPIF); and
 - Condo Plan Information Form (CPIF).

Case Law



Français | English

Search all databases

Document text	?
Case name, document title, file number, author or citation	?
Noteup/Discussion: cited case names, legislation titles, citations or dockets	?

Primary law

- | | | |
|------------------|----------------------|---------------------------|
| Canada (Federal) | Ontario | Newfoundland and Labrador |
| British Columbia | Quebec | Yukon |
| Alberta | New Brunswick | Northwest Territories |
| Saskatchewan | Nova Scotia | Nunavut |
| Manitoba | Prince Edward Island | |

Commentary

Books, articles, reports and more...

CanLII Connects

- | | |
|------------|--|
| 2020-10-18 | Matthews v Ocean Nutrition Canada Ltd.: AUDIO Recording: Matthews v. Ocean Nutrition Canada Ltd., 2020 SCC 26 (CanLII) |
| 2020-10-17 | Court Refuses to Order Mediation Despite Parties' Agreement: <i>Otte v Otte</i> , 2020 BCSC 1408 (CanLII) |
| 2020-10-16 | R v Latimer: AUDIO Recording: R. v. Latimer, 2001 SCC 1 (CanLII) |
| 2020-10-16 | The Most Complex Discipline Case In Recent Memory: Ontario (College of Physicians and Surgeons of Ontario) v. Kunynez, 2019 ONSC 4300 (CanLII) |

QuickSurvey



RE: Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229

Please be advised that Township of Puslinch Council, at its meeting held on December 2, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Resolution No. 2020-362: Moved by Councillor Sepulis and
Seconded by Councillor Goyda

That Council receive Correspondence items 10.5, 10.6, 10.7, and 10.8 and Consent Agenda item 6.4 regarding the Proposed Amendments to the Conservation Authorities Act through Bill 229 be received; and

Whereas the Township of Puslinch Council has been copied on the following correspondence related to proposed amendments to the Conservation Authorities Act (CA Act), contained in Schedule 6, Bill 229

- (a) Conservation Halton Letter to Ontario Premier dated Nov. 17, 2020
- (b) Hamilton Conservation Authority to Ontario Premier and Ministers dated Nov. 23, 2020
- (c) Grand River Conservation Authority to Ontario Premier dated Nov. 24, 2020; and

Whereas Council at its meeting of Nov. 18 passed the following motion:

GIVEN THAT The Township of Puslinch does not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor does the Township of Puslinch want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery; and

GIVEN the time sensitive nature of this Bill, we encourage the Province to consult with Municipalities and Conservation Authorities in an expedient manner; and

GIVEN that the Township of Puslinch feels that there are better solutions to deal with actual and perceived issues.

BE IT RESOLVED THAT The Township of Puslinch respectfully requests the Province to



withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process. The Township of Puslinch also encourage the Province to engage with municipalities and Conservation Authorities as the Province works on regulations that will eventually define the various Conservation Authorities Act clauses. The Township of Puslinch feels this is critical to ensure that the focus and performance of Conservation Authorities is actually improved where required.

FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, and all Ontario Municipalities.

Be it resolved that the Township of Puslinch Council supports the views expressed in the above noted letters from Conservation Halton, the Hamilton Conservation Authority and the Grand River Conservation Authority who provide vital services to the Township of Puslinch; and

FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, AMO, ROMA and all Ontario Municipalities.

CARRIED

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,
Courtenay Hoytfox
Deputy Clerk

Grand River Conservation Authority

Report number: GM-11-20-85
Date: November 23, 2020
To: Members of the Grand River Conservation Authority
Subject: Proposed Amendments to the Conservation Authorities Act through Bill 229

Recommendation:

THAT Report Number GM-11-20-85 – Proposed Amendments to the Conservation Authorities Act through Bill 229 be approved as amended;

AND THAT Grand River Conservation Authority Report GM-11-20-85 be submitted to the Premier, Ministers of Environment, Conservation and Parks, Natural Resources, Municipal Housing and Affairs and Finance, watershed MPPs, Association of Municipalities of Ontario, Rural Ontario Municipalities Association, and circulated to watershed municipalities;

AND THAT staff be directed to draft a cover letter which highlights the GRCA's key concerns with the proposed changes to the Conservation Authorities Act which will accompany the report to be distributed.

Summary:

On November 5, 2020, through Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures), the province introduced amendments to the *Conservation Authorities Act* (Schedule 6) and the *Planning Act*. If enacted, some changes will significantly impact the role of a conservation authority board to establish programs and services. As well, the proposed amendments will enable Regulations that will either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards.

Report:

Background:

A provincial review of the *Conservation Authorities Act* has been ongoing since 2015. Amendments were approved in 2017, a minor change in 2018 and these were followed by further amendments in 2019. In 2019, the province indicated the proposed amendments were to help conservation authorities focus and deliver on the core mandate and to improve governance. The Grand River Conservation Authority (GRCA) provided comments on the Environmental Registry Posting through GM-04-19-41-Environmental Registry Posting 013-5018- Modernizing Conservation Authority Operations. The amendments were later passed through Bill 108, More Homes, More Choice Act. At that time, the scope of the changes to conservation authority board

governance and composition; mandatory, municipal and other programs and services; natural hazard permits and other areas were to come out through various regulations.

In the fall of 2019, the Minister of Environment, Conservation and Parks (MECP) hosted meetings with each individual conservation authority (CA) to gain a better understanding of the programs and services provided by each Authority. In the early winter of 2020, the MECP also hosted stakeholder consultation sessions across the province to gain feedback from the various groups, agencies and organizations who deal with, or work with CAs. The Vice-Chair and senior staff attended the South-western session and submitted formal written comments in response to questions posed by the MECP. MECP has confirmed that they received over 2,500 submissions in response to these consultation sessions; however, the results of these sessions have not been publicly shared.

Bill 229

On November 5, 2020, the province introduced Bill 229 Protect, Support and Recover from COVID-19 Act which includes amendments to the *Conservation Authorities Act* (Schedule 6). The province identified these changes as necessary to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning.

While previously proposed changes to the Act have been posted to the Environmental Registry of Ontario (ERO) for a period of public comment; these new changes are posted on the ERO for information only. Under Section 33 of the Environmental Bill of Rights (1993), public consultation is not required if the proposal forms part of or gives effect to a budget or economic statement that is presented to the Legislative Assembly. It is anticipated that Bill 229 will be passed in the next few weeks as the legislature is due to rise on December 10th.

On November 9, 2020, MECP hosted an information session with all 36 Conservation Authority General Managers to provide additional information on the proposed amendments and timelines. MECP has indicated that regulations to implement the Act will be released for public comment in the coming weeks and a second set of regulations will be released for public comment in early 2021.

Proposed Amendments:

Attached as appendix 1 is a summary chart of the proposed amendments to the *Conservation Authorities Act* and comments on the effects of those changes. This document was prepared by Conservation Ontario and circulated to the Board on November 13, 2020.

The changes to *Conservation Authorities Act* can be categorized into 5 sections:

- 1. Objects, Powers and Duties**
- 2. Regulatory**
- 3. Enforcement**
- 4. Governance**
- 5. Other**

Key changes to the Act under each of these categories are discussed below:

1. Objects, Powers and Duties

- Narrows the objects of a conservation authority from providing “programs and services designated to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (*Conservation Authorities Act*, s20(1)) to: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other program and services.
- A number of proposed clauses that would enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e. Service agreements between municipalities and CAs) and Other Programs and Services (i.e. as determined by the Board and if municipal levy is used would require municipal agreements)
- Proposed amendment of the *Planning Act* to include conservation authorities to subsection 1(2) which would remove CAs as a public body and name CAs under the one window approach of MMAH for the purposes of appeals only. This may remove conservation authorities, who are private landowners, from the right of appeal.
- Removal of power for CAs to expropriate lands for existing and future projects

GRCA Comments:

The purpose of the *Conservation Authorities Act* remains the same. “The purpose of the Act is to provide for the organisation and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watershed in Ontario.” 2017, c.23. Sched. 4, s.1. The objects within the *Conservation Authorities Act* have been amended to reflect the mandatory program and services that will be prescribed by regulations. At this time, it is anticipated that the changes to the objects would not impact the way in which the organization operates. In the next few weeks, the province has indicated that it will be releasing regulations that will further define the mandatory programs and services which could potentially have an impact on the scope and scale of current programs.

Although clauses related to non-mandatory programs already exist in the previously amended Act through Bill 108, the province has proposed additional wording that allows the Minister to dictate the standards and requirements for municipal or other programs and services agreed upon through service level agreements (non-mandatory programs). Historically, GRCA has negotiated directly with municipalities to tailor agreements to the need of the service for that specific municipality. Local autonomy in these program and services could be compromised with prescribed provincial standards and requirements. The non-mandatory, municipal and other local programs, do not receive funding from the province and through agreement, may be funded by municipal levy or other sources.

