



COMMITTEE OF THE WHOLE - GENERAL

Tuesday, March 18, 2025, 6:00 p.m.

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529

Lifted from the March 13, 2025 info package by Councillor Cheropita.

- 9. NOTICE OF MOTION
- 10. NEW BUSINESS
- 11. ADJOURNMENT

**From:** [Town of Niagara-on-the-Lake](#)  
**To:** [Clerks](#)  
**Subject:** Webform submission from: Delegation Request Form  
**Date:** Wednesday, January 22, 2025 6:59:41 PM

---

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Submitted on Wed, 01/22/2025 - 18:59

Submitted by: Anonymous

Submitted values are:

## Information

### Name

Steven Soos

### Address

[REDACTED]

### Email Address

[REDACTED]

### Telephone Number

Cell: [REDACTED]

## Presentation

### Agenda Delegation

Non Agenda Delegation

### Topic

I have never spoken on this issue before

**For Agenda delegations please include the title of the item. In point form, provide an overview of what points you will be speaking to:**

Declare a mental health, addiction and housing affordability crisis

## Terms

**I have read and understand the Delegation Protocol and acknowledge the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas. I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to [clerks@notl.com](mailto:clerks@notl.com) no later than 12:00 p.m. on the Monday prior the scheduled meeting.**  
Yes

## **Meeting Time**

**I wish to appear before:**  
Council

**Date**  
Tue, 02/25/2025 - 00:00

## **Presentation Requirements**

**Do you have a visual presentation (slideshow or photos) to accompany your delegation?**  
No

**I agree**  
Yes

## **Delegation**

**I will be appearing:**  
Virtual

**I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to [clerks@notl.com](mailto:clerks@notl.com) no later than 12:00 p.m. on the Monday prior to the scheduled meeting.**  
Yes

**I acknowledge I have 10 minutes to delegate**  
Yes

**I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream**  
Yes

**Do you require accessible accommodation to participate:**  
No

## **Privacy Disclaimer**

**I have read and understand the above Privacy Disclaimer.**

Yes

**From:** [Town of Niagara-on-the-Lake](#)  
**To:** [Clerks](#)  
**Subject:** Webform submission from: Delegation Request Form  
**Date:** Thursday, January 23, 2025 11:16:34 AM

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**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Submitted on Thu, 01/23/2025 - 11:16

Submitted by: Anonymous

Submitted values are:

## Information

**Name**

Cheryl Rowe

**Address**

[REDACTED]

**Email Address**

[REDACTED]

**Telephone Number**

Cell: [REDACTED]

## Presentation

**Agenda Delegation**

Non Agenda Delegation

**Topic**

I have never spoken on this issue before

**For Agenda delegations please include the title of the item. In point form, provide an overview of what points you will be speaking to:**

Mental health, housing affordability, addiction and food insecurity crisis and comprehensive review of the Ontario emergency management and civil protection act.

## Terms

**I have read and understand the Delegation Protocol and acknowledge the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas. I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to [clerks@notl.com](mailto:clerks@notl.com) no later than 12:00 p.m. on the Monday prior the scheduled meeting.**  
Yes

## Meeting Time

**I wish to appear before:**  
Council

**Date**  
Tue, 02/25/2025 - 00:00

## Presentation Requirements

**Do you have a visual presentation (slideshow or photos) to accompany your delegation?**  
No

**I agree**  
Yes

## Delegation

**I will be appearing:**  
Virtual

**I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to [clerks@notl.com](mailto:clerks@notl.com) no later than 12:00 p.m. on the Monday prior to the scheduled meeting.**  
Yes

**I acknowledge I have 10 minutes to delegate**  
Yes

**I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream**  
Yes

**Do you require accessible accommodation to participate:**  
No

## **Privacy Disclaimer**

**I have read and understand the above Privacy Disclaimer.**

Yes

## Shannon Mista

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**From:** Town of Niagara-on-the-Lake <no-reply@notl.com>  
**Sent:** Wednesday, March 12, 2025 2:56 PM  
**To:** Clerks  
**Subject:** Webform submission from: Delegation Request Form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Submitted on Wed, 03/12/2025 - 14:56

Submitted by: Anonymous

Submitted values are:

## Information

### Name

Kevin Freeman

### Organization Name

Kaneff Group

### Address

[REDACTED]

### Email Address

[REDACTED]

### Telephone Number

Cell: [REDACTED]

## Presentation

### Agenda Delegation

Agenda Delegation

**Topic**

I have never spoken on this issue before

**For Agenda delegations please include the title of the item. In point form, provide an overview of what points you will be speaking to:**

Application for Draft Plan of Subdivision - 353 Townline Road - File: 26T-18-24-01.

No presentation required. I would like to make myself available to answer any questions that the Committee may have.

**Terms**

**I have read and understand the Delegation Protocol and acknowledge the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas. I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to [clerks@notl.com](mailto:clerks@notl.com) no later than 12:00 p.m. on the Monday prior the scheduled meeting.**

Yes

**Meeting Time**

**I wish to appear before:**

Committee of the Whole

**Date**

Tue, 03/18/2025 - 00:00

**Presentation Requirements**

**Do you have a visual presentation (slideshow or photos) to accompany your delegation?**

No

**I agree**

Yes

**Delegation**

**I will be appearing:**

Virtual

**I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to [clerks@notl.com](mailto:clerks@notl.com) no later than 12:00 p.m. on the Monday prior to the scheduled meeting.**

Yes

**I acknowledge I have 10 minutes to delegate**

Yes

**I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream**

Yes

**Do you require accessible accommodation to participate:**

No

## **Privacy Disclaimer**

**I have read and understand the above Privacy Disclaimer.**

Yes



# The Corporation of the Town of Niagara-on-the- Lake

**Audit Planning Report  
for the period ending  
December 31, 2024**

Prepared as of February 19, 2025 for presentation March 2025

[kpmg.ca/audit](https://kpmg.ca/audit)

# KPMG contacts

## Key contacts in connection with this engagement



**Carlos Alvarez, CPA, CA**  
Lead Audit Engagement Partner  
905-523-2238  
[carlosalvarez@kpmg.ca](mailto:carlosalvarez@kpmg.ca)



**Bruce Peever**  
Public Sector Advisory Partner  
905-523-2224  
[bpeever@kpmg.ca](mailto:bpeever@kpmg.ca)



**Daniel Glasbergen, CPA**  
Audit Manager  
905-523-6851  
[dglasbergen@kpmg.ca](mailto:dglasbergen@kpmg.ca)



# Table of contents

## Digital use information

This Audit Planning Report is also available as a “hyper-linked” PDF document.

If you are reading in electronic form (e.g. In “Adobe Reader” or “Board Books”), clicking on the home symbol on the top right corner will bring you back to this slide.



Click on any item in the table of contents to navigate to that section.

|           |                        |           |  |           |                                     |
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| <b>5</b>  | <b>Highlights</b>      | <b>7</b>  | <b>Audit strategy</b>                  | <b>11</b> | <b>Audit strategy - Group audit</b> |
| <b>13</b> | <b>Risk assessment</b> | <b>17</b> | <b>Key milestones and deliverables</b> | <b>18</b> | <b>Independence</b>                 |
| <b>19</b> | <b>Appendices</b>      |           |  |           |                                     |

The purpose of this report is to assist you, as a member of Council, in your review of the plan for our audit of the financial statements. This report is intended solely for the information and use of Management and Council and should not be used for any other purpose or any other party. KPMG shall have no responsibility or liability for loss or damages or claims, if any, to or by any third party as this report to the Council has not been prepared for, and is not intended for, and should not be used by, any third party or for any other purpose.



# Audit highlights



No matters to report



Matters to report – see link for details

## Scope

Our audit of the consolidated financial statements (“financial statements”) of The Corporation of the Town of Niagara-on-the-Lake (“the Company”) as of and for the period ending December 31, 2024, will be performed in accordance with Canadian generally accepted auditing standards.

## Audit strategy

Materiality \$1,400,000



Involvement of others



Updates to our prior year audit plan



- Audit of the impact of revisions to PSAS 3400 - Revenue

## Audit strategy - group audit

- Refer to slide 9 for the scope of Entities which are subject to audit (we note no changes from prior period).



Involvement of other KPMG member firms



Involvement of non-KPMG firms

## Risk assessment



Risk of management override of controls



Risk of fraudulent revenue recognition



New risks



- Implementation of PS 3400 – Revenue



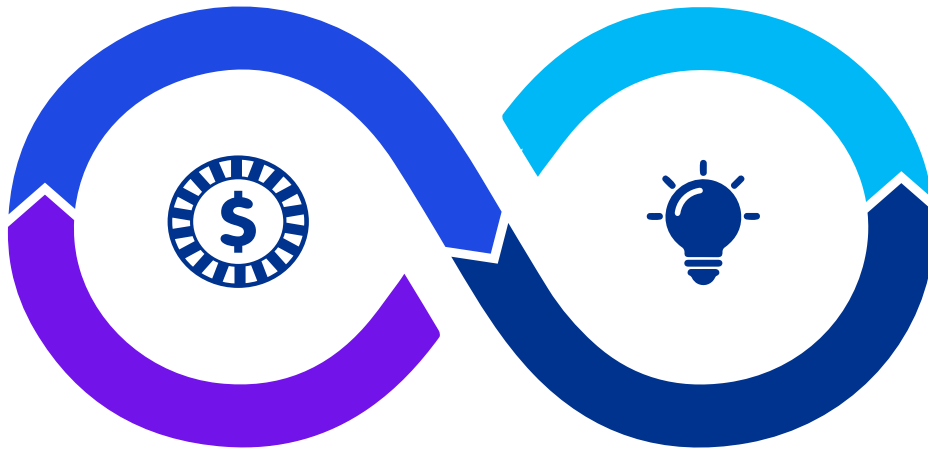
Other risks of material misstatement



- Revenue recognition
- Operating expenditures including payroll
- Tangible capital assets
- Employee benefit obligation
- Financial Instruments
- Investment in Peninsula West Power Inc. (PWPI)
- Investments



# Materiality



We **initially determine materiality** at a level at which we consider that misstatements could reasonably be expected to influence the economic decisions of users. Determining materiality is a matter of **professional judgement**, considering both quantitative and qualitative factors, and is affected by our perception of the common financial information needs of users of the financial statements as a group. We do not consider the possible effect of misstatements on specific individual users, whose needs may vary widely.

We **reassess materiality** throughout the audit and revise materiality if we become aware of information that would have caused us to determine a different materiality level initially.

## Plan and perform the audit

We **initially determine materiality** to provide a basis for:

- Determining the nature, timing and extent of risk assessment procedures;
- Identifying and assessing the risks of material misstatement; and
- Determining the nature, timing, and extent of further audit procedures.

We design our procedures to detect misstatements at a level less than materiality in individual accounts and disclosures, to reduce to an appropriately low level the probability that the aggregate of uncorrected and undetected misstatements exceeds materiality for the financial statements as a whole.

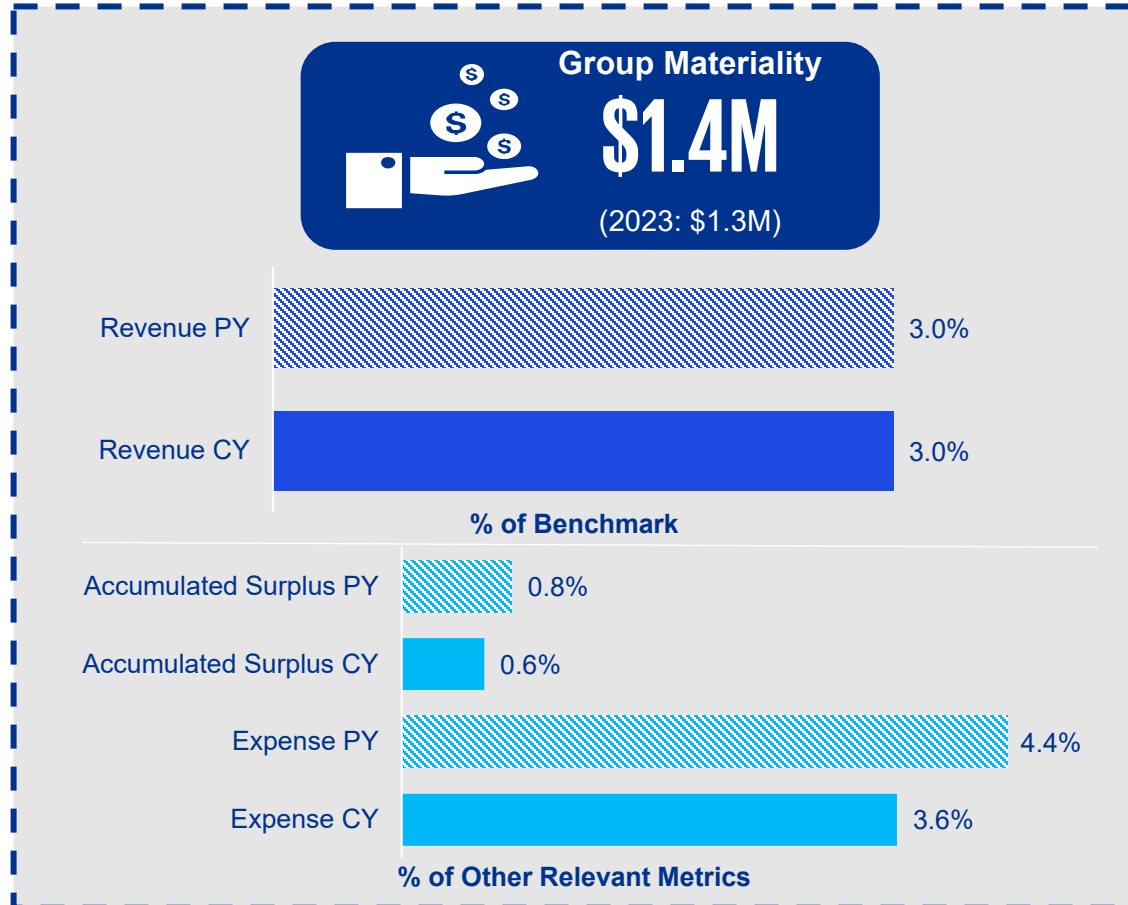
## Evaluate the effect of misstatements

We also **use materiality** to evaluate the effect of:

- Identified misstatements on our audit; and
- Uncorrected misstatements, if any, on the financial statements and in forming our opinion.



# Initial materiality



**Prior Year 2023 Total Revenue**

**\$47,067,393**

(2022: \$43,806,097)

**Prior Year 2023 Total Expense**

**\$40,478,378**

(2022: \$38,861,066)

**Prior Year Accumulated Surplus**

**\$224,075,981**

(2022: \$230,363,344)

**Our audit misstatement posting threshold will be \$70,000**



# Updates to our prior year audit plan

## Other significant changes



**Newly effective accounting standards**  
(effective for fiscal periods beginning on or after April 1, 2023)



### PS 3400 – Revenue

Previous standards provided guidance for revenue recognition on primary revenue streams such as taxation revenue and government grants. The new standard provides general recognition guidance to provide consistency for other streams not previously covered by existing public sector standards.

### PSG-8 – Purchased Intangibles

This standard governs recognition of intangible assets which were acquired through an exchange transaction, namely an arm's length exchange between two willing parties (as opposed to inter-entity transfers, which are excluded).

### PS 3160 – Public Private Partnerships

Public private partnerships ("P3s") are an alternative procurement and finance model where public sector entities purchase infrastructure using a private sector partner.

We will discuss the upcoming standards with management and determine the impact to the Region's financial statements and accounting policies, if any. These are not expected to have a significant impact to the Region.



**Newly effective auditing standards**



No matters which are expected to have a significant impact on the audit. See Appendices for details.