The proposed consequential changes to the *Planning Act* are still being clarified with the Ministry, however it is anticipated that it would remove conservation authorities ability to appeal a municipal planning decision to the Local Planning Appeal Tribunal (LPAT), unless it is through the Minister of Municipal Affairs and Housing. It is unclear if a conservation authority can participate in an appeal to support a municipality upon request or when this is included in an agreement between the conservation authority and municipality.

The ability to appeal is a tool that is a necessary but seldom used tool in our toolbox. The Ministry staff stated that this change only affects the role of the conservation authority in an appeal process and that participation in reviewing land use planning applications would still be occurring. Conservation Authorities participation in land use

planning and the ability to appeal a decision ensures that key issues are identified and addressed early in the approval process so the landowner may proceed with other approvals such as the conservation authority permit in an efficient manner. It also ensures that the watershed lens is being applied to planning and land use decisions and that people and their property in or near new development or redevelopment are protected from natural hazards such as flooding.

When necessary GRCA attends LPAT hearings to support the municipality and to ensure that policies and development conditions are imposed to reduce flood risks and to ensure mitigation and setbacks are in place to address other natural hazards such as erosion hazards or along the Lake Erie shoreline. Extreme weather events and changing climate increase the importance of our role in the planning process.

The 2019 Provincial Flood Advisor's report notes the important role that conservation authorities play in the land use planning process. The main legislative tools used to manage flood risk, the report states, include the *Planning Act* together with the Provincial Policy Statement (PPS) and the *Conservation Authorities Act*. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. Similarly, the Made-in-Ontario Environment Plan asserts that within the context of environmental planning, conservation authorities' core mandate is protection from natural hazards and conserving natural resources.

Another significant concern is that this change may also remove our right to appeal planning decisions as a landowner. This is of significant concern as GRCA owns and manages over 48,000 acres of property throughout the watershed to support flood hazard management, to maintain a reliable water supply, to protect natural areas and biodiversity, to provide community recreation/education and to manage other environmentally sensitive natural lands. Conservation authorities are considered private landowners (not public lands) and the potential removal of the right to appeal a land use planning decision is a significant concern.

The amendments to the Act also removes the ability to utilize the *Expropriation Act* for existing and future projects. MECP has recommended that should this be required for a CA project that the municipality or the province could expropriate the lands necessary.

2. Regulatory

- Allow an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.
- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).
- Allows an applicant, within 30 days of a conservation authority issuing a permit, with or without conditions, or denying a permit, to request the minister to review the conservation authority's decision.
- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal

directly to LPAT where the minister fails to make a decision within 90 days.

- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.

GRCA Comments:

The proposed 120 day timeline for a CA to make a decision on permit applications may be problematic since there is no indication from the province when the 120 day timeline is triggered (submission of application) or if there will be a requirement for complete applications. There is a broad spectrum and complexity of applications that CAs deal with and the majority of permits that are submitted with satisfactory construction or development plans and technical reports can be reviewed in a timely manner. For complex files, there may be additional time required for the applicant and/or their consultants to address GRCA technical comments on the proposal e.g. floodplain mapping analysis. The proposed timeline of 120 days for a decision oversimplifies the permitting process.

Over the past several years, and again in 2019 Conservation Ontario and CAs have worked with the province, AMO, landowners groups and the building industry to develop the recently CA wide adopted 'Client Service Standards for Conservation Authority Plan and Permit Review'. This document sets forth industry standards and procedures to ensure CA plan and permit review process are transparent, predictable and fair. GRCA permit application decisions are consistently made within the current client service standards. The current standards exclude the time period the applicant or their consultants are preparing responses to GRCA technical or policy comments which can take several weeks or in limited cases a few months.

The current appeal process for permits has been administered through the Mining and Lands Tribunal. With these proposed amendments, all permit appeals will be processed through LPAT. There is concern regarding the change in tribunals; the Mining and Lands Tribunal has the history and natural hazard technical experience in adjudicating *Conservation Authorities Act* cases for decades. Due to the volume of appeals at LPAT, it is anticipated that there could be lengthy delays for hearings and inconsistent decisions across the province. This also has the potential to redirect staffs' time to focus more on managing the appeal process for permit applications than what was previously required.

Under these proposed amendments, the Minister will be able to step in and take over the issuance or denial of a permit under Section 28 without consultation with the CA. A significant concern with this is a decision is made without watershed specific technical information required to make the decisions and the precedent that could be set for future application similar in nature.

Many of the amendments to this section of the legislation provide the Minister with significant additional powers to intervene in the permit process.

3. Enforcement

- Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (*Conservation Authorities Act* provision 30.4)

- Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant for the purposes of:
 - determining whether to issue a permit (amendment to unproclaimed *Conservation Authorities Act* provision 30.2(1))
 - ensuring compliance with the prohibitions, regulations, or permit conditions, only when the officer has “reasonable grounds to believe that a contravention of a provision of the Act or a regulation...is causing or likely to have significant effects...” (*Conservation Authorities Act* provision 30.2(1.1))

GRCA Comments:

In previous updates to the Act, the province recognized that many compliance tools were outdated. The legislation prior to 2017 was not a deterrent for illegal activities and rapid response tools were not available to stop ongoing illegal activities. Although the fines have been substantially increased in 2017 (not yet enacted), the current proposal would remove a much needed compliance tool – the Stop (work) Order. The Made-In-Ontario Plan also recognized the role of conservation authorities in enforcement and it includes the provincial action “Work with municipalities, conservation authorities, other law enforcement agencies and stakeholders to increase enforcement on illegal dumping of excess soil.” Although not yet enacted, the Stop Order provision would have provided another tool to use when managing enforcement challenges and could have helped to avoid a time consuming and costly injunction process.

Obtaining injunctions takes further staff time and conservation authorities will incur significant costs for legal and court fees. Given the lack of provincial funding this cost will continue to be borne by municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, impacts to natural hazard areas such as development in a floodplain which then puts people and property at risk.

Removing an officer's ability to enter lands (s. 30.2) within the authority's jurisdiction is inconsistent with similar municipal and provincial legislation. Coupled with the removal of a Stop Order provision (s. 30.4), these amendments do not afford officers an ability to “prevent or reduce the effects or risks” associated with illegal and egregious activities. Examples of other provincial legislation with Stop Orders include *Building Code Act* S.14, *Environmental Protection Act* S.8, *Planning Act* S. 49.

4. Governance

- Removing the power to define in regulation the composition, appointment or minimum qualifications for a Board member (S.40 (1)(a) and replaced it with:
 - Mandate that the municipal councillors appointed by a particular municipalities as members of a conservation authority be selected from that municipality's own councillors only S.14 (1.1)
 - Enabling the Minister to appoint an additional member to the Board to represent the agricultural sector (new *Conservation Authorities Act* provision 14(4)).
- Limit the term of the Chair and Vice-Chair to one year and to no more than two consecutive terms (new *Conservation Authorities Act* provision 17 (1.1))

- Amending the duties of members to act on behalf of their respective municipalities rather than the Conservation Authority

GRCA Comments:

As previously mentioned in formal comments provided to the province in April 2019 and comments provided to the province during stakeholder consultation in 2020, the GRCA is supportive of changes that increase transparency and accountability of conservation authorities. GRCA is also supportive of the province's intent to clearly define mandatory programs and services provided by the conservation authorities and we look forward to the opportunity to provide input on the regulations that will be posted for public input.

There are a number of proposed amendments that require the posting of documents, board agendas and minutes, financial audits and standard accounting practices that are already undertaken by the GRCA.

Municipalities will no longer be able to appoint a member of the public to the Board. Over the years, the GRCA has benefited from having citizen appointments to the Board. This has helped to incorporate a diverse perspectives for watershed decision making. In order to ensure that a municipal Mayor may participate on a conservation authority board it is recommended that the specification of 'municipal councillor' in the proposed amendments be changed to "municipally elected official".

In the event that the Minister appoints a member to represent the agricultural sector, the appointment process has not been specified, and it is assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair. It is unclear how the change to fiduciary duty would affect this member.

The current legislation deferred board composition to a future Regulation. The proposed amendment removed this clause and replaced it with clauses that specify who can be a members of the board so there will be no opportunity for further input on determining who is eligible to be a member of the Board.

The proposed amendments have set a limit to the Chair and Vice-chair to hold office for one year term and no more than two consecutive terms. Under GRCA By-law 3-2020, the by-law states, "The individuals elected shall hold office until their successors are elected and will be eligible for re-election to the same office for up to a maximum of five one-year terms."