# Group audit – Significant components



## Nature of the planned involvement in the work of component auditors of significant components:

### Group audit - scope

Professional standards require that we obtain an understanding of the Town's organizational structure, including its components and their environments that is sufficient to identify those components that are financially significant or that contain specific risks that must be addressed during our audit.

Group auditors are required to be involved in the component auditors' risk assessment in order to identify significant risks to the group financial statements. If such significant risks are identified, the group auditor is required to evaluate the appropriateness of the audit procedures to be performed to respond to the identified risk.

The significant components over which we plan to perform audit procedures are as follows:

| Components  | Type of work performed |
|---|------------------------|
| The Corporation of the Town of Niagara-on-the-lake ("the Town") | Full-scope audit       |
| Niagara-on-the-Lake Hydro Inc. ("Hydro")                        | Full-scope audit       |



# Risk assessment summary

Our planning begins with an assessment of risks of material misstatement in your financial statements.

We draw upon our understanding of the Corporation and its environment (e.g. the industry, the wider economic environment in which the entity operates, etc.), our understanding of the Entity's components of its system of internal control, including our business process understanding.

|   |   | Risk of fraud | Risk of error | CY risk rating                         |
|---|---|---------------|---------------|--|
| ● | Management Override of Controls   | ✓             |               | Significant                            |
| ● | Fraud risk from revenue recognition   |               |               | Rebutted the significant risk of fraud |
| ● | Revenues, government grants, obligatory reserves and development charges, including related deferrals |               | ✓             | Base                                   |
| ● | Operating expenditures including payroll  |               | ✓             | Base                                   |
| ● | Tangible capital assets   |               | ✓             | Base                                   |
| ● | Financial Instruments   |               | ✓             | Base                                   |
| ● | Long term investments   |               | ✓             | Base                                   |

● SIGNIFICANT RISK ● PRESUMED RISK OF MATERIAL MISSTATEMENT ● OTHER RISK OF MATERIAL MISTATEMENT

## Advanced Technologies

Our **KPMG Clara Dynamic Risk Assessment** tool gives us a more sophisticated, forward-looking and multi-dimensional approach to assessing audit risk.

[Learn more](#)

Our **KPMG Clara Business Process Mining** provides immediate visualization of how 100% of your transactions are processed to complement your process narratives & flow charts.

[Learn more](#)

**KPMG Clara Account Analysis** allows us to analyze the flow of transactions through your business to drive a more meaningful risk assessment.

[Learn more](#)

**KPMG Clara AI** allows us to layer AI into our auditing platform, allowing us to scan 100% of your data and pull all of the risky transactions and anomalies out for further analysis.

[Learn more](#)

The **Clara Asset Impairment Tool** delivers advanced analysis of long-lived assets and goodwill impairment models (based on discounted cash flows) through the use of predictive analytics, enabling a more robust and independent challenge of management's assumptions.

[Learn more](#)



# Significant risks



Management Override of Controls (non-rebuttable significant risk of material misstatement)

RISK OF



FRAUD

**Presumption  
of the risk of fraud  
resulting from  
management  
override of  
controls**

## Why is it significant?

Management is in a unique position to perpetrate fraud because of its ability to manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. Although the level of risk of management override of controls will vary from entity to entity, the risk nevertheless is present in all entities.

## Our planned response

As this presumed risk of material misstatement due to fraud is not rebuttable, our audit methodology incorporates the required procedures in professional standards to address this risk. These procedures include:

- testing of journal entries and other adjustments,
- performing a retrospective review of estimates
- evaluating the business rationale of significant unusual transactions.
- Incorporating an element of unpredictability into our audit plan

## Advanced technologies

Our **KPMG Clara Journal Entry Analysis Tool** assists in the performance of detailed journal entry testing based on engagement-specific risk identification and circumstances. Our tool provides auto-generated journal entry population statistics and focusses our audit effort on journal entries that are riskier in nature.



**Click to learn more**



# Significant risks



Fraud risk over revenue recognition (presumed significant risk of material misstatement)

RISK OF



FRAUD

## Why is it significant?

**Presumption  
of the risk of fraud  
over revenue  
recognition**

This is a presumed fraud risk under Canadian Auditing Standards.

There are generally pressures or incentives on management to commit fraudulent financial reporting through inappropriate revenue recognition when performance is measured in terms of year-over-year revenue growth or profit.

## Our planned response

The presumed risk has been rebutted for all revenues earned by the Town. Revenues earned from tax levies, user fees, and grants are not subject to significant judgment regarding revenue recognition. As a result, we have concluded there is not a significant risk of fraud relating to revenue recognition.

We have assessed revenue recognition as a risk of error and as such will conduct procedures on revenue recognition.

## Advanced technologies

Our **KPMG Clara Journal Entry Analysis Tool** assists in the performance of detailed journal entry testing based on engagement-specific risk identification and circumstances. Our tool provides auto-generated journal entry population statistics and focusses our audit effort on journal entries that are riskier in nature.



**Click to learn more**

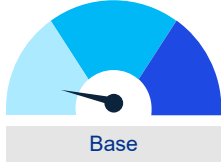
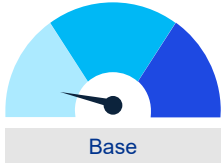


# Other risks of material misstatement

| Areas   | Level of risk due to error | Our planned response   |
|---|----------------------------|--|
| Revenues, government grants, obligatory reserves and development charges, including related deferrals | <p>Base</p>                | We will perform substantive procedures over government grants and development charges to address the relevant assertions and ensure appropriate deferral at December 31, 2024.                                     |
| Operating expenditures, including payroll   | <p>Base</p>                | We will perform substantive procedures over operating expenditures and payroll as well as accruals to address the relevant assertions including the use of Data & Analytical procedures.                           |
| Tangible capital assets   | <p>Base</p>                | We will perform substantive procedures to address the relevant assertions including testing of significant additions and disposals and assessing the status of any capital projects identified as work-in-process. |



# Other risks of material misstatement

| Areas                 | Level of risk due to error   | Our planned response   |
|-----------------------|--|--|
| Financial Instruments | <br>Base | We will perform substantive procedures to address the relevant assertions and assess the implementation of the new standard. |
| Long term investments | <br>Base | We will audit the investment activity and disclosures surrounding the Town's investment in its wholly owned subsidiary.      |



# Required inquiries of Council



## Inquiries regarding risk assessment, including fraud risks

- What are the Council's views about fraud risks, including management override of controls, in the Company? And have you taken any actions to respond to any identified fraud risks?
- Is the Council aware of, or has the Audit Committee identified, any instances of actual, suspected, or alleged fraud, including misconduct or unethical behavior related to financial reporting or misappropriation of assets?
  - If so, have the instances been appropriately addressed and how have they been addressed?
- How does the Council exercise oversight of the Company's fraud risks and the establishment of controls to address fraud risks?
- Is the Council aware of matters relevant to the audit, including, but not limited to, violations or possible violations of laws or regulations?



## Inquiries regarding company processes

- Is the Council aware of tips or complaints regarding the Company's financial reporting (including those received through the Council internal whistleblower program, if such programs exist)? If so, the Council responses to such tips and complaints?
- What is the nature and extent of communications expected between the auditors and the Council regarding misappropriations perpetrated by lower-level employees?

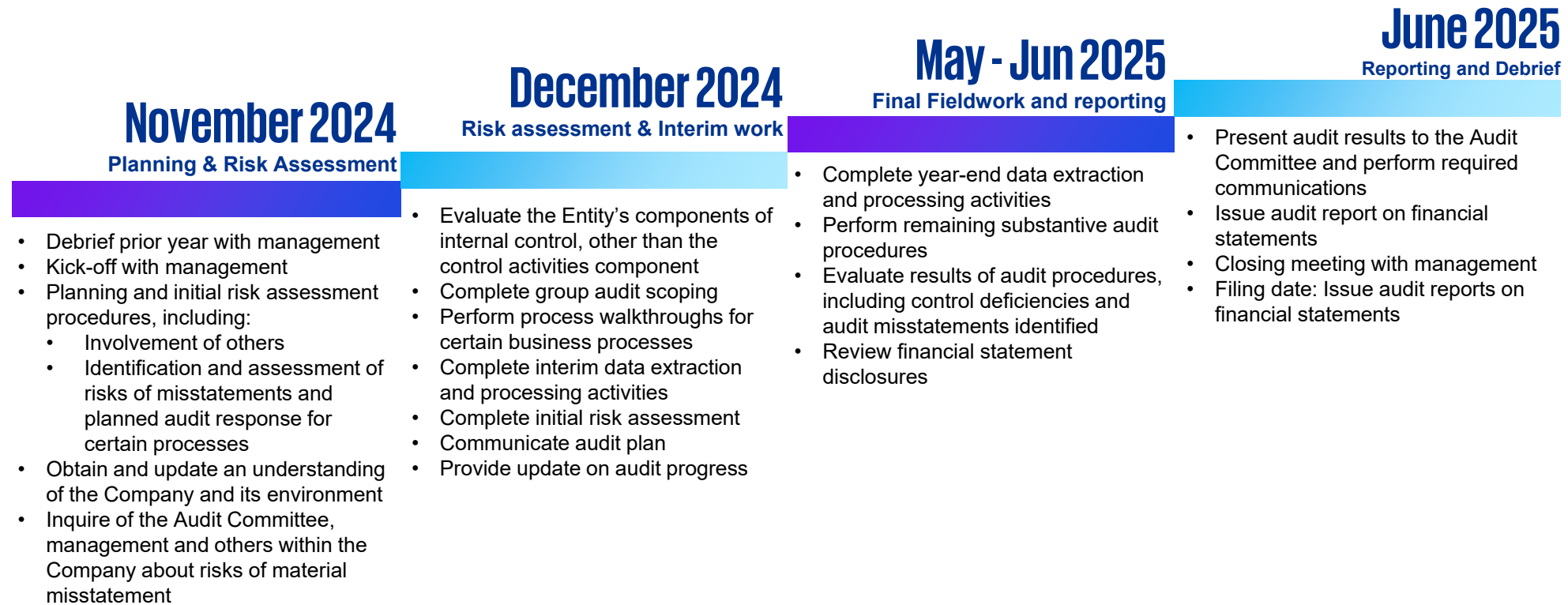


## Inquires regarding related parties and significant unusual transactions

- Is the Council aware of any instances where the Company entered into any significant unusual transactions?
- What is the Council's understanding of the Company's relationships and transactions with related parties that are significant to the Company?
- Is the Council concerned about those relationships or transactions with related parties? If so, the substance of those concerns?



# Key milestones and deliverables





# Audit quality - How do we deliver audit quality?

Quality essentially means doing the right thing and remains our highest priority. Our Global Quality Framework outlines how we deliver quality and how every partner and staff member contributes to its delivery.

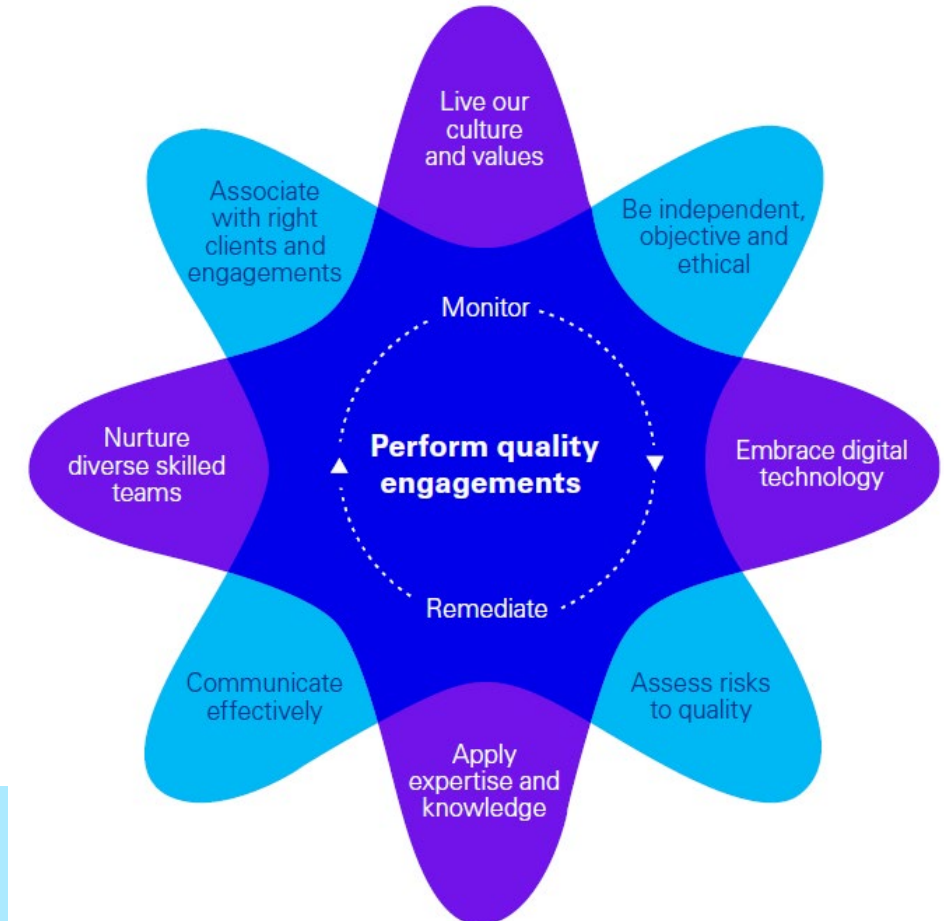
The drivers outlined in the framework are the ten components of the KPMG System of Quality Management (SoQM). Aligned with ISQM 1/CSQM 1, our SoQM components also meet the requirements of the International Code of Ethics for Professional Accountants (including International Independence Standards) issued by the International Ethics Standards Board for Accountants (IESBA) and the relevant rules of professional conduct / code of ethics applicable to the practice of public accounting in Canada, which apply to professional services firms that perform audits of financial statements. Learn more about our system of quality management and our firm's statement on the effectiveness of our SoQM:

[KPMG Canada Transparency Report](#)

[Statement on the effectiveness of the System of Quality Management of KPMG LLP as at September 30, 2024](#)

We define 'audit quality' as being the outcome when:

- audits are **executed consistently**, in line with the requirements and intent of **applicable professional standards** within a strong **system of quality management**; and
- all of our related activities are undertaken in an environment of the utmost level of **objectivity, independence, ethics and integrity**.



**Doing the right thing. Always.**



# Independence: Pre-approval of services



## Detailed description of service

Audit of the consolidated financial statements of the Town of Niagara-on-the-Lake as of December 31, 2024 in accordance with Public Sector Accounting Standards.

Audit of the financial statements and special reports of the related entities noted on Slide 8 as of December 31, 2024 in accordance with Public Sector Accounting Standards (or applicable framework for those special reports which are required to report in line with terms of various funding agreements).

## Potential effects of the proposed service on independence

Such services are provided by the auditor pursuant to statutory or regulatory requirements and are permitted under CPA Code and ESBA independence rules.

We have not identified any services within our agreed upon scope which would infringe on our independence as external auditors.

# Appendices

**A**

Regulatory  
communications

**B**

New auditing  
standards

**C**

Insights

**D**

Technology



# Appendix A: Regulatory communications



## CPAB communication protocol

The reports available through the following links were published by the Canadian Public Accountability Board to inform Audit Committees and other stakeholders about the results of quality inspections conducted over the past year:

- [CPAB Audit Quality Insights Report: 2022 Interim Inspections Results](#)
- [CPAB Audit Quality Insights Report: 2022 Annual Inspections Results](#)
- [CPAB Audit Quality Insights Report: 2023 Interim Inspections Results](#)
- [CPAB Regulatory Oversight Report: 2023 Annual Inspections Results](#)



# Appendix B: Newly effective and upcoming changes to auditing standards

For more information on newly effective and upcoming changes to auditing standards - see Current Developments



Effective for periods beginning on or after December 15, 2023

## ISA 600/CAS 600

.....

Revised special considerations – Audits of group financial statements

Effective for periods beginning on or after December 15, 2024

## ISA 260/CAS 260

.....

Communications with those charged with governance

## ISA 700/CAS 700

.....

Forming an opinion and reporting on the financial statements



# Appendix C: Audit and assurance insights

Our latest thinking on the issues that matter most to Audit Committees, Councils and management. Of particular note are Lean process reviews, ERP implementation support with discontinuance of great plains, fraud prevention and cyber penetration testing, which are services currently sought after to help strengthen organizations.

## KPMG Audit & Assurance Insights

Curated research and insights for audit committees and boards.

## Accelerate 2024

The key issues driving the audit committee agenda in 2024.

## Board Leadership Centre

Leading insights to help board members maximize boardroom opportunities

## Sustainability Reporting

Resource centre on implementing the new Canadian reporting standards

## Current Developments

Series of quarterly publications for Canadian businesses including Spotlight on IFRS, Canadian Assurance & Related Services, Canadian Securities Matters, and US Outlook reports.

## IFRS Breaking News

A monthly Canadian newsletter that provides the latest insights on accounting, financial reporting and sustainability reporting.

## Audit Committee Guide – Canadian Edition

A practical guide providing insight into current challenges and leading practices shaping audit committee effectiveness in Canada.

## Government and Public Sector

We have a wealth of thought leadership to help public sector organizations grow and advance.



# Appendix C: Insights to enhance your organization

We have the unique opportunity as your auditors to perform a deeper dive to better understand your business processes that are relevant to financial reporting.

Lean in Audit

Lean in Audit™ is KPMG’s award-winning methodology that offers a new way of looking at processes and engaging people within your finance function and organization through the audit.

By incorporating Lean process analysis techniques into our audit procedures, we can enhance our understanding of your business processes that are relevant to financial reporting and provide you with new and pragmatic insights to improve your processes and controls.

Clients like you have seen immediate benefits such as improved quality, reduced rework, shorter processing times and increased employee engagement.

We look forward to working with you to incorporate this approach in your audit.

How it works

|  |  |  |
|--|--|--|
| Standard Audit                                       | Typical process and how it's audited   |  |
| Lean in Audit  | Applying a Lean lens to perform walkthroughs and improve Audit quality while identifying opportunities to minimize risks and redundant steps |  |
| How Lean in Audit helps improve businesses processes | Make the process more streamlined and efficient for all  |  |

**Value:** what customers want (maximize)

**Necessary:** required activities (minimize)

**Redundant:** non-essential activities (remove)

Process controls

Key controls tested



# Appendix D: Our technology story



## Streamlined client experience

And deeper insights into your business, translating to a better audit experience.



## Secure

A secure client portal provides centralized, efficient coordination with your audit team.



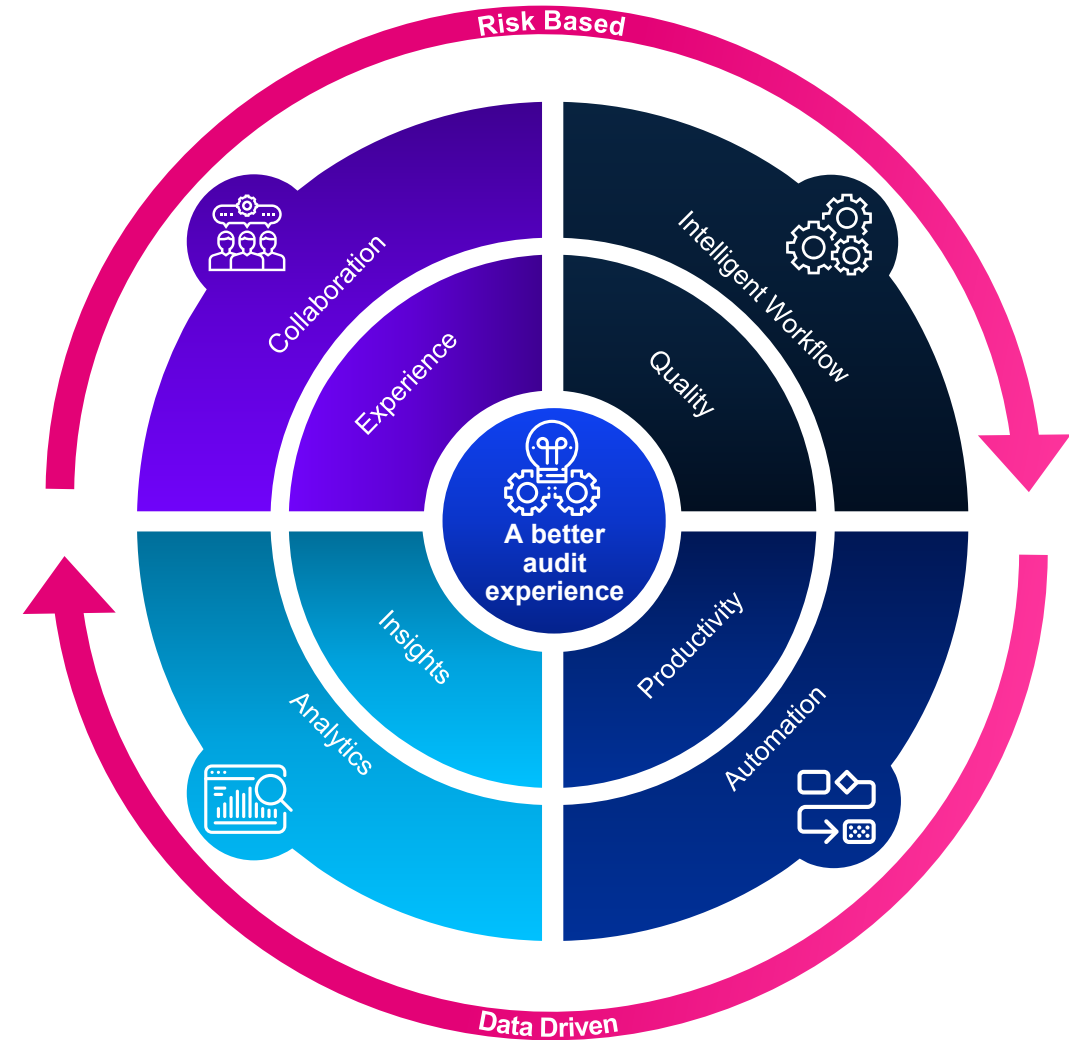
## Intelligent workflow

An intelligent workflow guides audit teams through the audit.



## Increased precision

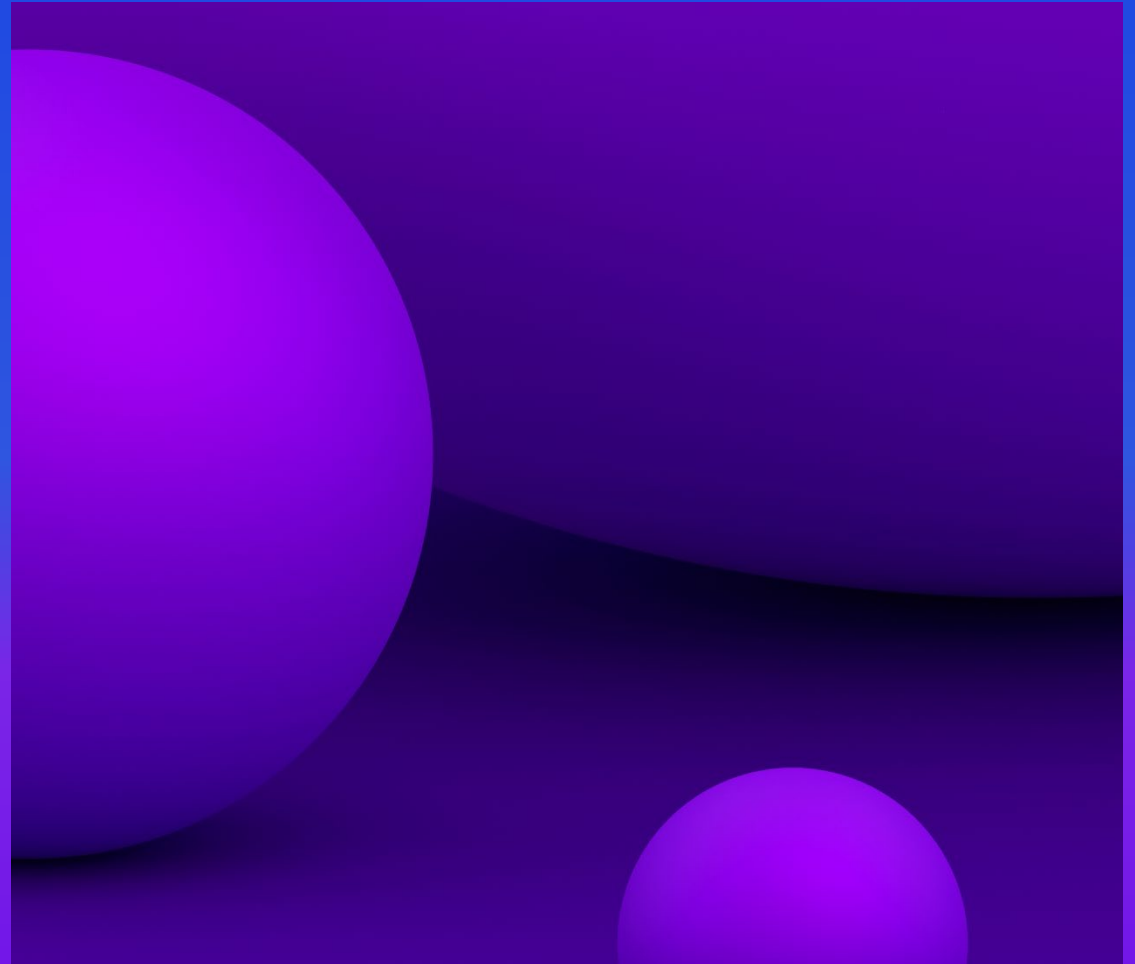
Advanced data analytics and automation facilitate a risk-based audit approach, increasing precision and reducing your burden.





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## Town of Niagara-on-the-Lake

1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 www.notl.com

**REPORT #:** CAO-24-001  
**COMMITTEE DATE:** 2025-02-11  
**DUE IN COUNCIL:** 2025-02-25  
**REPORT TO:** COTW-General  
**SUBJECT:** Procedure By-Law Updates and Council / Committee Meeting Streamlining

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The draft Procedure By-law attached hereto as Appendix I be endorsed, and presented to Council for formal adoption.
- 1.2 The changes to the draft Delegation Policy attached hereto as Appendix II be endorsed and the policy be adopted with the By-law.
- 1.3 Staff develop an electronic meeting protocol for Council approval to better establish and define specific requirements and parameters for participation in electronic meetings.
- 1.4 Staff investigate the use of proxy voting at Council meetings and return to Council in the second quarter of 2025 with recommendations.
- 1.5 Staff implement a tracking system to record and direct Council Members' requests and inquiries at meetings not otherwise encapsulated in the minutes via resolution or By-law.

### 2. EXECUTIVE SUMMARY

This report apprises Council of changes and updates to Council and Committee meeting processes. It also provides an updated Procedure By-law (Appendix I), which includes changes previously approved by the Council and also incorporates additional proposed revisions, notably:

- Revisions to the start time of meetings
- Streamlining of Public Meetings held under the Planning Act
- Additional clarity added to the Definition Section
- Updated Notice of Motion Procedure
- Lord Mayor Report and Member Announcements process
- Updated Closed Session requirements to align with the Municipal Act
- Added clarity to the Minutes Section to reflect the Municipal Act

### 3. PURPOSE

The purpose of this report is to advise Council of initiatives to make procedures more efficient and authorize updates to the Procedure By-law and Delegation Policy for the purpose of clarifying meeting procedures, streamlining meetings and improving efficiencies at the mid-point of the 2022-2026 term of Council.

### 4. BACKGROUND

Section 238(2) of the Municipal Act requires that “every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings”. The current Procedure By-law No. 5508-23 was approved by Council in 2023. Regular review of procedure by-laws is a common practice to ensure that the by-law is meeting the Town’s needs.

### 5. DISCUSSION / ANALYSIS

The current By-law is comprehensive; however, members of Council, Committees, and residents have noted that revisions are needed. A revised Procedure By-law has been prepared to ensure effective meeting management while improving efficiencies surrounding processes.

A revised Procedure By-law is attached to this report as Appendix I. A summary of the substantive changes along with the red line version of the current Procedure By-law, are attached as Appendix IV. In addition, a Notice of Motion template as noted in the revised Procedure By-law, is attached as Appendix III.

In addition to amending the Procedure By-law, Staff are recommending changes to the current Delegation Policy. A revised Delegation Policy is attached as Appendix II. The red line version outlining the changes is attached as Appendix V. The changes add clarifying language, criteria and additional application protocol for delegations as well as expand the scope of the policy to include the Committees of Council.

### 6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

#### Pillar

4. Optimize Organizational Excellence

#### Priority

4.1 Streamline & Modernize

#### Action

4.1 a) Streamline Processes

### 7. OPTIONS

7.1 Option 1: Council approves changes to the draft Procedure By-Law and Delegation Policy for adoption and authorizes staff to draft an electronic meeting protocol

**(Recommended)**

7.2 Option 2: Council does not authorize amendments to the by-law beyond the previously approved changes *(Not Recommended)*

## 8. FINANCIAL IMPLICATIONS

There are no financial impacts to the adoption of the procedure by-law.

## 9. ENVIRONMENTAL IMPLICATIONS

There are no environmental impacts to the adoption of the procedure by-law.

## 10. COMMUNICATIONS

In accordance with Notice Provision By-law No. 3784-03 and Section 238(4) of the *Municipal Act*, a notice of a proposed change in a procedure by-law must be publicized ten days before the proposed enactment, and the public given an opportunity to speak to the By-law.

## 11. CONCLUSION

This report provides an overview of the changes proposed to the Procedure By-law and Delegation Policy. Staff respectfully recommends that the Committee approves the development of an electronic meeting protocol and authorizes the presentation of the attached draft By-law to Council for approval.

## 12. PREVIOUS REPORTS

- Report CS-23-013 Update of the Procedure By-law for Council and Committees and Introduction of a Delegation Policy

## 13. APPENDICES

- Appendix I – 2024-XX – Procedure By-law – Final Draft – Clean Copy
- Appendix II – 2024 – Delegation Policy – Final Draft – Clean Copy
- Appendix III – Notice Motion Template
- Appendix IV – 2024 – XX Procedure By-law – Final Draft with Markups and Summary of Substantive Changes
- Appendix V – 2024 – Delegation Policy – Final Draft – With Markups

Respectfully submitted:

**Prepared by:**



**Shaunna Arenburg**  
Deputy Clerk

**Submitted by:**



**Bruce Zvaniga**  
Chief Administrative Officer (Interim)

**Recommended by:**



**Grant Bivol**  
Town Clerk/Manager of Legislative Services

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 2025-XX**

**PROCEDURE BY-LAW OF THE CORPORATION OF  
THE TOWN OF NIAGARA-ON-THE-LAKE**

**WHEREAS** section 238(2) of the Ontario Municipal Act, 2001, S.O. 2001, c.25, as amended (the “Act”) requires every municipality and local board to pass a procedure by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** the Council of the Corporation of the Town of Niagara-on-the-Lake (the “Town”) deems it expedient to pass such a by-law.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE** enacts as follows:

- 1. DEFINITIONS:**
- 1.1. All capitalized words not defined in this section or elsewhere in this By-law shall have the meaning ascribed to them in the Act. The following terms have the following meanings: Committee of the Whole (COTW) consists of all members of Council and is broken down into two sections; Committee of the Whole – Planning and Committee of the Whole – General. COTW – Planning meetings will generally include all reports from the Community & Development Services Department, and all other departments shall report to COTW – General.
  - 1.2. “Accessible” means as defined in Provincial legislation. All meetings of Council will be held in a location that is inclusive and allows all residents to participate in Council’s proceedings.
  - 1.3. “Act” means the *Municipal Act*, S.O. 2001, c. 25, as amended or replaced from time to time.
  - 1.4. “Agenda” means the order of business for the Meeting which can be prepared electronically.
  - 1.5. “Amend” means a change in wording or substance of a motion prior to a decision of Council or COTW.
  - 1.6. “By-law” means a by-law of Council.
  - 1.7. “Chair” means the Member who is appointed at the Inaugural Meeting approved by Council, to act as the Presiding Officer at Meetings of COTW, and the member of a Committee selected by the Committee to act as the Presiding Officer at meetings of a Committee. The “Chair”

shall mean the seat of office or authority of the Presiding Officer at Meetings.