Conservation Authorities are corporate entities. Good governance dictates that the Board acts on behalf of the organization and in the public interest. By changing the duty of members to act on behalf of their respective municipalities, it contradicts the concept of fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. The standards of care for directors are set out under the *Business Corporations Act*:

'Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation...; and (b) exercise the care, diligence and skill that a responsible prudent person would exercise in comparable circumstances'

Additionally, the Auditor General of Ontario recommended in their report on the Niagara Peninsula Conservation Authority that, " to ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority" to which the ministry response was in agreement.

5. Other

The amendments to the Act also include the requirement for a transition plan to be developed and implemented to ensure compliance with the regulations for mandatory programs and services and agreements or MOUs with municipal partners. Through discussions with MECP staff, it has been stated that the transition plan should be completed and implemented in time to support the 2022 budget process.

It has been GRCA's experience that it can take one to two years to negotiating and finalizing a municipal agreement or MOU given the complexity of the agreement and the number of stakeholders involved (municipal and CAs).

The development and implementation of the transition plan will require a change to GRCA's budget model, an assessment of all programs and services to ensure compliance with the regulations and development and negotiation with municipalities for MOU for non-mandatory programs and services (up to 26).

It is unknown when regulations will be posted for public input and approved.

Summary of GRCA's Response to Proposed Amendments to the Conservation Authorities Act:

- GRCA requests that the clause be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services.
- GRCA requests that the amendment to the *Planning Act* be removed from Schedule 6 of Bill 229.
- GRCA requests that Bill 229 Schedule 6 clauses in S.28 be amended by removing references to LPAT and replacing it with the Mining and Lands Tribunal.
- GRCA requests that the existing unproclaimed clauses in the *Conservation Authorities Act* 2019 related to Powers of Entry (30.2) and Stop Order (30.4) remain in the *Conservation Authorities Act* and proposed amendments related to these clauses be removed from Bill 229 Schedule 6.
- GRCA requests that the wording for fiduciary responsibilities in the *Conservation Authorities Act* be amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority."
- GRCA requests that a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Most of the amendments proposed would be implemented through new or amended legal instruments or policies. The GRCA will contact MECP and MNR to offer assistance and technical expertise on any working groups/technical committees

established to review future changes to the regulations, policy and/or provincial standards related to the implementation of the *Conservation Authorities Act*.

Financial implications:

Without the details of the proposed regulations, it is difficult to determine the financial implications for the amendments to the *Conservation Authorities Act*. Additional reports will come to the Board regarding updates to the program and services of the GRCA as they are posted to the Environmental Bill of Rights.

Other department considerations:

Operations, Administration, Resource Management and Engineering Divisions were consulted on the preparation of this report.

Prepared by:

Samantha Lawson
Chief Administrative Officer



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Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 24, 2020

BY EMAIL

To: Grand River Watershed Member Municipalities

Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)

I am writing on behalf of the Grand River Conservation Authority (GRCA) to provide you with an update on our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

On Monday, November 23, 2020, the GRCA General Membership held a special board meeting to review and discuss the Province's proposed changes to the Conservation Authorities Act and the Planning Act through Schedule 6 in Bill 229.

While the GRCA board expressed support for the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, the board also voiced deep concern that some of the proposed changes may have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

At the meeting, board members passed a motion requesting staff to send *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229* to the Premier of Ontario, the Ministers of Environment, Conservation and Parks, Natural Resources and Forestry, Municipal Affairs and Housing, and Finance, as well as all watershed MPPs, watershed municipalities, the Association of Municipalities of Ontario and the Rural Ontario Municipal Association. The report outlines the proposed changes in five key areas of concern for the GRCA: Objects, Powers and Duties; Regulatory; Enforcement; Governance and Other.

Please find attached the GRCA board report, as well as a letter that has been sent to the Province detailing our concerns. The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;
- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;

- the wording for fiduciary responsibilities in the CA Act be amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority"; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

We would encourage our watershed municipalities to contact their local MPPs and ask that the Province of Ontario work with conservation authorities to address these concerns, before the changes are enacted.

We look forward to continuing our productive partnership with our watershed municipalities, as we work together to address local issues and opportunities that benefit the entire watershed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Helen Jowett". The signature is fluid and cursive, with the first letter of each word being significantly larger and more stylized.

Helen Jowett, Chair
Grand River Conservation Authority

cc Association of Municipalities of Ontario, Rural Ontario Municipalities Association



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November 24, 2020

BY EMAIL

The Honourable Doug Ford, Premier of Ontario
Office of the Premier
Legislative Building, Queens Park
Toronto, ON M7A 1A1

Dear Premier Ford,

Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)

I am writing on behalf of the Grand River Conservation Authority (GRCA) to express our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

The GRCA is governed through a partnership of 38 watershed municipalities, which work together to address local issues and opportunities that benefit the entire watershed. Elected or appointed representatives from these municipalities form the membership of the GRCA board, making us directly accountable to our member municipalities and the people that live in the watershed. We work closely with our municipal partners to deliver programs and services that mitigate flood damage, provide access to outdoor spaces, share information about the natural environment and make the watershed more resilient to climate change.

For example, through the Rural Water Quality Program, the GRCA has built strong relationships with the farming community. The GRCA delivers this voluntary program on behalf of 6 Upper Tier municipalities in the watershed to help farmers implement best practices to improve and protect surface and groundwater quality. Since 1998, more than \$56 million has been invested by municipalities and landowners – an investment that supports the rural economy and source water protection, builds green infrastructure and climate change resiliency on the landscape, and helps to improve the quality of the Grand River.

While we support the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, we are also concerned that some of the proposed changes will have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;

- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;
- the wording for fiduciary responsibilities in the CA Act be amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority"; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Please find attached *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229*, which outlines our key areas of concern. We are asking that the Province work with conservation authorities to address these concerns before Bill 229 is passed. We would also like to offer our assistance and technical expertise to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry on any working groups or technical committees established to review future changes to the regulations, policies or provincial standards related to the implementation of the Conservation Authorities Act.

We look forward to continuing our productive relationship with the Province, and supporting your government's effort to improve the governance and accountability of conservation authorities.

Yours sincerely,



Helen Jowett, Chair
Grand River Conservation Authority

- c. Hon. Jeff Yurek, Minister of Environment, Conservation and Parks; Hon. John Yakabuski, Minister of Natural Resources and Forestry; Hon. Steve Clark, Minister of Municipal Housing and Affairs, Hon. Rod Phillips, Minister of Finance; Grand River watershed Members of Provincial Parliament

Grand River Conservation Authority

Report number: GM-11-20-85
Date: November 23, 2020
To: Members of the Grand River Conservation Authority
Subject: Proposed Amendments to the Conservation Authorities Act through Bill 229

Recommendation:

THAT Report Number GM-11-20-85 – Proposed Amendments to the Conservation Authorities Act through Bill 229 be approved as amended;

AND THAT Grand River Conservation Authority Report GM-11-20-85 be submitted to the Premier, Ministers of Environment, Conservation and Parks, Natural Resources, Municipal Housing and Affairs and Finance, watershed MPPs, Association of Municipalities of Ontario, Rural Ontario Municipalities Association, and circulated to watershed municipalities;

AND THAT staff be directed to draft a cover letter which highlights the GRCA's key concerns with the proposed changes to the Conservation Authorities Act which will accompany the report to be distributed.

Summary:

On November 5, 2020, through Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures), the province introduced amendments to the *Conservation Authorities Act* (Schedule 6) and the *Planning Act*. If enacted, some changes will significantly impact the role of a conservation authority board to establish programs and services. As well, the proposed amendments will enable Regulations that will either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards.

Report:

Background:

A provincial review of the *Conservation Authorities Act* has been ongoing since 2015. Amendments were approved in 2017, a minor change in 2018 and these were followed by further amendments in 2019. In 2019, the province indicated the proposed amendments were to help conservation authorities focus and deliver on the core mandate and to improve governance. The Grand River Conservation Authority (GRCA) provided comments on the Environmental Registry Posting through GM-04-19-41-Environmental Registry Posting 013-5018- Modernizing Conservation Authority Operations. The amendments were later passed through Bill 108, More Homes, More Choice Act. At that time, the scope of the changes to conservation authority board

governance and composition; mandatory, municipal and other programs and services; natural hazard permits and other areas were to come out through various regulations.

In the fall of 2019, the Minister of Environment, Conservation and Parks (MECP) hosted meetings with each individual conservation authority (CA) to gain a better understanding of the programs and services provided by each Authority. In the early winter of 2020, the MECP also hosted stakeholder consultation sessions across the province to gain feedback from the various groups, agencies and organizations who deal with, or work with CAs. The Vice-Chair and senior staff attended the South-western session and submitted formal written comments in response to questions posed by the MECP. MECP has confirmed that they received over 2,500 submissions in response to these consultation sessions; however, the results of these sessions have not been publicly shared.