- 1.8. “Chief Administrative Officer” means the CAO of the Corporation of the Town of Niagara-on-the-Lake.
- 1.9. “Clerk” means the Clerk or designate of the Corporation of the Town of Niagara-on-the-Lake.
- 1.10. “Closed Meeting” means a meeting, or part of a meeting of Council or COTW which is closed to the public as permitted by the Municipal Act. Only the Lord Mayor and Councillors, designated staff and other persons specifically permitted by the Council, may attend pursuant to the criteria for closed meetings as set out in applicable Provincial legislation.
- 1.11. “Committee” means a Committee appointed by Council.
- 1.12. “Consent Motion” means a listing of items that include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, noncontroversial, routine matters and approved collectively by a single motion.
- 1.13. “Council” means the Town’s elected representatives, comprised of the Lord Mayor and Councillors, whether present or absent from a Meeting.
- 1.14. “Councillor” means a Member of Council, other than the Lord Mayor
- 1.15. “Defer” means to remove a main motion from consideration until such time as provided for in the deferral motion.
- 1.16. “Delegation” means an individual, group of individuals, firm or organization, who has submitted a request for delegation to the Clerk or Recording Secretary within the prescribed timelines to address COTW or Council in relation to a matter appearing on the agenda or which is within the jurisdiction and mandate of the COTW or Council to take action on.
- 1.17. “Deputy Lord Mayor” means a Member of Council who is appointed by by-law to act in the place of the Lord Mayor when the Lord Mayor is absent from the Town or absent through illness, or otherwise, or when the office is vacant, and while so acting, such Member has and may exercise all of the rights, powers and authority of Head of Council.
- 1.18. “Head of Council” means the Lord Mayor of the Town.
- 1.19. “Electronic Participation” means participation in a meeting called and held, in full or in part, via electronic means (including telephone, video conferencing, or via means of the internet) and with or without in-person attendance.
- 1.20. “Emergency” means any period of time during which an emergency has been declared to exist in all or part of a municipality by the head of Council or the Province of Ontario under sections 4 or 7.01 of the Emergency Management and Civil Protection Act. .

- 1.21. “Friendly amendment” means the motion under debate is amended with the consent of the mover and seconder for the purposes of enhancement or clarification of the intent of the motion, and without the requirement of an amending motion to be made.
- 1.22. “Lord Mayor” means the Head of Council of the Town.
- 1.23. “Main Motion” means a formal proposal, by a Member of Council or a Committee, whose introduction brings business before the Meeting for consideration.
- 1.24. “Majority Vote” means the affirmative vote of a majority of Councillors who are qualified to vote, after a quorum has been declared to be present at a meeting.
- 1.25. “Meeting” means any meeting of Council or COTW or of a Committee where a Quorum is present, and at which Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of Council or the Committee.
- 1.26. “Members” means the members of Council, and “Member” shall mean an individual member of Council.
- 1.27. “Motion” means a proposal, moved by a member (and if applicable seconded by another member) for the consideration of Council or COTW or Committee.
- 1.28. “Non-Pecuniary Interest” means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity.
- 1.29. “Notice of Motion” means a written notice received by the Clerk’s Office, given by a member, advising Council that the motion described will be brought forward at a subsequent meeting.
- 1.30. “Open Meeting” means a meeting which is open to the public
- 1.31. “Pecuniary Interest” means a direct or indirect financial impact in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50.
- 1.32. “Point of Order” means a concern about the order in which business is being considered, or about a procedure or procedures being used in the course of a meeting.
- 1.33. “Point of Privilege” means a concern about the health, safety, rights or integrity of the Member, Committee, or anyone present at the Meeting;.
- 1.34. “Presiding Officer” means any of the Lord Mayor, Deputy Lord Mayor or any other member of Council who is presiding over Council

or a Committee. It shall also refer to the Chair, or Vice-Chair, when presiding over a Meeting of COTW.

- 1.35. "Proceedings By-law" means a by-law passed at the conclusion of a meeting confirming the actions taken at the meeting in respect to each resolution and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.
- 1.36. "Public Meeting" means a meeting of Town Council conducted pursuant to the Planning Act or other provincial legislation.
- 1.37. "Quorum" means a majority of the Members.
- 1.38. "Reconsideration" means revisiting a previously decided motion of the Council for the purpose of rescinding the motion or changing the core purpose and intent of the motion.
- 1.39. "Recorded Vote" means a written record of the name and vote of each Member who votes on a question and of each Member present who does not vote.
- 1.40. "Recording" means the action of recorded sound and/or video for subsequent reproduction or broadcast.
- 1.41. "Recording Device" means any device used for the purpose of recording whether it be analogue, digital or other means, including but not limited to computers, cell phones, smartphones, tablets, voice records, cameras or any other similar device.
- 1.42. "Refer" means to remove a main motion from consideration by directing the matter to staff/Committee for the provision of additional information.
- 1.43. "Regular Meeting" means a meeting of COTW or Council held at the times and dates specified in this by-law and approved by Council as part of an annual calendar
- 1.44. "Roberts Rules" means a widely used manual of parliamentary procedure which contains rules of order for meetings and is a recognized guide to conduct meetings effectively and fairly.
- 1.45. "Special Meeting" means a separate meeting of Council or Committee held at a time different than a Regular Meeting and which is focused on one or more particular and specific items or subjects.
- 1.46. "Spring Break" means the week(s) designated as spring break by the District School Board of Niagara and the Niagara Catholic District School Board.
- 1.47. "Statutory Holiday" means such dates proclaimed as holidays in the *Holidays Act*, R.S.C, 1985, c. H-5, as amended, and in the *Legislation Act*, 2006, S.O. 2006, as amended.

- 1.48. "Two Thirds Majority" means for the purposes of voting two thirds (2/3) of all members present at the vote and not prohibited by statute from voting.
- 1.49. "Town" means The Corporation of the Town of Niagara-on-the-Lake
- 1.50. "Vice Chair" means, with respect to the COTW, a Member who is appointed by the Lord Mayor and the member of a Committee who is appointed by the Committee to act in place of the Chair at a Meeting of COTW or a Committee, as the case may be, when the Chair is absent from the Town or absent through illness, or otherwise, or when the office is vacant, and while so acting, the Vice Chair shall and may exercise all of the rights, powers and authorities of the Chair as Presiding Officer of COTW or Committee.
- 1.51. "Workshop" means a meeting convened for the purpose of education or training the Members, for providing the Members with information.

## 2. GENERAL

In all proceedings of Council, the COTW and Committees of Council, the following rules shall apply and be observed.

- 2.1 The Meetings shall be open to the public and no person shall be excluded except for improper conduct or for closed session meetings as per the Municipal Act.
- 2.2 No item shall be placed on the agenda with respect to a matter which is not within the jurisdiction of Council unless the opinion of Council confirmed by majority vote determines it to be so. The Lord Mayor and/or Chair, in consultation with the Clerk, can also determine if a matter is within the jurisdiction of Council.
- 2.3 Any rule contained in this by-law may be temporarily suspended, except for those rules that are set out by legislation, with the consent of at least two-thirds (2/3) vote of the Council members in attendance. This should be restricted to cases of extreme urgency.
- 2.4 All procedures not specifically provided for in this by-law, in the Act, or by the Revised Statutes of Ontario or Regulations, or otherwise encompassed in Roberts Rules, shall be decided by a motion duly put and passed by a majority vote.
- 2.5 The Clerk will be responsible to interpret the rules of procedure under this by-law.
- 2.6 Should any provision of this By-law be or become in conflict with any statute of the Province of Ontario or with any specific procedure approved by Council and still in effect for certain matters, the statute or specific procedure shall prevail.

- 2.7 No person other than a member of Council and officials of the Corporation shall, without the prior permission of the presiding officer, be allowed past the podium.
- 2.8 Following a municipal and school board election, the Clerk shall provide each member of Council with a copy of this by-law, including any amendments thereto.

### 3 USE OF ELECTRONIC DEVICES

Members and members of Committees shall devote their complete and undivided attention to the business at hand at the Meeting and shall only use the iPad and/or laptop provided by the Town. Cell phones, personal tablets, and other electronic devices shall not be used by Members and members of Committees, during Meetings unless use of their personal device is required for visibility or accessibility reasons, without the prior consent of the Chair and if so approved, such devices shall be used during the meeting exclusively to facilitate participation.

### 4 MEETINGS OF COUNCIL

#### ***Inaugural Meeting***

- 4.1 The inaugural Meeting of the new Council shall be held within five (5) business days after the new Council takes power as per the *Municipal Elections Act*. The inaugural Meeting is to be set by the Lord Mayor as to time and location. Any reception following the inaugural proceedings will be open to the public in attendance.
- 4.2 At the inaugural Meeting of each new Council, a Deputy Lord Mayor will be filled by by-law, by the Councillor who received the greatest number of votes in the election, who in the absence of the Lord Mayor shall act in his/her place and shall preside at the Council Meetings with all powers and obligations of the Lord Mayor.
- 4.3 At the inaugural Meeting of the new Council, the Lord Mayor shall nominate for approval by Council, the appointments to the Chair for each COTW meeting. The Chairs shall rotate every three (3) months and the schedule of rotations shall be updated every two (2) years with every Councillor being a Chair at least once in the term of Council.

#### ***Schedule of Meetings***

- 4.4 The Clerk will prepare a schedule of Meetings for Council, COTW Planning and COTW General in the current year for the next year, well in advance, for Council consideration. The Meeting schedule will be determined such that a Meeting shall not fall on a Statutory Holiday or on the Tuesday of Spring Break.

- 4.5 The time of the Council and COTW General Meetings will be 6:00 p.m., unless otherwise called by the Lord Mayor. The time of the COTW Planning Meeting will be 6:00 p.m., unless otherwise called by the Lord Mayor. Committees of Council will meet at a time that is convenient for its members and requisite Town staff.
- 4.6 Councillors will advise the Clerk if they are unable to attend a regular or Special Meeting. If the Clerk becomes aware that a quorum will not be available for a scheduled meeting, the Clerk shall notify the Lord Mayor and make the necessary arrangements to cancel and / or reschedule the meeting to an alternate date and time.
- 4.7 The Clerk may in consultation with the CAO send out calendar dates to hold for potential future meetings as may be required.
- 4.8 No meeting of COTW or Council shall be held in the absence of Clerk or their designate, including Closed Session meetings, in accordance with the requirements of the *Municipal Act*, as amended.

#### ***Cancellation of Meeting***

- 4.9 If it is determined by the Lord Mayor that there is insufficient business on the Agenda to justify the holding of a scheduled Meeting, the Lord Mayor has the authority to cancel the scheduled Meeting. Notice of cancellation of the Meeting shall be provided to all Members and to the public no later than noon on the Friday of the week preceding the scheduled Meeting which is to be cancelled.

#### ***Extension of Meeting***

- 4.9 All meetings of Council, COTW General or All meetings of COTW Planning will adjourn when all business on the agenda is complete, or at 10:00 p.m., whichever is earlier.
- 4.10 Where the business before Council, COTW-General or COTW-Planning has not been completed by either 10:00 p.m., a motion may be passed by two-third (2/3) vote of the Councillors present to proceed beyond the hour as noted to continue any unfinished business.
- 4.11 No meeting will proceed beyond 11:00 p.m..
- 4.12 Unless directed otherwise prior to the adjournment of the meeting, any unfinished business will be discussed at the next scheduled meeting.

#### ***Special Meeting***

- 4.13 The Lord Mayor may at any time call a Special Meeting whenever requested by a majority of the other Members.
- 4.14 The CAO may request a Special Meeting be called in consultation with the Lord Mayor should an urgent matter arise.

- 4.15 Notice of the Special Meeting shall be delivered to each Councillor as expeditiously as possible and should include an agenda which shall set out the matter(s) to be considered.
- 4.16 No business may be dealt with at a Special Meeting of Council other than that specified on the agenda.

### ***Electronic Meetings***

- 4.17 Members of Council, Committees of Council may participate electronically in any regular Council, Special Meeting or Committee Meeting.
- 4.18 Members appearing virtually must for the purpose of quorum have their camera on at all times, unless otherwise given permission by the presiding officer.
- 4.19 Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting and shall be entitled to vote as if they were attending the meeting in person.
- 4.20 A member participating electronically may be required to verbally affirm their vote by the Chair.
- 4.21 An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public.
- 4.22 An Electronic Meeting shall permit public delegations in accordance with the Town's Delegation Request Policy.
- 4.23 Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Lord Mayor, in consultation with the Clerk, shall have the authority to modify the Rules of Procedure to ensure Members can effectively participate in the meeting.
- 4.24 The Clerk, in consultation with the Lord Mayor, shall establish practices and procedures for electronic participation.
- 4.25 Artificial Intelligence (AI) invitations are not permitted for the purposes of notetaking or otherwise.
- 4.26 Members and delegations participating electronically are required to do so from an environment conducive to participating in a meeting.
- 4.27 Members must notify the Clerk or recording secretary at least 24 hours prior to the meeting of their intent to participate electronically.
- 4.28 The meeting shall begin with a roll call to determine which members are participating electronically. Members will be required to audibly indicate their presence, or they will be noted as absent.
- 4.29 The Chair is not permitted to preside over a hybrid meeting remotely by electronic means, unless in the case of an emergency. The Vice-Chair, or in the absence of the Vice-Chair, another Member, attending in

person shall preside over the meeting. This rule does not apply to fully virtual meetings.

- 4.30 Members shall not be permitted to share their screen electronically unless granted permission from the Chair.
- 4.31 Should a delegate wish to present electronically the regular rules of delegations as set out in the policy will apply.
- 4.32 The Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk.

## 5 NOTICE OF MEETINGS

- 5.1 The Clerk will provide notice to the public of all meetings of Council and COTW-General and COTW-Planning, agendas, cancellations and rescheduling by:
  - a) posting the annual meeting schedule on the Town's website;
  - b) updating the Town's website calendar within twenty-four (24) hours of any changes made to the schedule.The Staff Liaison will post the same for all Committees of Council.
- 5.2 Notice of Special Meetings called in accordance with this by-law shall be sent electronically to each member so as to be received not later than 24 hours before the hour appointed for the Special Meeting.
- 5.3 An emergency meeting may be held, without written notice, to deal with an emergency situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.

## 6. CLOSED SESSION

- 6.1 In accordance with Section 239(2) of the *Municipal Act*, S.O. 2001, c. 25, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
  - (a) the security of the property of the municipality or local board;
  - (b) personal matters about an identifiable individual, including municipal or local board employees;
  - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

In accordance with Section 239(3) of the *Municipal Act*, S.O. 2001, c. 25, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

6.2 Prior to holding a Meeting or part of a Meeting that is to be closed to the public, Council, COTW or Committees of Council shall pass a motion stating:

- 1) the fact of the holding of the closed Meeting;
- 2) the specific provision under the *Municipal Act* that permits the item to be considered in a closed session; and
- 3) the general nature of the matter to be considered.

- 6.3 Councillors are not permitted to discuss any additional matters during a closed session.
- 6.4 When in a closed meeting a vote will not be taken unless the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.
- 6.5 On reconvening in an open meeting the Chair will accept a motion regarding the matters discussed in the closed meeting, or alternatively advise that direction has been given during the closed session in accordance with the Municipal Act.
- 6.6 The use of electronic devices, other than devices containing meeting information by Councillors during a closed meeting is strictly prohibited. Under no circumstance is a Councillor to record the proceedings. However, the Clerk or designate may utilize a recording device as a transitory means to facilitate preparation of the official minutes.

## 7 CONDUCT OF MEETINGS

### ***Calling Council Meeting To Order***

- 7.1 As soon after the hour set for the Meeting, or as soon after the hour as set by the notice calling a Special Meeting, a quorum is present, the Lord Mayor or Presiding Officer shall take the chair and call the meeting to order.
- 7.2 In the event the Lord Mayor is not present within fifteen (15) minutes of the time appointed for the Meeting, and a quorum is present, the Deputy Lord Mayor shall call Council to order and shall preside during the Meeting or until the arrival of the Lord Mayor.
- 7.3 In the absence of the Lord Mayor, or if his or her office is vacant or if they refuse to act, and in the absence of the Deputy Lord Mayor, the Clerk shall call Council to order and, if a quorum is present, the Members shall choose a Presiding Officer by a majority vote and the Presiding Officer shall have all of the powers of the Lord Mayor during such absence or vacancy or refusal to act.
- 7.4 If there is no quorum present within fifteen (15) minutes after the hour set for a regular Meeting of Council or within fifteen (15) minutes of the hour appointed in the notice calling a Special Meeting, the Clerk shall call the roll and record the names of the Members that are present and Council shall stand adjourned until the next regular Meeting or until any Special Meeting is called.
- 7.5 Where the number of members who are unable to participate in a meeting by reason of the provisions in the *Municipal Conflict of*

*Interest Act*, R.S.O. 1990, c.M. 50, such that at the meeting the remaining members are insufficient to constitute quorum, the remaining members will be deemed to constitute a quorum.

- 7.6 If during the course of a meeting, quorum is lost, the Chair will declare the meeting recessed temporarily or adjourned until the date of the next scheduled meeting.

8 **MEETING AGENDA**

- 8.1 Prior to each Meeting, an Agenda complete with all documents referenced in the Agenda shall be prepared to be brought before Council and COTW.
- 8.2 The agenda for each regular Council and COTW-General COTW-Planning meetings will be posted to the Towns website no later than the Thursday evening preceding the meeting. Agendas for Committees of Council will be posted to the Towns website no later than 4:00 p.m. the Friday preceding the meeting.
- 8.3 The agenda for a Special Meeting will be posted on the Town's website not less than twelve (12) hours before the time set for such meeting.
- 8.4 All reports, notices, motions and any other material to be included in the agenda for a regular meeting (save and except those previously introduced at a meeting via Notice of Motion) shall be delivered to the Clerk, by 9:00 a.m. on the Thursday preceding the meeting.
- 8.5 Delegations are added to the Agenda as per the Delegation Policy of Council attached as Schedule "A", which is subject to change.

***Order of Business – Council and COTW***

- 8.6 As soon as a Meeting is called to order the business of the Meeting shall be dealt with in the following order:
- a) Call to Order
  - b) Focus Statement \*
  - c) O Canada\*
  - d) Adoption of Agenda
  - e) Conflict of Interest
  - f) Closed Session (if applicable)
  - g) Adopt Council and Committee of the Whole Minutes\*
  - h) Public Meetings
  - i) Next COTW and Council Meeting Dates\*
  - j) Lord Mayor's Report\*
  - k) Members' Announcements\*
  - l) Delegations
  - m) Response to Delegations from Council
  - n) Presentations

- o) Recommendation Reports
- p) Information Reports and Information Items
- q) Adopt Committees of Council Minutes\*
- r) Motions\*
- s) Notice Of Motion
- t) By-Laws\*
- u) Adjournment

\* Not Applicable in COTW

8.7 The order of business may be affected without requiring amendment to this by-law at the discretion of the Clerk, in consultation with the Lord Mayor, and all business shall be dealt in the order on which it appears on the agenda unless otherwise decided by Council on a majority vote under Adoption of Agenda.

8.8 Adoption of Agenda

- 1) The agenda for a meeting shall be adopted by a resolution at the start of the meeting.
- 2) Any matter may be deleted or deferred from the agenda by majority vote with the exception of the items which may be removed by the applicable party or Town Staff prior to the start of the meeting.
- 3) In the absence of a Notice of Motion, the addition of any new time-sensitive business shall require a two-thirds (2/3) vote of the Members present in order to be added to the agenda.

### ***Delegations***

The Delegation Policy of Council, attached as Schedule "A" shall govern the delegation process. Council may vary from the Delegation Policy with a vote of two-thirds (2/3) of the members of Council in attendance.

### ***Questions / Speaking***

- 8.9 Councillors will be permitted to ask each delegate questions at a time directly relating to the matter under consideration.
- 8.10 A Councillor may ask a question only for the purposes of obtaining facts relevant to the matter under discussion and necessary for clear understanding. Questions are not to be used as a means of making statements.
- 8.11 All Councillors will address their questions through the Presiding Officer.
- 8.12 The Presiding Officer will recognize the Councillors who wish to speak in the order that they come to their attention.

- 8.13 The Lord Mayor is addressed as “Lord Mayor (surname)” or as “Your Worship”. A Councillor is addressed as “Councillor (surname)”.

***Public Meetings convened under the Planning Act, R.S.O. 1990, c. P.13,***

- 8.14 Speakers will be permitted without prior registration during any public meeting. The Town will provide an online registration form on the Town website where residents can register to speak.
- 8.15 Speakers heard during a public meeting will be permitted to speak for a maximum of five (5) minutes.
- 8.16 Speakers will only be permitted to speak once during a public meeting.
- 8.17 During a public meeting, if an individual provides written comments to the Town, the individual cannot address the same content during the public meeting process.

***Lord Mayor’s Report***

- 8.18 The Lord Mayor’s Report shall be prepared on the Lord Mayor’s letterhead and provided to the Clerk for inclusion on the agenda no later than 12 p.m. (noon) the Wednesday prior to the meeting.
- 8.19 In the year of a regular municipal election the Lord Mayor’s Report will not be permitted between the first day of the nomination period and voting day, as defined by the Municipal Elections Act, 1996

***Members Announcements***

- 8.20 A Member shall be permitted to make an announcement, which shall be for the sole purpose of informing other Members and the general public on items of interest, such as recognizing exceptional events, groups, people, achievements and to raise public awareness of important issues in the Town.
- 8.21 Announcements by Members shall be provided in writing to the Clerk for inclusion on the agenda no later than 12 p.m. (noon) the Wednesday prior to the meeting.
- 8.22 Announcements shall not include personal comments on pending or past Council business; or to raise issues of a personal nature. Announcements shall not be permitted where practically the same result of the announcement is more appropriately obtained through some other parliamentary motion.
- 8.23 In the year of a regular municipal election, announcements will not be permitted between the first day of the nomination period and voting day, as defined by the Municipal Elections Act, 1996.

9 **BY-LAWS**

- 9.1 Every by-law being considered will be listed on the Council agenda by an identifying number, followed by a description of the intention of the by-law.
- 9.2 Every by-law will be in writing and shall require at least one (1) reading prior to being enacted by Council.
- 9.3 Unless separated at the request of a Councillor, all by-laws proposed for adoption will be passed collectively by a single motion.
- 9.4 The Clerk is authorized to make minor corrections to any by-laws results from technical or typographical errors prior to the by-law being signed.
- 9.5 Every by-law which is enacted by Council shall be signed by the Lord Mayor, or Presiding Officer who presided at the Meeting at which the by-law was passed, and by the Clerk and sealed with the seal of the Corporation and becomes part of the official record.
- 9.6 A by-law will be passed for each regular or special Council meeting to confirm the proceedings.

## 10 MINUTES

- 10.1 The minutes of each Council, Special Council or COTW meeting shall be presented at the next regular Council meeting.
- 10.2 Minutes shall be recorded in accordance with the provisions of the Municipal Act.
- 10.3 The minutes shall record:
  - 1) the place, date and time of meeting;
  - 2) the name of the Chair, and the attendance of Council and staff.  
Should a Member leave prior to adjournment, the time shall be noted;
  - 3) all declarations of conflicts of interest;
  - 4) the motions considered and votes taken by Council; and
  - 5) except as provided elsewhere in this by-law, all the other decisions or authorized actions without note or comment;
  - 6) the time of adjournment
- 10.4 The minutes of each meeting of the Committees of Council shall be presented to Council.
- 10.5 The Clerk shall be authorized to make minor technical or clerical corrections to the minutes after they have been adopted, so long as the intent and integrity of the information and/or resolution is not changed
- 10.6 Should a Member wish to lift an item from the Minutes of COTW for discussion at a Council meeting, the Member shall notify the Clerk in writing no later than 12 p.m. (noon) the day of the meeting, with the resolution and/or item number, and indicate the nature of the reason for additional discussion.

- 10.7 Should an item lifted from COTW be lifted for the purposes of voting, if the outcome is approval of the resolution any corresponding by-laws on the Council agenda shall immediately be moved up and voted on.
- 10.8 A Member may only lift an item from the Previous Minutes of Council or Previous Minutes of Committee of Adjustment in order to correct errors or omissions, which changes shall require a majority vote of Council.

## 11 NOTICE OF MOTION

- 11.1 A notice of motion is a written notice given prior to introduction by a Member of Council of their intent to introduce the matter for consideration by Council at a subsequent meeting. Before introducing a notice of motion, a Member of Council is encouraged to consult with the appropriate members of Town staff and the Chief Administrative Officer regarding the subject matter of their notice of motion. A Member of Council may only introduce a notice of motion by providing the Clerk a written copy of the notice of motion, duly signed by the mover and a seconder, no later than noon (12 p.m.) on the Wednesday prior to the Council/COTW for introduction.
- 11.2 A notice of motion must have a seconder before it is included on the agenda. The seconder must confirm their approval in writing to the Clerk by the deadlines indicated in section 11.1.
- 11.3 The notice of motion shall be printed in full on the agenda under Notice of Motion and shall come forward at a subsequent meeting under Motions to be considered at that time.
- 11.4 A notice of motion shall only be introduced at COTW and Council meetings.
- 11.5 Upon receipt of a notice of motion, the Clerk shall have discretion to determine if the Notice of Motion is properly the subject matter of a Closed Session meeting. If the Clerk so determines and if matter is permitted to be discussed in Closed Session pursuant to section 239 of the Municipal Act, 2001, the Clerk shall so advise the Member, and the Member must provide a Notice of Motion to be read in Open Session and a detailed Notice of Motion to be read in Closed Session. Both motions will be printed on the agenda and read in full, for consideration at the next meeting.
- 11.6 It is at the discretion of the Clerk and Chair to determine if a Notice of Motion is out of order and not include it on the agenda, which shall include, but shall not be limited to:
  - (a) Litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals.
  - (b) Matters beyond the jurisdiction of the Town.

(c) Information contained in the motion has been determined to be false or misleading and requires correction

- 11.7 Members are encouraged to consult with the CAO and/or Directors to ensure any technical information contained within the notice of motion is accurate, actionable, and aligns with Council's Strategy Priorities. For greater clarity, despite being consulted on technical information contained within a notice of motion, Town staff shall not be required to agree with the merits of the motion being presented by a Member of Council, nor shall consulting with Town staff be construed as approval of such motion.

## 12 INFORMATION PACKAGES

Communications including emails, correspondence and other such documents for the attention of Council, other than reports and memos from staff, shall be included in the Council Information Package which is distributed on Thursdays on a weekly basis as necessary. The Clerk or designate, in consultation with the Chief Administrative Officer, as may be required, shall determine the contents to be included in the Council Information Package. The Information Package may include but is not limited to resolutions from other municipalities, correspondence from the Niagara Region, correspondence from Boards, Commissions, Federal Agencies, and the Chamber of Commerce, Town Media Releases and Statements, Notices, Annual Reports from the IPC, Ombudsman, and MPAC and items requested to be included by the Lord Mayor or Members of Council. The Clerk or designate is authorized to exclude items outside of municipal jurisdiction, repetitive motions and resolutions as well as correspondence in support of motions and resolutions previously provided to Council.

No later than 12:00 pm (noon) on the Monday following distribution, any Member may raise a communication that is listed in the Council Information Package by requesting that it be included in the agenda update/addendum for the subsequent meeting.

## 13 RULES OF DEBATE AND DECORUM

- 13.1 Council Members shall govern themselves according to Council's Code of Conduct and Council-Staff Relations Policy.
- 13.2 Council Members shall, unless for a medical reason or otherwise instructed to do so, remain seated during all proceedings.
- 13.3 Members must address the presiding Member by their title of Chair/ Lord Mayor, Vice-Chair/Deputy Lord Mayor.

- 13.4 The Presiding Officer shall preside over the conduct of the meeting including the preservation of order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.
- 13.5 If the Presiding Officer desires to take part in a debate or to leave the chair for any other reason, the Presiding Officer shall appoint another Member to act until the Presiding Officer resumes the chair.
- 13.6 Every member desiring to speak shall raise their hand so in order to be recognized by the Presiding Officer.
- 13.7 Every Member, who wishes to speak to any question, motion or matter shall address their remarks through the Presiding Officer.
- 13.8 When two (2) or more Members arise to speak at the same moment, the Presiding Officer shall name the Member who shall speak first.
- 13.9 When the Presiding Officer is putting a question or motion, no Member may leave their place or make any noise or disturbance until the result is declared.
- 13.10 A Member may ask a question only for the purpose of obtaining facts relevant to the matter for a clear understanding. All questions will be stated succinctly and will not be used as a means of making statements or assertions.
- 13.11 Members are encouraged to provide questions to Town staff prior to the Meeting in order to foster an informed discussion.
- 13.12 A member called to order by the Presiding Officer shall immediately cease further comment and may appeal the call to order to Council. Council, if appealed to, shall decide on the case without debate and by way of a majority vote of the members present. If there is no appeal, the decision of the Presiding Officer shall be final.
- 13.13 No Member shall:
- 1) use offensive words or speak disrespectfully of the Mayor, Members of Council, staff or the public;
  - 2) speak on any subject other than the subject under debate;
  - 3) speak to any question or matter and immediately thereafter present a motion
  - 4) speak in contempt of any decision of Council;
  - 5) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or
  - 6) interrupt a Member who has the floor except to raise a point of order, to ask a question of privilege, to ask a question of Quorum, to ask that the vote be taken again.
  - 7) refuse to obey the rules, or

8) disobey the rules or decisions of the Presiding Officer on questions of points of order or privilege, or upon the interpretation of the Rules of Procedure.