Bill 229

On November 5, 2020, the province introduced Bill 229 Protect, Support and Recover from COVID-19 Act which includes amendments to the *Conservation Authorities Act* (Schedule 6). The province identified these changes as necessary to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning.

While previously proposed changes to the Act have been posted to the Environmental Registry of Ontario (ERO) for a period of public comment; these new changes are posted on the ERO for information only. Under Section 33 of the Environmental Bill of Rights (1993), public consultation is not required if the proposal forms part of or gives effect to a budget or economic statement that is presented to the Legislative Assembly. It is anticipated that Bill 229 will be passed in the next few weeks as the legislature is due to rise on December 10th.

On November 9, 2020, MECP hosted an information session with all 36 Conservation Authority General Managers to provide additional information on the proposed amendments and timelines. MECP has indicated that regulations to implement the Act will be released for public comment in the coming weeks and a second set of regulations will be released for public comment in early 2021.

Proposed Amendments:

Attached as appendix 1 is a summary chart of the proposed amendments to the *Conservation Authorities Act* and comments on the effects of those changes. This document was prepared by Conservation Ontario and circulated to the Board on November 13, 2020.

The changes to *Conservation Authorities Act* can be categorized into 5 sections:

- 1. Objects, Powers and Duties**
- 2. Regulatory**
- 3. Enforcement**
- 4. Governance**
- 5. Other**

Key changes to the Act under each of these categories are discussed below:

1. Objects, Powers and Duties

- Narrows the objects of a conservation authority from providing “programs and services designated to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (*Conservation Authorities Act*, s20(1)) to: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other program and services.
- A number of proposed clauses that would enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e. Service agreements between municipalities and CAs) and Other Programs and Services (i.e. as determined by the Board and if municipal levy is used would require municipal agreements)
- Proposed amendment of the *Planning Act* to include conservation authorities to subsection 1(2) which would remove CAs as a public body and name CAs under the one window approach of MMAH for the purposes of appeals only. This may remove conservation authorities, who are private landowners, from the right of appeal.
- Removal of power for CAs to expropriate lands for existing and future projects

GRCA Comments:

The purpose of the *Conservation Authorities Act* remains the same. “The purpose of the Act is to provide for the organisation and delivery of programs and services that future the conservation, restoration, development and management of natural resources in watershed in Ontario.” 2017, c.23. Sched. 4, s.1. The objects within the *Conservation Authorities Act* have been amended to reflect the mandatory program and services that will be prescribed by regulations. At this time, it is anticipated that the changes to the objects would not impact the way in which the organization operates. In the next few weeks, the province has indicated that it will be releasing regulations that will further define the mandatory programs and services which could potentially have an impact on the scope and scale of current programs.

Although clauses related to non-mandatory programs already exist in the previously amended Act through Bill 108, the province has proposed additional wording that allows the Minister to dictate the standards and requirements for municipal or other programs and services agreed upon through service level agreements (non-mandatory programs). Historically, GRCA has negotiated directly with municipalities to tailor agreements to the need of the service for that specific municipality. Local autonomy in these program and services could be compromised with prescribed provincial standards and requirements. The non-mandatory, municipal and other local programs, do not receive funding from the province and through agreement, may be funded by municipal levy or other sources.

The proposed consequential changes to the *Planning Act* are still being clarified with the Ministry, however it is anticipated that it would remove conservation authorities ability to appeal a municipal planning decision to the Local Planning Appeal Tribunal (LPAT), unless it is through the Minister of Municipal Affairs and Housing. It is unclear if a conservation authority can participate in an appeal to support a municipality upon request or when this is included in an agreement between the conservation authority and municipality.

The ability to appeal is a tool that is a necessary but seldom used tool in our toolbox. The Ministry staff stated that this change only affects the role of the conservation authority in an appeal process and that participation in reviewing land use planning applications would still be occurring. Conservation Authorities participation in land use

planning and the ability to appeal a decision ensures that key issues are identified and addressed early in the approval process so the landowner may proceed with other approvals such as the conservation authority permit in an efficient manner. It also ensures that the watershed lens is being applied to planning and land use decisions and that people and their property in or near new development or redevelopment are protected from natural hazards such as flooding.

When necessary GRCA attends LPAT hearings to support the municipality and to ensure that policies and development conditions are imposed to reduce flood risks and to ensure mitigation and setbacks are in place to address other natural hazards such as erosion hazards or along the Lake Erie shoreline. Extreme weather events and changing climate increase the importance of our role in the planning process.

The 2019 Provincial Flood Advisor's report notes the important role that conservation authorities play in the land use planning process. The main legislative tools used to manage flood risk, the report states, include the *Planning Act* together with the Provincial Policy Statement (PPS) and the *Conservation Authorities Act*. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. Similarly, the Made-in-Ontario Environment Plan asserts that within the context of environmental planning, conservation authorities' core mandate is protection from natural hazards and conserving natural resources.

Another significant concern is that this change may also remove our right to appeal planning decisions as a landowner. This is of significant concern as GRCA owns and manages over 48,000 acres of property throughout the watershed to support flood hazard management, to maintain a reliable water supply, to protect natural areas and biodiversity, to provide community recreation/education and to manage other environmentally sensitive natural lands. Conservation authorities are considered private landowners (not public lands) and the potential removal of the right to appeal a land use planning decision is a significant concern.

The amendments to the Act also removes the ability to utilize the *Expropriation Act* for existing and future projects. MECP has recommended that should this be required for a CA project that the municipality or the province could expropriate the lands necessary.

2. Regulatory

- Allow an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.
- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).
- Allows an applicant, within 30 days of a conservation authority issuing a permit, with or without conditions, or denying a permit, to request the minister to review the conservation authority's decision.
- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal

directly to LPAT where the minister fails to make a decision within 90 days.

- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.

GRCA Comments:

The proposed 120 day timeline for a CA to make a decision on permit applications may be problematic since there is no indication from the province when the 120 day timeline is triggered (submission of application) or if there will be a requirement for complete applications. There is a broad spectrum and complexity of applications that CAs deal with and the majority of permits that are submitted with satisfactory construction or development plans and technical reports can be reviewed in a timely manner. For complex files, there may be additional time required for the applicant and/or their consultants to address GRCA technical comments on the proposal e.g. floodplain mapping analysis. The proposed timeline of 120 days for a decision oversimplifies the permitting process.

Over the past several years, and again in 2019 Conservation Ontario and CAs have worked with the province, AMO, landowners groups and the building industry to develop the recently CA wide adopted 'Client Service Standards for Conservation Authority Plan and Permit Review'. This document sets forth industry standards and procedures to ensure CA plan and permit review process are transparent, predictable and fair. GRCA permit application decisions are consistently made within the current client service standards. The current standards exclude the time period the applicant or their consultants are preparing responses to GRCA technical or policy comments which can take several weeks or in limited cases a few months.

The current appeal process for permits has been administered through the Mining and Lands Tribunal. With these proposed amendments, all permit appeals will be processed through LPAT. There is concern regarding the change in tribunals; the Mining and Lands Tribunal has the history and natural hazard technical experience in adjudicating *Conservation Authorities Act* cases for decades. Due to the volume of appeals at LPAT, it is anticipated that there could be lengthy delays for hearings and inconsistent decisions across the province. This also has the potential to redirect staffs' time to focus more on managing the appeal process for permit applications than what was previously required.

Under these proposed amendments, the Minister will be able to step in and take over the issuance or denial of a permit under Section 28 without consultation with the CA. A significant concern with this is a decision is made without watershed specific technical information required to make the decisions and the precedent that could be set for future application similar in nature.

Many of the amendments to this section of the legislation provide the Minister with significant additional powers to intervene in the permit process.

3. Enforcement

- Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (*Conservation Authorities Act* provision 30.4)

- Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant for the purposes of:
 - determining whether to issue a permit (amendment to unproclaimed *Conservation Authorities Act* provision 30.2(1))
 - ensuring compliance with the prohibitions, regulations, or permit conditions, only when the officer has “reasonable grounds to believe that a contravention of a provision of the Act or a regulation...is causing or likely to have significant effects...” (*Conservation Authorities Act* provision 30.2(1.1))

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Obtaining injunctions takes further staff time and conservation authorities will incur significant costs for legal and court fees. Given the lack of provincial funding this cost will continue to be borne by municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, impacts to natural hazard areas such as development in a floodplain which then puts people and property at risk.

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- Limit the term of the Chair and Vice-Chair to one year and to no more than two consecutive terms (new *Conservation Authorities Act* provision 17 (1.1))

- Amending the duties of members to act on behalf of their respective municipalities rather than the Conservation Authority

GRCA Comments:

As previously mentioned in formal comments provided to the province in April 2019 and comments provided to the province during stakeholder consultation in 2020, the GRCA is supportive of changes that increase transparency and accountability of conservation authorities. GRCA is also supportive of the province's intent to clearly define mandatory programs and services provided by the conservation authorities and we look forward to the opportunity to provide input on the regulations that will be posted for public input.

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Conservation Authorities are corporate entities. Good governance dictates that the Board acts on behalf of the organization and in the public interest. By changing the duty of members to act on behalf of their respective municipalities, it contradicts the concept of fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. The standards of care for directors are set out under the *Business Corporations Act*.

'Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation...; and (b) exercise the care, diligence and skill that a responsible prudent person would exercise in comparable circumstances'

Additionally, the Auditor General of Ontario recommended in their report on the Niagara Peninsula Conservation Authority that, " to ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority" to which the ministry response was in agreement.

5. Other

The amendments to the Act also include the requirement for a transition plan to be developed and implemented to ensure compliance with the regulations for mandatory programs and services and agreements or MOUs with municipal partners. Through discussions with MECP staff, it has been stated that the transition plan should be completed and implemented in time to support the 2022 budget process.

It has been GRCA's experience that it can take one to two years to negotiating and finalizing a municipal agreement or MOU given the complexity of the agreement and the number of stakeholders involved (municipal and CAs).

The development and implementation of the transition plan will require a change to GRCA's budget model, an assessment of all programs and services to ensure compliance with the regulations and development and negotiation with municipalities for MOU for non-mandatory programs and services (up to 26).

It is unknown when regulations will be posted for public input and approved.

Summary of GRCA's Response to Proposed Amendments to the Conservation Authorities Act:

- GRCA requests that the clause be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services.
- GRCA requests that the amendment to the *Planning Act* be removed from Schedule 6 of Bill 229.
- GRCA requests that Bill 229 Schedule 6 clauses in S.28 be amended by removing references to LPAT and replacing it with the Mining and Lands Tribunal.
- GRCA requests that the existing unproclaimed clauses in the *Conservation Authorities Act* 2019 related to Powers of Entry (30.2) and Stop Order (30.4) remain in the *Conservation Authorities Act* and proposed amendments related to these clauses be removed from Bill 229 Schedule 6.
- GRCA requests that the wording for fiduciary responsibilities in the *Conservation Authorities Act* be– amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority."
- GRCA requests that a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Most of the amendments proposed would be implemented through new or amended legal instruments or policies. The GRCA will contact MECP and MNR to offer assistance and technical expertise on any working groups/technical committees

established to review future changes to the regulations, policy and/or provincial standards related to the implementation of the *Conservation Authorities Act*.

Financial implications:

Without the details of the proposed regulations, it is difficult to determine the financial implications for the amendments to the *Conservation Authorities Act*. Additional reports will come to the Board regarding updates to the program and services of the GRCA as they are posted to the Environmental Bill of Rights.

Other department considerations:

Operations, Administration, Resource Management and Engineering Divisions were consulted on the preparation of this report.

Prepared by:

Samantha Lawson
Chief Administrative Officer



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

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 24, 2020

BY EMAIL

The Honourable Doug Ford, Premier of Ontario
Office of the Premier
Legislative Building, Queens Park
Toronto, ON M7A 1A1

Dear Premier Ford,

Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)

I am writing on behalf of the Grand River Conservation Authority (GRCA) to express our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

The GRCA is governed through a partnership of 38 watershed municipalities, which work together to address local issues and opportunities that benefit the entire watershed. Elected or appointed representatives from these municipalities form the membership of the GRCA board, making us directly accountable to our member municipalities and the people that live in the watershed. We work closely with our municipal partners to deliver programs and services that mitigate flood damage, provide access to outdoor spaces, share information about the natural environment and make the watershed more resilient to climate change.

For example, through the Rural Water Quality Program, the GRCA has built strong relationships with the farming community. The GRCA delivers this voluntary program on behalf of 6 Upper Tier municipalities in the watershed to help farmers implement best practices to improve and protect surface and groundwater quality. Since 1998, more than \$56 million has been invested by municipalities and landowners – an investment that supports the rural economy and source water protection, builds green infrastructure and climate change resiliency on the landscape, and helps to improve the quality of the Grand River.

While we support the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, we are also concerned that some of the proposed changes will have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;

- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;
- the wording for fiduciary responsibilities in the CA Act be amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority"; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Please find attached *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229*, which outlines our key areas of concern. We are asking that the Province work with conservation authorities to address these concerns before Bill 229 is passed. We would also like to offer our assistance and technical expertise to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry on any working groups or technical committees established to review future changes to the regulations, policies or provincial standards related to the implementation of the Conservation Authorities Act.

We look forward to continuing our productive relationship with the Province, and supporting your government's effort to improve the governance and accountability of conservation authorities.

Yours sincerely,



Helen Jowett, Chair
Grand River Conservation Authority

- c. Hon. Jeff Yurek, Minister of Environment, Conservation and Parks; Hon. John Yakabuski, Minister of Natural Resources and Forestry; Hon. Steve Clark, Minister of Municipal Housing and Affairs, Hon. Rod Phillips, Minister of Finance; Grand River watershed Members of Provincial Parliament



A Healthy Watershed for Everyone

November 23, 2020

Via Email

Honourable Doug Ford, Premier of Ontario
Honourable Rod Phillips, Minister of Finance
Honourable Jeff Yurek, Minister of Environment, Conservation and Parks
Honourable John Yakabuski, Minister of Natural Resources and Forestry
Honourable Steve Clark, Minister of Municipal Affairs and Housing

Re: Concerns with *Bill 229: Protect, Support and Recover from COVID 19 Act (Budget Measures Act)* - Schedule 6 – *Conservation Authorities Act*

On November 5th, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill announced with the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operations, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall to provide a more complete understanding of how the changes are to be implemented and what their full impact will be.

We feel it is important to highlight that conservation authorities were originally created to address concerns regarding the poor state of the natural environment and the need to establish programs based on watershed boundaries for natural resource management. Conservation authorities bring the local watershed science and information into decision making to ensure that Ontario's communities are protected.

While we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same, Hamilton Conservation Authority (HCA) is very concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation and their most valuable insight and input to our Board.

The legislative changes appear to be an excessive intervention in local matters in an area where the Province makes little financial contribution. In the case of HCA, the Province contributes just 2% of the annual revenues for the operating budget. The remaining 98% of our funding comes from our municipal partners (38%) and self generated funds (60%).

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits, in place of the conservation authority. It must be stressed that an appeal process already exists to applicants allowing them access directly to the HCA Board, a Board that is built with municipal oversight imbedded. Conservation authorities are important agencies which help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create safety risks to people. HCA already issues the vast majority of minor and major permits with efficiency and high service standards. HCA is committed to providing excellent client service, and we have a strong history of working cooperatively with our watershed municipalities, residents and businesses to ensure efficient and timely planning and regulatory review processes. Through a review of the current permit review process, Conservation Ontario estimates that the new changes to the permitting appeals process could delay development approvals by as much as 200 days. As well, costs can be expected to increase due to more staff time being required for permit appeals processes rather than time being spent on actually issuing permits.

Changes have been proposed to the Planning Act that create a gap in the land use planning system. Currently, conservation authority participation in the planning appeals process ensures that watershed science and data is being applied to planning and land use decisions. This input would be lost and it is an important tool for HCA to have when needed. Additionally, though unintentional, this change could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years.

Conservation authorities have long requested the ability to issue stop work orders to protect environmentally sensitive areas. The proposed changes to the Act remove unproclaimed provisions for this enhanced enforcement and only retain the current tools such as prosecution, injunctions and fines; these existing tools do not provide the ability to effectively stop, on a timely basis, any significant threats and impacts and prevent damage.

As briefly mentioned, if passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. The citizen members come from diverse backgrounds with experience in a number of fields, and are active members of their communities. They bring a wide array of knowledge, governance experience and expertise to their positions. These members provide valuable input on HCA programs and services from a citizen's point of view.

Of equal importance, HCA has only two participating municipalities with 10 members from Hamilton and 1 from the Township of Puslinch, which represents the unique situation of 99% of our watershed being within the City of Hamilton and the City of Hamilton being our major funder. With the new proposed requirements to rotate the Chair and Vice Chair role, there would be no democratic election process given the

representative from Puslinch would simply be appointed as the Vice Chair or Chair every 2 years. And finally, the proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality they represent and not the conservation authority and its watershed, the organization that they are supposed to represent when sitting as a Board member of the Authority. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces - and that protection - is for our community. We will continue promoting our vision of a healthy watershed for everyone.

We do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery. As such I respectfully ask that as a result of our concerns:

- the Province of Ontario withdraw Schedule 6 of the Budget Measures Act (Bill 229)
- the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth
- the Province respect the current conservation authority/municipal relationships
- the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

If there are any actual and/or perceived issues pertaining to certain conservation authorities, they might best be addressed through area-specific solutions created to resolve them that can be identified through local analysis and consultation.