- 13.14 In the case of a Member using offensive words, refusing to obey the rules or refusing to obey the orders of the Presiding Officer, the Presiding Officer may order the Member to leave the Meeting. If an apology, in the opinion of the Presiding Officer, is made by the offending Member, the Member may be permitted, by a majority vote of those Members present, to resume the Member's seat or to resume addressing the Members of the Meeting as the case may be.
- 13.15 Any Member at any time during debate, but not so as to interrupt a Member then speaking, may request that the question, motion or matter under discussion be read.
- 13.16 No Member, without leave of the Presiding Officer, shall speak more than once to the same question, motion or matter except in explanation of a material part of the speech which may have been misconceived and, in doing so shall not introduce any new matter. No Member will be permitted to speak a second time on an item of business until every Councillor who desires to speak has spoken.
- 13.17 No Member, without leave of the Presiding Officer, shall speak to the same question, motion or matter or in reply, for no longer than five (5) minutes, except that a Member who has moved a main motion or resolution shall be allowed to reply.
- 13.18 Non-alcoholic beverages may be consumed, but food shall not be permitted in the Council Chambers during a Meeting.
- 13.19 The Presiding Officer may expel or exclude from any Meeting any person who:
- a) Addresses Council without permission;
  - b) Engage in an activity or behavior or make an audible noise that could affect the Council meeting or deliberations;
  - c) Bring any signs or placards into the meeting location;
  - d) No person shall make detrimental comments, speak disrespectfully or malign the integrity of the Lord Mayor, Members of Council, Staff or the Public.
- 13.18 Any person who contravenes any provision of this section may be expelled from the meeting by the Presiding Officer
- 13.19 The Presiding Officer shall rule on improper conduct and the decision is final and not subject to appeal.

## 14 PRIVILEGE AND ORDER

### ***Question of privilege***

14.1 If a Member of Council believes that their individual rights, privileges or integrity or those of the Members collectively have been prejudicially affected, the Member asks the Presiding Officer to raise a question of privilege.

a) The Member making the request is not permitted to enter into any argument or introduce any motion related to the question of privilege.

b) A question of privilege suspends debate on the matter under consideration at the time until the question is decided.

### ***Integrity of Staff***

14.2 If the Presiding Officer determines that the integrity of a staff member has been impugned or questioned, the Presiding Officer may permit the CAO or most Senior Manager present to make a statement to Council.

### ***Point of order***

14.3 When a Member of Council wants to call attention to a violation of these rules, the member may raise a point of order. Upon recognition by the Presiding Officer, the Member states the point of order succinctly and the Presiding Officer decides upon the point of order.

### ***Appeal***

14.4 Unless a Member of Council immediately appeals the Presiding Officer's decision to the Council, the decision of the Presiding Officer is final.

14.5 If the decision of the Presiding Officer is appealed, a seconder is required and the members decide whether the ruling of the Presiding Officer is to be sustained without debate and its result is final.

14.6 Notwithstanding section 15.3, a motion to appeal the decision of the Presiding Officer is always in order and has no ranking below other motions.

## **15 MOTIONS**

### ***Motions Generally***

15.1 All substantive motions requires a mover and if applicable a seconder before being put on the floor for debate. When a motion is presented, it shall be read by the Clerk before debate.

15.2 After a motion is read by the Clerk, it shall be deemed to be in the possession of the Members but, with the permission of the Members, may be withdrawn at any time by the mover of the motion before decision or amendment.

15.3 When a Main Motion is under debate, no other motion shall be received except a motion for the following purposes:

- 1) to postpone indefinitely (deferral motion without a specific meeting date);
- 2) to amend;
- 3) to refer;
- 4) to postpone to a definite time; (deferral motion with a specific meeting date);
- 5) to limit debate or extend debate;
- 6) to move the previous question or questions;
- 7) to table the Main Motion;
- 8) to suspend the rules of procedure;
- 9) other procedural motions, such as point of order or privilege, as deemed appropriate by the Presiding Officer.

15.4 Whenever the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges contained in this by-law, the Presiding Officer shall advise the Members and shall cite the rule applicable.

15.5 A motion beyond the jurisdiction of Council shall not be in order except a matter that, in the opinion of the majority of Council, has to do with the welfare of citizens generally. The question of the opinion is to be decided without debate.

#### ***Motion to Reconsider***

15.6 Any proposal to reconsider, amend or rescind a previous decision of Council made within its current term shall require a motion of reconsideration.

15.7 A motion to reconsider a previous decision of Council at a subsequent meeting:

- a) may only be introduced by a Councillor who was present at the meeting and voted in the majority when the decision was made or who was not present at the meeting when the decision was made;
- b) will be introduced as a notice of motion;
- c) requires an affirmative vote of two-thirds vote of the Councillors present.

15.8 The mover of the reconsideration will specify whether the reconsideration will address the entire original decision or part of the original decision.

15.9 Debate on a motion for reconsideration will be confined to reasons for or against reconsideration.

15.10 Discussion of the previous decision will not be in order until the motion to reconsider has been adopted.

- 15.11 Where the motion to reconsider is approved, reconsideration will become the next order of business unless the motion to reconsider included direction to postpone reconsideration to a definitive date.
- 15.12 A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution in legally binding commitments that are in place on the date of the motion to reconsider is considered by Council.
- 15.13 A decision of Council can only be reconsidered once during a term of Council. A motion to reconsider a previous reconsideration will never be in order.

## 16 VOTING

Voting will be conducted in the following order:

- a) amendment to any amending motion;
  - b) the amending motion;
  - c) the main motion (as amended or as originally presented).
- 16.1 The Presiding Officer shall, except when disqualified to vote by reason of conflict of interest or otherwise, vote with the other Members on all motions.
- 16.2 When the motion under consideration contains multiple recommendations, a Councillor may request that the vote be taken separately on each recommendation and not vote will be required to be taken on the matter as a whole.
- 16.3 Any motion on which there is a tie vote shall be deemed to be defeated.
- 16.4 Every Member present at a meeting is required to vote on every question when the question is put by the Presiding Officer, unless the Member has declared a conflict of interest in the question in accordance with the Municipal Conflict of Interest Act. If a Member refuses to vote and is not excused from the vote through a conflict of interest, the Member shall be deemed to have voted in the negative.
- 16.5 No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect.
- 16.6 Except as provided elsewhere in this by-law, a motion will be considered carried when a majority of the Councillors present and voting have voted in favour of the motion. The manner of determining the decision of the Meeting on a motion shall be at the discretion of the Presiding Officer.
- 16.7 A Member may request a recorded vote immediately before a vote is taken upon any question, motion or matter, and the names of those who vote for and those who vote against the question motion or matter shall be recorded in the minutes.

- 16.8 When a Member requests a recorded vote during a Meeting, that Member is to start the voting, and then all other Members in alphabetical order with the Presiding Officer voting last, shall announce his or her vote openly and the Clerk shall record each vote.
- 16.9 Voting can be conducted via electronic software (eScribe) at the discretion of the Town Clerk or Presiding Officer. If a vote is called electronically and a member is unable to participate due to technical error they may be required to verbally affirm their vote by the Chair.

## 17 CONFLICT OF INTEREST - DISCLOSURE

### ***Conflict of Interest***

- 17.1 It is the responsibility of each Member to identify and disclose a pecuniary interest or a non-pecuniary interest on any item or matter before Council, COTW or Committee of Council in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, and shall include a description of the general nature of the pecuniary interest(s) or non-pecuniary interest(s) and a reference to the agenda item or items to which the statement relates general nature of the conflict.
- 17.2 At a meeting where a member discloses such an interest as described in 16, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk. The Clerk shall establish and maintain a registry of each such statement filed and each declaration arising from a non-public meeting which shall be available on the Town's website.
- 17.3 The Clerk will record the particulars of any disclosure of pecuniary interest or non-pecuniary interest made by the members of Council in the minutes of that meeting.

## 18 COMMITTEES

### ***Rules in Committees***

The rules of the Council, so far as the same may be applicable, shall be observed in COTW and in Committees of Council except that no Member shall be limited in the number of times of speaking to any proposition, matter or question being discussed by the said Committee.

### ***Committees of Council***

- 18.1 The Council may establish and appoint Committees of Council to consider a specific matter.
- 18.2 The Committees as of the date this by-law was passed, in addition to any specific duties as herein prescribed, or as may be set out by further resolution or terms of reference the following shall be followed:

- 1) To consider and to report on any and all matters referred or requested to them by Council. 2) To adhere, in the transaction of all business, to the rules prescribed by by-laws.
- 18.3 Members of the Council may attend all meetings of a Committee to observe the proceedings and shall not be entitled to speak and vote unless they have been appointed by resolution to the Committee. Members who are not appointed to the Committee will not receive login details for electronic meetings, rather the Member can view the meeting using the livestream.
- 18.4 If a member is absent for three consecutive meetings they may be removed from the Committee.
- 18.5 Each Committee shall report to Council according to their Terms of Reference. Following each Committee meeting, minutes will be circulated to Committee members for identification of errors or omissions prior to Council receiving and/or approving minutes as per Terms of Reference.
- 18.6 Members shall declare any conflict of interest in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, and shall include a description of the general nature of the pecuniary interest(s) and a reference to the agenda item or items to which the statement relates general nature of the conflict.
- 18.7 At a meeting where a member discloses such an interest as, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk or designate. The Clerk or designate shall establish and maintain a registry of each such statement filed and each declaration arising from a non-public meeting which shall be available for public inspection during the Town's normal business hours.

#### ***Notice of Meetings of Committees***

- 18.8 Written notice of each regular and Special Meeting of each Committee shall be sent to each member of the Committee by the Recording Secretary so that each member of the Committee shall receive the notice.
- 18.9 The Recording Secretary will post the meeting agenda to the Towns website no later than 4:00 p.m. the Friday preceding the meeting.

#### ***Conduct Of Meetings Of Advisory and Quasi-Judicial Committees***

- 18.10 Each Committee shall from among its members, appoint a Chair and a Vice-Chair unless Council otherwise provides at the time of the appointment of such Committee.

- 18.11 The Chair shall preside at every Meeting and may vote on all questions submitted.
- 18.12 In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair during the Meeting or until the arrival of the Chair.
- 18.13 There shall be a Staff Liaison and Recording Secretary for each Committee.
- 18.14 When Committees are established by resolution of Council, the Terms of Reference are to be created by Town Staff outlining the composition of the Committee and its mandate, which shall be adopted by Council.
- 18.15 A majority of the members of any Committee of Council shall constitute a Quorum, with the exception of the Committee of Adjustment in accordance with the *Planning Act*.
- 18.16 The meetings of Committees shall be open to the public and no person shall be excluded, except for improper conduct or for closed session meetings as per the *Municipal Act*.
- 18.17 The members of all Committees shall conduct themselves in accordance with the Advisory Committees of Council Policy and Procedure.

19. REPEAL OF PREVIOUS BY-LAW

- 19.1 That By-law 5508-23 and all amendments to the Procedure By-law are hereby repealed.
- 19.2 This by-law shall take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25<sup>TH</sup> DAY OF MARCH, 2025

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LORD MAYOR GARY ZALEPA

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TOWN CLERK GRANT BIVOL

**SCHEDULE 'A'**

**DELEGATION POLICY**

DRAFT

## **SCHEDULE 'B'**

### **MOTIONS AS SET OUT IN ROBERT'S RULES OF ORDER**

- *Main Motion or Resolution*

A Main Motion or resolution is fully debatable and may be amended or reconsidered. A Main Motion or resolution shall:

- 1) be moved by a Member to introduce a substantive matter;
- 2) only be moved when no other motion is pending;
- 3) be seconded;
- 4) not interrupt a speaker; and
- 5) obtain a majority vote of the Members present to pass.

- *Postpone Indefinitely*

A Motion to Postpone indefinitely is fully debatable and shall:

- 1) only be moved by a Member when a Main Motion is immediately pending;
- 2) be seconded;
- 3) not be amended;
- 4) not interrupt a speaker; and
- 5) obtain a majority vote of the Members present to pass.

- *Amend*

A motion to amend may be debated, amended and reconsidered, and shall:

- 1) be moved by a Member to change a motion;
- 2) be seconded;
- 3) not interrupt the speaker; and
- 4) obtain a majority vote of the Members present to pass.

- *Refer to a Committee*

A Motion to Refer may be amended, and shall:

- 1) be seconded;
- 2) only be debated with respect to the decision to send the matter or motion to a Committee;
- 3) not interrupt a speaker;
- 4) not be permitted in Committees; and
- 5) obtain a majority vote of the Members present to pass.

- *Postpone to a Definite Time*

A Motion to Postpone to a definite time may be moved by a Member to put off a matter until later in the Meeting or to the next scheduled Meeting, may be amended, and shall:

- 1) be seconded;
- 2) only be debated with respect to the merits of postponing;
- 3) not interrupt a speaker; and

4) obtain a majority vote of the Members present to pass.

- *Limit or Extend Debate*

A motion to “limit or extend debate” may be amended, and shall:

- 1) only be moved with respect to debatable motions;
- 2) be seconded;
- 3) not be debated;
- 4) not interrupt a speaker;
- 5) not be moved in Committees; and
- 6) obtain a vote of Two Thirds of Council to pass;

- *Previous Question (Close Debate)*

A motion to move the Previous Question may be moved by a Member to stop debate and vote immediately, and shall:

- 1) only be moved with respect to immediately pending motions or series of motions;
- 2) be seconded;
- 3) not be amended or debated;
- 4) not interrupt a speaker;
- 5) not be moved in Committees; and
- 6) obtain a vote of Two Thirds of Council to pass;

- *Lay on the Table*

A motion to lay on the table may be moved by a Member to set aside a matter or motion temporarily, and shall:

- 1) be seconded;
- 2) not be amended or debated;
- 3) not interrupt a speaker;
- 4) obtain a majority vote of the Members present to pass; and
- 5) be taken from the table to resume consideration by a majority vote of the Members present, without debate.

- *Call for Orders of the Day*

A Member may call for orders of the day to bring to the attention of the Presiding Officer the fact that the Agenda is not being followed. A call for orders of the day may interrupt proceedings.

- *Raise a Question of Privilege*

A Member may raise a question of privilege to bring to the attention of the Presiding Officer the fact that the privileges of Council or the privileges of an individual Member are being infringed, and the Presiding Officer shall rule on whether there is a question of privilege. The question of privilege may interrupt proceedings and the decision of the Presiding Officer may be appealed pursuant to 6.2.15.1.

- *Recess*

A motion to recess may be moved by a Member requesting to take a short break, and such a motion is amendable, and shall:

- 1) be seconded;
- 2) not be debated;
- 3) not interrupt a speaker; and
- 4) obtain a majority of the Members present to pass.

If a motion to recess is passed, the Members shall not leave the vicinity and shall be in a position to be reassembled quickly.

- *Adjourn*

A motion to adjourn may be moved by a Member to conclude the Meeting, and shall:

- 1) be seconded;
- 2) not be amended or debated;
- 3) not interrupt a speaker; and
- 4) obtain a majority of the Members present to pass.

- *Fix the Time to Which to Adjourn*

A motion to fix the time to which to adjourn may be moved by a Member to set the time and place for a continuation of the current Meeting. A motion to fix the time to which to adjourn may be amended, and shall:

- 1) be seconded;
- 2) not be debated;
- 3) not interrupt a speaker; and
- 4) obtain a majority of the Members present to pass.

- *Point of Order*

A point of order may be raised by a Member to bring to the attention of the Presiding Officer the fact that a rule is being broken. A point of order may interrupt the proceedings, and shall:

- 1) not be amended;
- 2) not be debated; and
- 3) be ruled on by the Presiding Officer without vote.

The decision of the Presiding Officer on a point of order may be appealed pursuant to 6.2.15.1

- *Appeal the Decision of the Presiding Officer*

A motion to appeal the decision of the Presiding Officer may be moved by a Member when the Member believes that the Presiding Officer has ruled incorrectly and wishes the Council to decide the point of order or a question of

privilege. A motion to appeal the decision of the Presiding Officer is debatable, and shall:

- 1) be seconded;
- 2) not be amended;
- 3) obtain a majority vote of Members present to overturn the ruling of the Presiding Officer.