Sincerely,



Councillor Lloyd Ferguson
Chair, Hamilton Conservation Authority

Cc:

HCA Board of Directors
City of Hamilton Mayor and Council
Township of Puslinch Mayor and Council
Ted Arnott, MPP Wellington – Halton Hills
Andrea Horwath, MPP Hamilton Centre
Paul Miller, MPP Hamilton East – Stoney Creek
Sandy Shaw, MPP Hamilton West – Ancaster – Dundas
Donna Skelly, MPP Flamborough – Glanbrook
Monique Taylor, MPP Hamilton Mountain



Conservation
Halton

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2596 Britannia Road West
Burlington, Ontario L7P 0G3
conservationhalton.ca

Protecting the Natural
Environment from
Lake to Escarpment

The Honourable Doug Ford
Premier of Ontario

The Honourable Jeff Yurek
Minister of the Environment, Conservation, and Parks
Ministry of the Environment, Conservation, and Parks

The Honourable Rod Phillips
Minister of Finance
Ministry of Finance

November 17, 2020

Dear Premier Ford, Minister Yurek and Minister Phillips,

We are writing to you today in response to the proposed amendments to the *Conservation Authorities Act* (CA Act), contained in Schedule 6, Bill 229. **We anticipate that some of the more prescriptive changes proposed in Bill 229 will lead to the opposite of your government's stated desire to help conservation authorities (CA) modernize and operate with greater focus, transparency and efficiency.**

The Progressive Conservative Government under the leadership of George Drew passed the *Conservation Authorities Act* and the *Planning Act*. He recognized that Ontario needed to invest in a sound transformative strategy to help Ontarians recover from the devastation of World War Two, not just economically, but also emotionally, as a community. These progressive actions were further strengthened by Premier Frost. Today, as the Province faces unprecedented pressures from both, a global pandemic and climate change, we need to strengthen the cooperative role played by CAs.

For over 60 years, Conservation Halton (CH) has served the interests of its residents and stayed true to those founding principles – conserving the environment to enable watershed communities to prosper socially and economically while ensuring resilience and safety for generations to come. From planting four million trees, to managing 11,000 acres of land, teaching millions of children, ensuring people build their homes and businesses in safe places and constantly checking the pulse of our environment through monitoring and restoration, CH has been a trusted, accountable partner to the Province and our municipalities. Today, CH serves over one million residents in one of the fastest growing areas in Ontario. Our residents and municipalities depend on us to deliver cost-effective services that ensure growth and development support sustainable and vibrant communities.

CH has played a collaborative role in the previous consultations regarding the modernization of the CA Act. While it was unexpected to see further proposed changes to the Act in Bill 229, we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that

further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same.

It is our view that several of the proposed amendments will increase the risk to life and property from natural hazards and the degradation of the environment. **We respectfully request you withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process.** We also encourage you to engage with CAs as you work on regulations that will eventually define the limits of the various CA Act clauses. We feel this is critical to ensure that the focus and performance of CAs is actually improved.

Several changes, such as those related to governance, ministerial authority to issue permits, the removal of our ability to appeal decisions at LPAT, and the removal of enforcement tools will lead to increased administrative costs, red tape, delays, and above all bring into question the integrity and transparency of the permitting and planning process. **These changes will also result in a more uncertain, litigious and discordant atmosphere, which will hinder our ability to work with applicants to find practical solutions for safe development.** These changes will undo the hard work CH has done over the last five years to ensure we are customer-centric, accountable, efficient and solutions oriented. Specifically:

- **There is no duplication, red tape or going beyond our mandate**
CH and our municipal partners work in a complementary way, avoid duplication of effort and remain focused on our core responsibilities through detailed MOUs and workplans. CH worked with our partners and customers to develop clear, quantifiable service delivery targets, which we have achieved, and publicly reported on with consistency. We track all permitting and plan review metrics on a quarterly basis to ensure nothing is slipping.
- **Our permit/planning fees only cover the cost to review and we have high service standards**
CH works with the development industry to ensure there is transparency on how our fees are determined, what costs are included and what standard of service we deliver in exchange. This approach is highly appreciated by our BILD chapter and they have encouraged other agencies to adopt our approach. We will be happy to share correspondence to this effect with you. We work on a cost-recovery model to ensure we keep the cost to taxpayers as low as possible.
- **The integrity of the permitting process will be compromised – these amendments will increase risk, liability, delays, and lead to inconsistency**
CH currently issues 95% of minor permits and 98% of major permits within 30 and 90 review days respectively (not calendar days). We value the process as much as we value the output of our services in this area. It is our view that the proposed amendments that would allow the Minister of Natural Resources and Forestry jurisdiction over certain permit applications and the appeal process has the potential to allow individuals to circumvent checks and balances that exist to protect the communities in our watersheds. It is unclear whether the minister would have regard for local conditions, technical input or Board-approved policies. These proposed changes may inadvertently cause more people in the community to be at risk, rather than protected, from natural hazards.
- **The amendments introduce a “stakeholder governance model” that has no legal precedence**
The proposed changes to the composition of CA boards negatively disrupts what is currently a relatively apolitical structure. This will significantly reduce the capacity of boards to make

decisions on a watershed basis. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure CH makes decisions with integrity, based solely on our core responsibilities. It is our view that changing the composition to reflect elected officials that represent the interests of their respective municipalities creates a setting ripe for conflict of interest. It runs counter to all governance principles.

- **These amendments compromise our ability to create jobs & deliver services without tax dollars**
Conservation Halton is focused on our core programs. We are equally competent and resourceful in providing further opportunities for Ontarians in recreation and education on our conservation lands—especially during the pandemic when the need for safe and accessible greenspace is at an all-time high—and we are even more proud that we are able to fund these opportunities 100% self-sufficiently. Our responsible monetization of assets and generation of revenue creates value for the community as well as employment opportunities. We are concerned that should the Ministry set fees or other limits on non-mandatory programs and services—particularly those that we already successfully run without the support of tax dollars—our ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished. Our municipal levy for 2021 is under 28% and the provincial contribution is close to 2% of our total budget. We have worked hard to achieve such low reliance on taxpayer funding. At the same time, we have expanded access to our parks by 35% this season, giving Ontario families a safe place to visit during the COVID-19 pandemic.

In conclusion, we do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery. Given the time sensitive nature of this Bill, we encourage the Province to consult with Conservation Halton and other CAs in an expedient manner. We have attached a more detailed (Board) report on our key concerns.

We appreciate you taking the time to consider our concerns. **We feel there are better solutions to deal with actual and perceived issues.** We would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. Please contact Conservation Halton CEO, Hassaan Basit (CEOoffice@hrca.on.ca) so we can help support your mandate while ensuring success for all stakeholders.

Regards,

Gerry Smallegange



Chair, Conservation Halton Board of Directors

Mayor Rob Burton, BA, MS



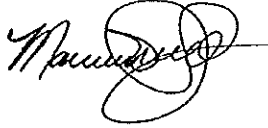
Town of Oakville

Mayor Gordon Krantz



Town of Milton

Mayor Marianne Meed Ward



City of Burlington

Mayor Rick Bonnette



Town of Halton Hills

Cc:

The Honourable John Yakabuski, Minister of Natural Resources and Forestry
Ministry of Natural Resources and Forestry

The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Minister of Municipal Affairs and Housing

Ted Arnott
MPP Wellington—Halton Hills

Jane McKenna
MPP Burlington

Effie J. Triantafilopoulos
MPP Oakville North—Burlington

Stephen Crawford
MPP Oakville

Parm Gill
MPP Milton

Andrea Horwath
MPP Hamilton Centre

Sandy Shaw
MPP Hamilton West—Ancaster—Dundas

Rudy Cuzzetto
MPP Mississauga—Lakeshore

Donna Skelly
MPP Flamborough-Glanbrook

**COVID-19 Vaccine Distribution
Task Force**

General (Ret'd) Rick Hillier
Chair

25 Grosvenor Street
11th Floor
Toronto ON M7A 1Y6



December 12, 2020

I have been asked by the Premier of Ontario to assist during the COVID-19 crisis to distribute vaccines in an efficient and equitable manner.

This communication is meant to include each of you and your teams in this process. But to do that - you need to be comfortable with the way the Task Force is working and also understand the plan.

That's why this first Situation Report is a little long - it is meant to establish the baseline that we are operating from now, three days before we expect the first vaccines to arrive.

I appreciate that each of you will have a valuable role in this noble effort in which we are engaged. I thank you for your efforts in advance and trust that our continuing flow of information will assist you in the planning and eventual execution of your responsibilities.