The Presiding Officer remains in the chair during the appeal process, and if the ruling is reversed the Presiding Officer will comply with the decision of Council.

- *Suspend the Rules*

A motion to suspend the rules may be moved by a Member when the Member believes that a rule of order is interfering with the conduct of business. A motion to suspend the rules shall:

- 1) be seconded;
- 2) not be amended or debated;
- 3) not interrupt a speaker; and
- 4) obtain a vote of Two Thirds of Council to pass.

- *Division of the Question*

Division of the question may occur when a Member wishes to consider and vote on individual parts of a Main Motion. Division of the question may be amended and shall:

- 1) be seconded;
- 2) not be debated; and
- 3) obtain a majority vote of Members present to pass.

- *Division of the Council*

Division of the Council may occur when a Member believes that the vote result is too close to call or that the Presiding Officer has incorrectly announced the result of a vote. Division of the Council does not require a seconder and is a demand to take a recorded vote in accordance with the procedure as per Section 7.4. Division of the Council is not amendable or debatable, no vote is required, and it may interrupt a speaker.

- *Point of Information*

A point of information may be used by a Member to ask a question. A point of information does not require a seconder; is not amendable or debatable and does not require a vote.

## 1. Policy

|                        |                   |
|------------------------|-------------------|
| <b>Policy Number:</b>  | P-CAO-25-XX       |
| <b>Policy Name:</b>    | Delegation Policy |
| <b>Effective Date:</b> | March 25, 2025    |
| <b>Last Revised:</b>   | April 25, 2023    |
| <b>Last Reviewed:</b>  | March 18, 2025    |

## 2. Policy Purpose

The purpose of this policy is to provide a process and criteria for members of the public or local organizations to address Town Council or a Committee thereof, on a matter over which the Town has legislative, legal, financial, geographic, or operational effect for decision-making

## 3. Scope

Notwithstanding any procedures to the contrary within a Committee's Terms of Reference, this policy applies to Council and its Committees including Committee of the Whole, but excludes statutory public meetings as required under the *Planning Act*.

## 4. Definitions

| TERM                          | DEFINITION   |
|-------------------------------|--|
| Town Clerk                    | The Town Clerk of The Corporation of the Town of Niagara-on-the-Lake.  |
| Recording Secretary           | A Member of Staff, typically the Town Clerk or designate who is responsible to record without note or comment, all recommendations or resolutions, decisions and other proceedings of the Council or Committee |
| Council                       | The municipal body consisting of 9 elected members-at-large, including a Lord Mayor and eight (8) Councillors.   |
| Council Meeting               | A meeting established as per the calendar approved by Council or a Special Meeting duly authorized in accordance with the Procedure By-law where a quorum of Council is in attendance.                         |
| Committee of the Whole (COTW) | A Committee session of Council, presided over by a member of Council. COTW meets as per the calendar approved by Council. This includes any statutory meetings as required                                     |

|   |  |
|---|--|
|   | under the <i>Planning Act</i> .  |
| Committee,<br>Committee of the<br>Whole (COTW) or<br>Council Agenda | The order of business for the Meeting which can be prepared on paper or electronically.  |
| Committee of Council  | Committees established by, and/or otherwise comprised of Members of Council other than Committee of the Whole.   |
| Delegation  | A presentation made by a person or persons or on behalf of an organization who has (have) made a formal request through the Town Clerk to address the proceedings at either a Council, Committee of Council or COTW Meeting on a given agenda matter. Unless under extenuating circumstances, delegates shall present to a Committee of Council or COTW meetings rather than Council meetings. |
| Delegation Request Form   | Online request form that must be completed and submitted on the Town's website to be considered as either an Agenda or Non-Agenda Delegation.  |
| Electronic Participation  | Participating in a Committee, COTW or Council Meeting by joining remotely via a Microsoft Teams invitation. The intention of Electronic Participation is indicated by checking the Participating Electronically check box on the Request Form.   |
| In-Person Participation   | Participating in a Committee, COTW or Council Meeting by attending the Council Chambers at Town Hall. Intention of In-Person Participation is indicated by checking the Participating In-Person check box on the Request Form.   |
| Non-jurisdictional Items  | Means issues over which the Town does not have legislative, legal, financial, geographic, or operational effect for decision-making  |

## 5. Policy Statement

Council and its Committees value and welcome input, comments, and constructive suggestions from residents and local organizations. Since Council and its Committees generally must consider a large number of issues and concerns at any given time, the

Delegation Policy outlines procedures to ensure fair and equal consideration is given to all requests and also details the protocols required of the delegate when presenting.

## 6. Policy Details

There are two broad categories of delegations. Each category will be noted as such on the Council, Committee or COTW meeting Agenda:

|   |   |
|---|---|
| <b>Category 1 – Non-Agenda Delegation</b> | This is a presentation that addresses topics that do not appear on the Committee, Councilor COTW Agenda and for which no related staff report has been prepared for or included on the applicable agenda. Non-Agenda Delegations are only permitted at Committee of the Whole meetings. Are not permitted at Committee of Council Meetings. |
| <b>Category 2 – Agenda Delegation</b>     | This is a presentation which specifically addresses a COTW, Committee of Council or Council Agenda item.  |

### DELEGATIONS :

- All delegate presentations shall not exceed 10 minutes in length including requests for multiple topics. However, the length of time may be limited by the Town Clerk, Proceeding Officer or Chair if a large volume of individuals is expected to speak to the item or as determined by the Town Clerk to facilitate a timely meeting. Where there are more than three (3) delegations on the same subject each delegation is limited to five (5) minutes. A maximum of three non-agenda delegations shall be permitted at a meeting.
- Remarks are to be concise. Discussion on topics, other than the subject matter of the delegation request, will not be permitted. In the event that a delegate submits multiple requests for the same meeting consideration will be given in consultation with the Town Clerk and/or the Lord Mayor.
- Personal attacks or inappropriate language will not be tolerated.
- Where possible, it is requested that one spokesperson represents the similar interests of a group of delegates.

- A written copy of the presentation and/or summary of remarks and all related documentation must be submitted to the Town Clerk no later than 12:00 p.m. on the Monday prior to the meeting. This allows for any clarification and/or follow-up that may be required.
- For Committees of Council, timelines are determined by the Terms of Reference or timelines as otherwise noted.
- Where delegations are not permitted under the Terms of Reference, speakers may be invited to speak at the meeting by the Recording Secretary.
- Every item of correspondence, petition, report and other communication intended to support the delegation shall be easy to read and signed by at least one person or clearly indicate the identity of the sender

#### DELEGATION APPLICATIONS:

- Requests to appear as a non-agenda delegation must be made through the completion of the Request Form submitted on the Town's website no later than **12 p.m. on the Thursday prior to the COTW meeting**. Scheduling of the non-agenda delegations shall be at the discretion of the Town Clerk or designate.
- A delegation request to present information to COTW or Council regarding a Staff Report listed on a published agenda must be made through the completion of the Request Form submitted on the Town's website by **12:00 p.m. on the Monday prior to the scheduled meeting**.
- All Delegations shall pertain to a matter which is within Council's statutory jurisdiction. The Town Clerk will be authorized to refuse delegations on non-jurisdictional items.
- A delegate must confine their remarks to the business stated on their form.
- The Delegation Request Form may be submitted electronically via the Town's website or a hardcopy may be mailed or dropped off at Town Hall, addressed to the Clerks Office. Electronic and hardcopy forms must be received prior to the deadlines outlined above.
- Communications or petitions containing obscene or defamatory language are not accepted or presented to the Council.
- A maximum of three (3) delegations may take place during a COTW or Council meeting, with priority being given to delegations relating to agenda items. This maximum may increase at the discretion of the Town Clerk or request of the Lord

Mayor. For non-agenda items should more than three (3) delegation requests be received, the first three received will appear on the agenda and the remaining will be offered the chance to appear at a subsequent meeting.

- By a motion duly put and passed by a two-thirds vote any person not registered as a delegate with the Town Clerk may be heard.
- If an applicant wishes to address an issue, they have previously spoken to at COTW or Council, they will only be permitted to do so if they bring forward significant new information. Specific details of how this information is new must be identified on the application form and is subject to approval by the Town Clerk. Only the new information will be heard. Significant new information is information previously unknown to Council or Committee which would reasonably be expected to change the outcome of deliberations.
- Individuals are to present their comments regarding applications under the *Planning Act* at the scheduled public meeting where their comments can be considered along with all other submissions.
- No application is necessary for individuals speaking at a public meeting under the *Planning Act*.
- For meetings scheduled in accordance with the Planning Act, timelines will be outlined on the Public Notice.
- A delegation is not permitted on any matter that is the subject of a future statutory public meeting or of a statutory public meeting which has been closed.
- Delegations regarding a by-law in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the by-law are not permitted.
- Delegations addressing a staff report are encouraged, when possible, to speak at the COTW meeting.
- No delegations shall be permitted on matters relating to:
  - a) Any matter matters which have been previously decided upon by Council within the term of Council
  - b) Litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals.
  - c) Issues which are non-jurisdictional to the Town.
  - d) Notices of Motion, provided that Delegates will have an opportunity to speak at the subsequent Council meeting when that item will be discussed.
  - e) Previous Minutes and Committee Minutes listed on the agenda.

- f) By-laws on the agenda.
- g) Closed Session items, or a matter which, in the opinion of the Clerk or Chief Administrative Officer, is the proper subject matter of a Closed Session.
- h) Reports filed by the Integrity Commissioner.
- i) Relief from user fees and charges or any requests relating to tax bills, water bills, or Town-issued offence notices, administrative penalties and/or orders unless otherwise outlined in a Town Policy or by invitation by the Recording Secretary or Town Clerk

## DELEGATION PROTOCOL

- 1) When called upon by the Chair of the COTW meeting, or the Lord Mayor at Council meetings, the delegate shall proceed immediately to the podium at the front of the Council Chambers.
- 2) If participating electronically, the delegate must wait on the Teams meeting with their microphone muted and their camera off. When called upon by the Chair of the COTW meeting, or the Lord Mayor at Council meetings, the delegate shall unmute their microphone and turn on their camera.
- 3) Remarks should be brief and to a maximum length of 10 minutes per delegate. Comments should be stated in a clear, concise, and factual manner. The Town set the timer when the delegate begins to speak. The Chair may at their discretion extend their length of time.
- 4) For agenda delegations, to reduce the possibility of any misunderstanding, and to facilitate necessary follow-up, the Town Clerk requires a written copy of the presentation or remarks no later than 12:00 p.m. the Monday prior to the meeting. If a written copy is not received either electronically or in hardcopy by the deadline, the delegate may be removed from the agenda.
- 5) No delegation shall:
  - a) speak to a matter other than the subject matter identified in their request;
  - b) speak disrespectfully or use offensive language;
  - c) disobey a decision of the Chair;
  - d) enter into cross debate with Members of Council, other delegations or staff;
  - e) use the presentation to advertise, publicize or promote any business or commercial enterprise or event.
- 6) It is considered proper protocol to not ridicule or berate any individuals. Remarks or questions concerning the character or performance of named individuals or

groups shall be immediately ruled out of order. The Chair reserves the right to immediately end the delegation for improper conduct. Any future offences at a subsequent meeting by the same individual will result in forfeiture of their right to speak for a period of time to be determined by Council, dependent upon the seriousness of the offence. Refusal of the individual to respect the ruling of the Chair will result in the meeting being immediately halted until the individual exits the Council Chambers or the Teams call.

- 8) Upon completion of their remarks, the delegate should remain in position to allow for possible questions from Council members. Council members may ask questions for clarification purposes only. Staff shall not be called upon during a delegation.
- 9) After completion of questions, the delegate will be asked to return to their seat in the public gallery or if participating electronically mute their microphone and turn off their camera.
- 10) Members of the public are to refrain from making audible comments or noise (i.e. applause) while in the Council Chambers.
- 11) Members of the public are not permitted to join meetings electronically unless they have been sent an invitation through the Clerk's Office. Members of the public who wish to watch the meetings electronically are welcome to do so via the Livestream link available on the Town's website.

### **Response to Delegation**

No decision on the Delegation's requested action, if presented, will be made during the meeting at which a Delegation is heard. Following the Delegation, Council or the Committee may take no action, or may refer the issue to one or more of the following:

- the next or another meeting of Council or Committee where the presentation occurred;
- staff for a report; and or a Committee of Council.

## **8. Forms**

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The Delegation Request Form can be completed online on the Town's website or a hardcopy can be submitted at Town Hall, addressed to the Town Clerk.

## 9. Responsibilities

| POSITION or OFFICE | RESPONSIBILITIES   |
|--------------------|--|
| Clerks Office      | <ul style="list-style-type: none"> <li>• Receive and Process complete Delegation Request Forms.</li> <li>• Add Delegation Request Forms and accompanying documents (presentation/written materials) to agenda.</li> <li>• Monitor the presentation time of each delegation.</li> </ul> |

## 10. Related Information

Procedure By-law of the Town of Niagara-on-the-Lake  
*The Planning Act, 1990*  
*The Municipal Act, 2001*

## 11. Contacts

Please direct any questions regarding this policy to:

| OFFICE        | PHONE        | EMAIL           |
|---------------|--------------|-----------------|
| Clerks Office | 905-468-6418 | clerks@notl.com |

| POLICY GOVERNANCE              |                         |
|--------------------------------|-------------------------|
| <b>Policy Number:</b>          | P-CS-25-XX              |
| <b>Effective Date:</b>         | February 25, 2025       |
| <b>Last Reviewed Date:</b>     | April 25, 2023          |
| <b>Target Review Date:</b>     | January 31, 2026        |
| <b>Approval Authority:</b>     | Council                 |
| <b>Policy Owner:</b>           | Town Clerk              |
| <b>Responsible Office:</b>     | Clerks Division         |
| <b>Supplemental Documents:</b> | Delegation Request Form |



Department of Administration  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 • Fax: 905-468-2959

[www.notl.com](http://www.notl.com)

**THE CORPORATION OF THE  
TOWN OF NIAGARA-ON-THE-LAKE**  
OFFICE OF THE TOWN CLERK

**Notice of Motion**

INTRODUCTION DATE: <Council Meeting Date>

SUBJECT: <Title of Motion>

REQUESTED BY: <Name of Council Member>

WHEREAS <input relevant legislation corresponding to motion (if applicable)>

WHEREAS <input historical background information relating to motion (if applicable)>

THEREFORE BE IT RESOLVED that staff report back detailing the resources  
(staff/time/budget) needed to <input desired outcome of motion if passed>.