Many of you directly involved have received more detailed guidance from specific departments within the Ontario Government. This email is not intended to interfere with that guidance but to ensure that you understand the intent of the senior leadership of the Task Force.

Again, my thanks to each one of you as we reach the fantastic milestone of being ready to deliver vaccines to everyone who wants one in our great province. Good luck to you all - and best wishes for you and your community in these difficult times.

With kind regards,

General (Ret'd) Rick Hillier
Chair of the COVID-19 Vaccine Distribution Task Force

COVID-19 Vaccine Distribution Task Force

Ontario's Vaccine Distribution Implementation Plan

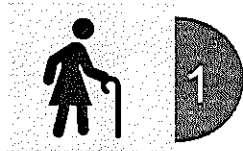
December 11, 2020

BACKGROUND

- On **December 7, 2020**, the province announced the **key populations** that will be first to receive the COVID-19 vaccine, namely:
 - **Residents, employees and staff**, and **essential caregivers** of congregate living settings that provide care for seniors
 - **Health care workers** (including all those who work in health care settings and those in direct contact with patients)
 - **Adults in First Nations, Métis, and Inuit populations** where infection can have disproportionate consequences, including those living in remote or isolated areas
 - **Adult recipients** of chronic home health care
- On December 9, 2020, **Health Canada granted authorization** with conditions for the use of the Pfizer-BioNTech COVID-19 Vaccine in individuals 16 years of age and older, after an independent and thorough scientific review for safety, effectiveness and quality.
- Health Canada will continue to monitor the safety and efficacy of the vaccine.
- The province has committed to distributing COVID-19 vaccines to priority populations in the **highest risk areas** as soon as shipments are received from federal government suppliers, expected in the coming days.

ONTARIO'S COVID-19 VACCINATION PROGRAM

PHASES



VACCINE QUANTITY

Initial doses will vaccinate over **2,500** people, with additional shipments arriving over the coming weeks

90,000 doses of Pfizer-BioNTech and estimated **35,000-85,000** doses of Moderna vaccines (pending approval) are expected in the coming weeks

An **estimated** total of **over 2M** doses is expected in this phase

POPULATION TO BE VACCINATED

Residents, essential caregivers, and staff of congregate care settings for seniors

Health care workers

Adults in First Nations, Métis, and Inuit populations

Adult recipients of chronic home health care

DISTRIBUTION SITES

Initially, **two pilot sites**, followed by selected hospital sites in Grey-Lockdown and Red-Control zones, expanding to approximately **21** hospitals across the province

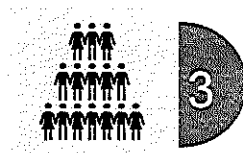
LTC Homes and **Retirement Homes** as soon as feasible.



Increasing stock of vaccines available.

Expanded for health care workers, long-term care homes, retirement homes, home care patients with chronic conditions and additional First Nation communities and urban Indigenous populations, including Métis and Inuit adults.

Expanded vaccination sites



Vaccines available for **every Ontarian** who wants to be immunized.

All eligible Ontarians

Widely available across Ontario

DISTRIBUTION, LOGISTICS AND ADMINISTRATION

Phased Distribution Plan

Phase 1 - key milestones

- **Pilot – week of December 14, 2020:**
 - Pfizer-BioNTech doses to vaccinate **over 2,500** health care workers
 - **Two** pilot hospital sites, **University Health Network** and **The Ottawa Hospital**
 - **Recipients:** health care workers from long-term care, hospitals

- **Additional Pfizer-BioNTech doses expected**
 - Expected to receive **90,000 doses** in December 2020 – January 2021
 - **14** selected hospital sites in Grey-Lockdown and Red-Control zones
 - **Recipients:** health care workers in long-term care homes, retirement homes, hospitals, additional congregate settings caring for seniors

DISTRIBUTION, LOGISTICS AND ADMINISTRATION (cont'd)

- **Moderna vaccine doses expected** (pending Health Canada approval):
 - Expected to receive **35,000 – 85,000** doses in December-January (planning estimates)
 - **Expanded vaccinations** to long-term care homes in Grey-Lockdown areas
 - **Recipients:** residents in long-term care homes, retirement homes, hospitals, additional congregate settings caring for seniors
- **Early 2021:**
 - **Expansion** of **up to 21** hospital sites providing the Pfizer-BioNTech vaccine
 - **Recipients:** health care workers, and once forward movement authorized by Pfizer, long-term care home and retirement home residents
 - **Expansion** of the **number of locations** to administer the Moderna vaccine
 - **Recipients:** long-term care homes, retirement homes, public health units, other congregate care settings, remote Indigenous communities

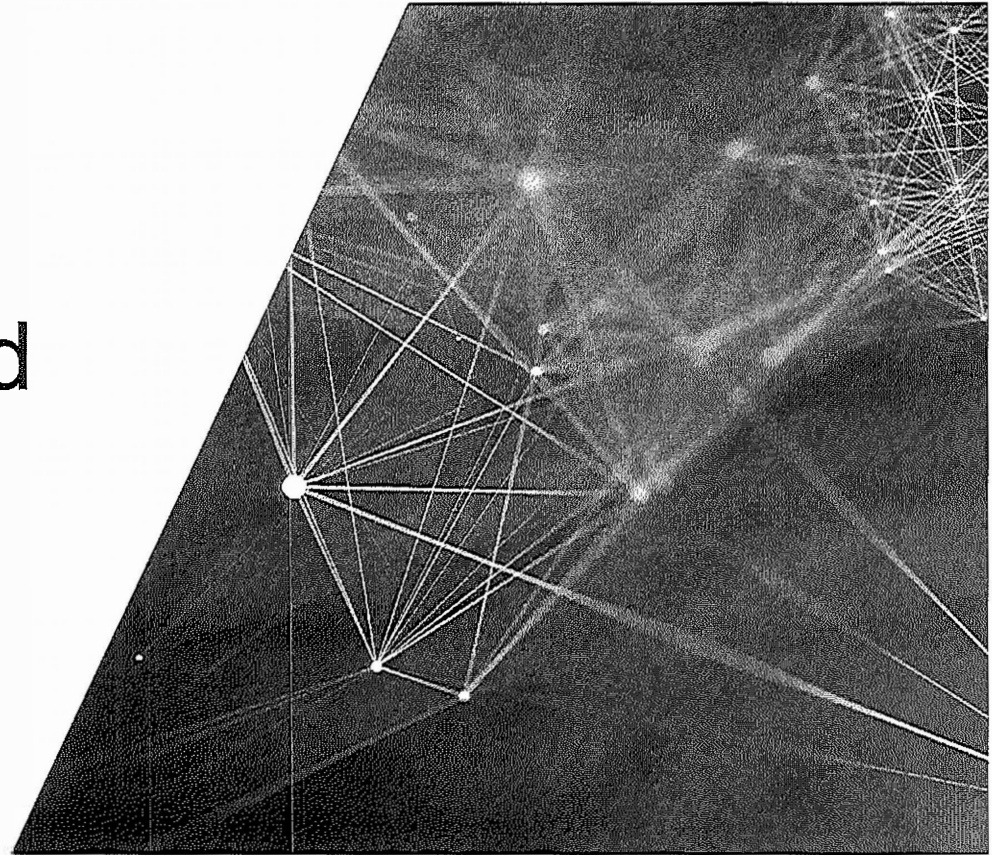
ROMA Resource Guides on Broadband Connectivity

Webinar for Municipal Councils & Staff

December 1, 2020



Will start at 12:00pm EST



Thank you for Joining

- Everyone is muted, due to the large number of registrants
- However, you can participate in one of two ways through Zoom:
 1. **Chat Window** – to everyone (public) or panelists only (private)
 2. **Question & Answer Window** – will be asked by panelists
- The slides will be circulated to all participants, and this presentation will be recorded
- Questions will be asked in sections; will follow-up directly if we do not get to all of them

Today's Agenda

- Context & About ROMA
- ROMA's Involvement in Connectivity
 - Connectivity Primer 101
 - Municipal Connectivity Roadmap 101
- Quick Links to Funding Programs
 - Universal Broadband Fund (Federal)
 - Improving Connectivity in Ontario (Provincial)

Context

- Broadband and cellular connectivity is not a luxury – it is a necessity.
- Connectivity has become a major policy challenge at the municipal level
 - some elected officials feel pressure to bring improved connectivity to their communities
- Municipal governments do not have a mandated role in telecommunications
 - both regulatory and funding regimes are controlled at the federal and provincial levels
- That said, municipal governments across Ontario are recognizing they can be part of the connectivity solution



About ROMA & AMO

- ROMA is the rural municipal voice of the Province of Ontario
- It promotes, supports, and enhances strong and effective rural governments
- ROMA members work closely with the Association of Municipalities of Ontario (AMO)
- AMO is a non-partisan, non-profit association that advocates for Ontario's 444 municipal governments
- Together, these associations work together to achieve shared goals and meet common challenges, one of which is connectivity

ROMA's Involvement

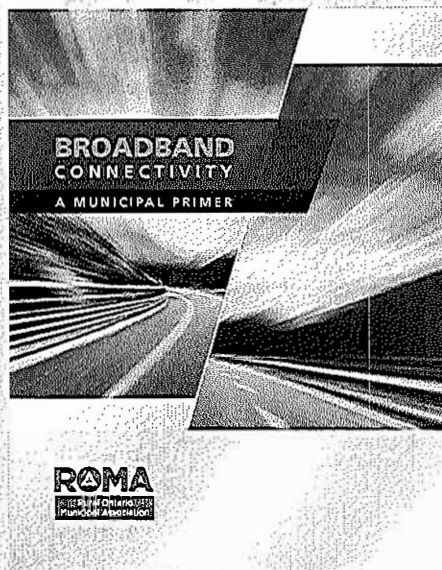
- ROMA created the Connectivity Primer, and the Municipal Roadmap tailored specifically for Ontario's rural municipal governments
- These resources are designed to:
 - Provide consistent information around connectivity & key terms;
 - Create a framework to evaluate connectivity policy decisions;
 - Establish a better understanding of the possible municipal roles in connectivity; and
 - Identify actions that councils can start taking to prepare for conversations around connectivity

Engagement with Sector & Partners



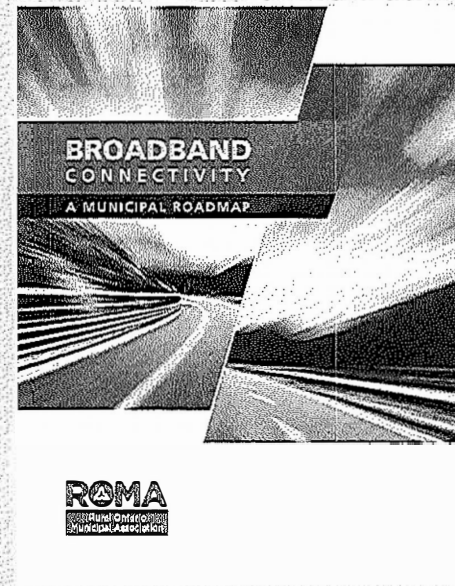
Connectivity Resources

- ROMA created two resources to be read in tandem:



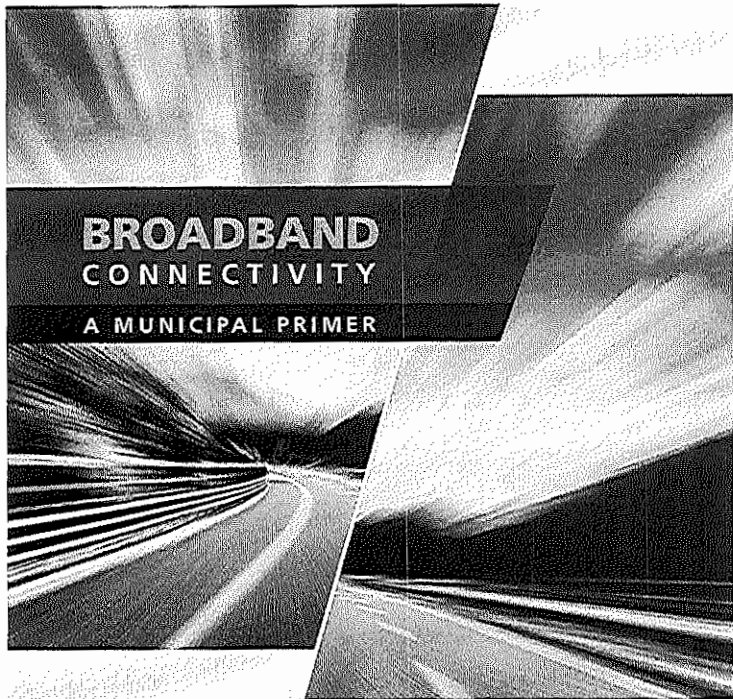
Connectivity Primer: provides an overview of the regulatory and funding regimes for telecommunications in Canada, and provides some examples of the municipal models across Ontario

Includes: Recommendations for Action; Digital Divide Research



Municipal Roadmap: lays out components of a municipal connectivity plan that municipal councils and staff can implement to create local solutions

Includes: Glossary of terms; Quick Tip Guide



**BROADBAND
CONNECTIVITY**
A MUNICIPAL PRIMER



Contents

The Purpose of the Connectivity Primer 3

About the Rural Ontario Municipal Association (ROMA) 3

Acknowledgements..... 3

Introduction..... 4

Municipal Leaders Can Be Agents of Change 5

Closing the Digital Divide Requires Both Public and Private Investment 6

Municipalities Building a Community-Business Case for Connectivity..... 7

Recommendations for Action 8

Conclusion 9

Appendix A: The Digital Divide 10

Appendix B: The Regulatory Landscape of Telecommunications in Canada 13

Appendix C: Types of Municipal Models..... 17

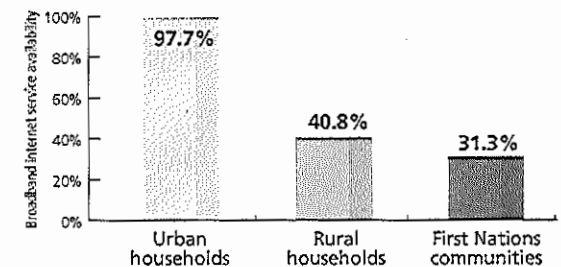
Connectivity Primer: Introduction

- Almost as vital to a community's economic prosperity and quality of life as traditional infrastructure, such as clean drinking water, electricity, and well-maintained roads
- Need for better connectivity has been building steadily for decades; COVID-19 has been only the latest (albeit major) catalyst for change
- Municipal governments are looking for short- and long-term solutions to help bridge the digital divide
- Digital divide can be described by gaps in:
 - Availability of broadband;
 - Service quality; and
 - Affordability of services.

Digital Divide: Availability

- Province estimates 12% of Ontarians live in communities with insufficient or not connectivity, and 9% of Ontario's roads are not covered by the latest mobile technology
- Approximately 30% of rural households rely on fixed wireless services
- The Canadian Radio-Television and Telecommunications Commission (CRTC) Basic Service Objective (2016) is:
 - Speeds of 50 megabits per second (Mbps) download / 10 Mbps upload for fixed broadband services with an unlimited data option; and,
 - The latest mobile wireless technology (cellular) available not only to all homes and businesses, but also along major Canadian roads.
- Goal is for 100% of Canadians to meet objective by 2030

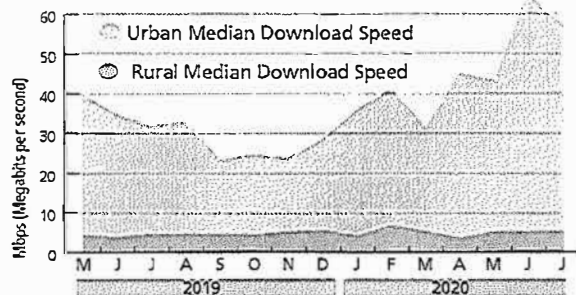
Broadband Internet Service Availability (50/10) in Various Canadian Communities (2018)



Digital Divide: Service Quality

- Even if available, real-time communications services (i.e. videoconference-type services, telemedicine, etc) will not be possible if the connectivity is not sufficient or reliable.
- Service is often defined as sufficient/reliable if latency, jitter, and packet loss are low.
- The seismic shift towards working from-home and the necessity for e-commerce and e-learning, has led to quality issues across Ontario – urban generally have more choices

The Urban-Rural Digital Divide Across Canada, May 2019 to July 2020



The Canadian Internet Registration Authority (CIRA) found that:

- Rural internet users experienced a median download speed of 5.5 Mbps since the pandemic began; while
- Urban download speeds nearly doubled since the start of March 2020 (26.16 Mbps in March, to 51.54 Mbps in July)

Digital Divide: Affordability

- On average, households in rural communities increased spending per month for internet by 8.7% between 2016 and 2019, compared to urban centres that only increased by 4% over the same period
- One factor that affects affordability is the number of choices that communities can choose from
- Lack of competition coupled with the data caps, lead many rural residents to pay for more than one service to avoid going over their data. According to the CRTC Telecom Regulatory Policy (2016):
 - *“If consumers were notified of alternative broadband Internet access service plan options that may better suit their needs when they incur data overage charges, they would be empowered to better manage their bills and to avoid bill shock...”*
 - *The availability of usage monitoring tools and data overage notifications would provide consumers with cost certainty and would empower consumers to make better-informed choices.”*