**I acknowledge that this Notice of Motion will be given consideration at the  
DATE<Council/Committee> meeting**

## Appendix IV - Summary of the Substantive Changes:

| By-Law Section Number | Proposed Change:   | Justification:  |
|-----------------------|--|---|
| 1.1-1.40              | Definitions  | Changes and additions to add clarity and correct inconsistencies  |
| 2.3                   | Remove the word 'whole' around the 2/3 majority rule   | Removal of this word then requires 2/3 of the members present at a meeting in order to suspend by-law provisions which would be consistent with the application of the 2/3 rule in other sections of the by-law |
| 3.                    | Use of additional electronic devices made permissible at the discretion of the Chair                       | To allow additional devices or screens for functionality as requested by Committees specifically  |
| 4.5, 4.6, 4.10 - 4.12 | Changes to the time of meetings  | Reflects the direction of Council to revert to evening meetings   |
| 4.25 – 4.29           | Clauses added to establish basic parameters around electronic meetings                                     | Basic clauses added to improve meeting efficiency and address issues, particularly for Committees and public participation with the expectation that a more detailed protocol will be enacted at a later date.  |
| 4.26                  | Removes recorded voting electronically   | Eliminates conflict with Robert's Rules and standard processes for Committees   |
| 6.6                   | Clearly specifies circumstances for Clerk to record closed session   | Establishes purpose and type of record produced   |
| 7.7                   | Deletes timing for call of a recess  | Allows the Chair flexibility to call a recess as circumstances may require  |
| 8.4                   | Distinguishes between motions, notices, and notices of motion  | Provides clarification and removes conflicting deadlines  |
| 8.6                   | Remove Proclamation section  | Present proclamations under motions with a notation that the current proclamation policy should be updated going forward  |
| 8.6                   | Moves Closed Session to the beginning portion of the meeting   | Aligns with frequent current practice and positions closed sessions earlier in the evening  |
| 8.6                   | Rename Consent Agenda to become Recommendation Reports   | To align with terminology in use in other organizations and with Robert's Rules of Order  |
| 8.6                   | Rename Information Package on agenda to become Information Reports and Information Items for Consent Items | Aligns with practices of other municipalities and better reflects Robert's Rules of Order; Avoids duplication of name with the Information Package otherwise distributed separately for the                     |

|                              |   | agenda on a weekly basis.  |
|------------------------------|---|--|
| <b>By-Law Section Number</b> | <b>Proposed Change:</b>   | <b>Justification:</b>  |
| 8.11                         | Heading Change to specify "Public Meetings convened under the Planning Act, R.S.O. 1990, c.P13"   | Notes and differentiates for the public, the status of public meetings convened for planning purposes  |
| 11                           | <p>Notice of Motions (NOM) are due by 4:30 p.m. on the Wednesday prior to the Council meeting, to be considered at a subsequent meeting.</p> <p>All Notice of Motions must have a seconder prior to being added to the agenda.</p> <p>Discretion is provided to the Clerk and Chair to determine if NOM is out of order.</p> <p>Members are encouraged to consult with Staff when drafting NOMs.</p>  | Added to improve meeting efficiency and address issues with meeting deadlines and adequate time for staff to review. Aligns with practices of other municipalities. Submission in writing ensures transparency on the agenda.  |
| 12.                          | Removal of Introduction of Business   | Introduction of New Business has been reworked into Notice of Motion in order to streamline meetings and ensure preparation of questions and requests  |
| 12.                          | <p>Added Section:</p> <p>. Information Packages</p> <p>Communications including emails, correspondence and other such documents for the attention of Council, other than reports and memos from staff, shall be included in the Council Information Package which is distributed on Thursdays on a weekly basis as necessary. No later than 12:00 pm (noon) on the Monday following distribution, any Member may raise a communication that is listed in the Council Information Package by requesting that it be included in the agenda update/addendum for the subsequent meeting. The Clerk or designate, in</p> | Formalizes existing deadlines and authorizes staff to exclude unnecessary, items such as those not within areas of municipal jurisdiction, repetitive motions, and support of motions previously provided to Council; Avoids repetition and redundancy, eliminates unnecessary information |

|               |   |   |
|---------------|---|---|
|               | consultation with the Chief Administrative Officer, as may be required, shall determine the contents to be included in the Council Information Package. |   |
| 13.14         | Wording change  | Alleviates a discrepancy in time allotted to speak to an item at Committee  |
| 13.15         | Wording change  | Reworded to ensure that no alcoholic beverages or food are consumed in Council Chambers or while otherwise participating in meetings electronically |
| 14            | Added Section:<br><br>Privilege and Order   | To align with terminology in use in other organizations and with Robert's Rules of Order  |
| 16.1 and 17.6 | Replaces the term "pecuniary" with "conflict of interest"   | to reflect legislative changes and updates  |

| <b>By-Law Section Number</b> | <b>Proposed Change:</b>                           | <b>Justification:</b>   |
|------------------------------|---|---|
| 17.                          | Requires a seconder for motions made at Committee | Change made to streamline and align with requirements at Council, to align with Roberts Rules and as provided for in the existing Schedule B to the By-Law; |
| 17.2                         | Reworded to offer clearer verbiage                | Clarifies that Committees deal only with matters contained in Terms of Reference unless otherwise directed by Council                                       |

At the same time the Clerk's Office will be revising other administrative processes to make procedures more efficient. The key changes are as follows:

| <b>Change:</b>   | <b>Justification:</b>  |
|--|--|
| Minutes pared down (primarily actions directions and decisions only) (The exceptions would be for Public Meetings convened under the Planning Act and Closed Session.) | To comply with Sections 228(1) a) and 239(7) of the Municipal Act, S.O. 2001 and make minute taking more efficient   |
| Adoption of closed session minutes to occur in open session with contents to "remain private and confidential"   | Reflects practices employed in other municipalities and offers greater transparency in processes. Closed minutes will not be contained in the open agenda package. |
| All resolutions and recommendations numbered in sequence with an identifier to   | Offers greater ease in identifying source and timeline of the actions taken  |

|  |   |
|--|---|
| distinguish which body actioned the direction.   |   |
| By-law numbering and format changed  | Clearer, consistent numbering system implemented and by-laws grouped by subject on agendas  |
| Mandatory form for Conflict of Interest to be submitted for each meeting where conflict is declared                | Aligns with legislative requirements and offers better transparency   |
| <b>Change:</b>   | <b>Justification:</b>   |
| Lord Mayor's report 8.j) submitted in writing and included in the agenda package to be received into the record    | Reduces minutes size and responsibility for Clerk's staff to present within the minutes; aligns with sections 228(1) and 239(7) of the Act                                |
| Members' Announcements 8.k) submitted in writing and included in the agenda package to be received into the record | Reduces minutes size and responsibility for Clerk's staff to present within the minutes; aligns with sections 228(1) and 239(7) of the Act                                |
| Information Items (renamed Information Reports and Information Items for Consent Items)                            | At the same time, individual items discussed do not have to be pulled and voted on separately if a member wishes to speak to the item and the item is only to be received |
| Closed session presided over by the chair of the respective open session.  | Simplifies and avoids the complication of changing Chairs mid-meeting   |
| Motion to conclude closed session to stipulate time closed session ends only                                       | Eliminates repetition of grounds for closed session.  |

Finally, the proliferation of electronic and hybrid meetings has led to a number of challenges around process, procedure, and decorum by the public and Members of Boards, Committees, etc.. Notably, issues of connectivity, voting, and attendance posed particular challenges. While these proposed by-law changes update some basic elements, as electronic and hybrid meetings have become more the norm, staff need to develop a more comprehensive and robust framework to adapt and address the challenges of electronic participation.

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. ~~5508-23~~2025-XX**

**PROCEDURE BY-LAW OF THE CORPORATION OF  
THE TOWN OF NIAGARA-ON-THE-LAKE**

**WHEREAS** section 238(2) of the Ontario Municipal Act, 2001, S.O. 2001, c.25, as amended (the “Act”) requires every municipality and local board to pass a procedure by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** the Council of the Corporation of the Town of Niagara-on-the-Lake (the “Town”) deems it expedient to pass such a by-law.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE** enacts as follows:

**1. DEFINITIONS:**

- 1.1. All capitalized words not defined in this section or elsewhere in this By-law shall have the meaning ascribed to them in the Act. The following terms have the following meanings: Committee of the Whole (COTW) consists of all members of Council and is broken down into two sections; Committee of the Whole – Planning and Committee of the Whole – General. COTW – Planning meetings will generally include all reports from the Community & Development Services Department, and all other departments shall report to COTW – General.
- 1.2. “Accessible” means as defined in Provincial legislation. All meetings of Council will be held in a location that is inclusive and allows all residents to participate in Council’s proceedings.
- 1.3. “Act” means the *Municipal Act*, S.O. 2001, c. 25, as amended or replaced from time to time.
- 1.4. “Agenda” ~~shall~~ means the order of business for the Meeting which can be prepared electronically.
- 1.5. “Amend” means a change in wording or substance of a motion prior to a decision of Council or COTW.
- 1.6. “By-law” means a by-law of Council. ~~manes an enactment, in a form approved by Council, passed for the purpose of giving effect to decisions or proceedings of Council.~~
- 1.7. “Chair” ~~shall~~ means the Member who is appointed at the Inaugural Meeting approved by Council, to act as the Presiding Officer at Meetings of COTW, and the member of a Committee selected by the

Committee to act as the Presiding Officer at meetings of a Committee.  
The “Chair” shall mean the seat of office or authority of the Presiding Officer at Meetings.

- 1.8. “Chief Administrative Officer” means the CAO of the Corporation of the Town of Niagara-on-the-Lake.
- 1.9. “Clerk” ~~shall mean~~s the Clerk or designate of the Corporation of the Town of Niagara-on-the-Lake.
- 1.10. “Closed Meeting” means a meeting, or part of a meeting of Council or COTW which is closed to the public as permitted by the Municipal Act. Only the Lord Mayor and Councillors, designated staff and other persons specifically permitted by the Council, may attend pursuant to the criteria for closed meetings as set out in applicable Provincial legislation.
- 1.11. “Committee” ~~shall mean~~s a Committee appointed by Council.
- 1.12. “Consent ~~Motion Reports / Information Reports~~” means a listing of items that include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, noncontroversial, and routine matters and approved collectively by a single motion.
- 1.13. “Council” ~~shall mean~~s all Councillors of the Town’s elected representatives, comprised of the Lord Mayor and Councillors, whether present or absent from a Meeting.
- 1.13-1.14. “Councillor” means a Member of Council, other than the Lord Mayor
- 1.14-1.15. “Defer” means to remove a main motion from consideration until such time as provided for in the deferral motion.
- 1.15-1.16. “Delegation” means an individual, group of individuals, firm or organization, -who has submitted a request for delegation to the Clerk or Recording Secretary within the prescribed timelines to address COTW or Council in relation to a matter appearing on the agenda or which is within the jurisdiction and mandate of the COTW or Council to take action on.-
- 1.17. “Deputy Lord Mayor” ~~shall mean~~s a Member of Council who is appointed by by-law to act ~~from time to time~~ in the place of the Lord Mayor when the Lord Mayor is absent from the Town or absent through illness, or otherwise, or when the office is vacant, and while so acting, such Member has and may exercise all of the rights, powers and authority of Head of Council.
- 1.16-1.18. “Head of Council” means the Lord Mayor of the Town.
- 1.17-1.19. “Electronic Participation” means participation in a meeting called and held, in full or in part, via electronic means (including

telephone, video conferencing, or via means of the internet) and with or without in-person attendance.

1.20. “Emergency” ~~shall~~ means any period of time during which an emergency has been declared to exist in all or part of a municipality by the head of Council or the Province of Ontario under sections 4 or 7.01 of the Emergency Management and Civil Protection Act. .

~~1.18-1.21.~~ “Friendly amendment” means the motion under debate is amended with the consent of the mover and seconder for the purposes of enhancement or clarification of the intent of the motion, and without the requirement of an amending motion to be made.

~~1.19-1.22.~~ “Lord Mayor” ~~shall~~ means the Head of Council of the Town.

~~1.20-1.23.~~ “Main Motion” ~~means~~ is a formal proposal, by a Member of Council or a Committee, whose introduction brings business before the Meeting for consideration.

~~1.21-1.24.~~ “Majority Vote” means the affirmative vote of a majority of Councillors who are qualified to vote, after a quorum has been declared to be present at a meeting.

~~1.22-1.25.~~ “Meeting” means any meeting of Council or COTW or of a Committee where a Quorum is present, and at which Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of Council or the Committee.

~~1.23-1.26.~~ “Members” ~~shall~~ means the members of Council, and “Member” shall mean an individual member of Council.

1.27. “Motion” means a proposal, moved by a member (and if applicable seconded by another member) for the consideration of Council or COTW or Committee.

~~1.24-1.28.~~ “Non-Pecuniary Interest” means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity.

1.29. “Notice of Motion” means a ~~verbal statement~~ written notice received by the Clerk’s Office, given by a member, advising Council that ~~thea~~ motion ~~that is generally~~ described will be brought forward at a subsequent meeting.

~~1.25-1.30.~~ “Open Meeting” means a meeting which is open to the public

1.286. “Pecuniary Interest” means a direct or indirect financial impact in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50.

- 1.297. “Point of Order” means a concern about the order in which business is being considered, or about a procedure or procedures being used in the course of a meeting.
- 1.3028. “Point of Privilege” means a concern about the health, safety, rights or integrity of the Member, Committee, or anyone present at the Meeting;~~means a concern about the right of the Lord Mayor or a member of Council or challenge of the Chair.~~
- 1.31. “Presiding Officer” ~~shall refer to~~means any of the Lord Mayor, Deputy Lord Mayor or any other member of Council who is presiding over Council or a Committee. It shall also refer to the Chair, or Vice-Chair, when presiding over a Meeting of COTW.
- 1.329. “Proceedings By-law” means a by-law passed at the conclusion of a meeting confirming the actions taken at the meeting in respect to each resolution and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.
- 1.334. “Public Meeting” means a meeting of Town Council conducted pursuant to the Planning Act or other provincial legislation.
- 1.342. “Quorum” means~~is at~~ the majority of the Members.
- 1.353. “Reconsideration” means revisiting a previously decided motion of the Council for the purpose of rescinding the motion or changing the core purpose and intent of the motion.
- 1.36 “Recorded Vote” means a written record of the name and vote of each Member who votes on a question and of each Member present who does not vote.
- 1.37 “Recording” means the action of recorded sound and/or video for subsequent reproduction or broadcast.
- 1.38. “Recording Device” means any device used for the purpose of recording whether it be analogue, digital or other means, including but not limited to computers, cell phones, smartphones, tablets, voice records, cameras or any other similar device.
- 1.39. “Refer” means to remove a main motion from consideration by directing the matter to staff/Committee for the provision of additional information.  
~~a time that additional information is available.~~
- ~~1.39.~~1.40. “Regular Meeting” means a meeting of COTW or Council held at the times and dates specified in this by-law and approved by Council as part of an annual calendar
- 1.41. “Roberts Rules” means~~is~~ a widely used manual of parliamentary procedure which contains rules of order for meetings and is a recognized guide to conduct meetings effectively and fairly.

~~1.40.~~1.42. “Special Meeting” means a separate meeting of Council or Committee held at a time different than a Regular Meeting and which is focused on one or more particular and specific items or subjects.

~~1.41.~~1.43. “Spring Break” ~~shall~~ means the week(s) designated as spring break by the District School Board of Niagara and the Niagara Catholic District School Board.

~~1.42.~~1.44. “Statutory Holiday” ~~shall~~ means such dates proclaimed as holidays in the *Holidays Act*, R.S.C, 1985, c. H-5, as amended, and in the *Legislation Act*, 2006, S.O. 2006, as amended.

1.45. “Two Thirds ~~of Council Majority~~” ~~shall~~ means for the purposes of voting two thirds (2/3) of all members present at the vote and not prohibited by statute from voting~~Meeting~~.

~~1.43.~~1.46. “Town” means The Corporation of the Town of Niagara-on-the-Lake

1.47. “Vice Chair” ~~shall~~ means, with respect to the COTW, a Member who is appointed by the Lord Mayor and the member of a Committee who is appointed by the Committee to act in place of the Chair at a Meeting of COTW or a Committee, as the case may be, when the Chair is absent from the Town or absent through illness, or otherwise, or when the office is vacant, and while so acting, the Vice Chair shall and may exercise all of the rights, powers and authorities of the Chair as Presiding Officer of COTW or Committee.

~~1.44.~~1.48. “Workshop” means a meeting convened for the purpose of education or training the Members, for providing the Members with information.

## 2. GENERAL

In all proceedings of Council, the COTW and Committees of Council, the following rules shall apply and be observed.

2.1 The Meetings shall be open to the public and no person shall be excluded except for improper conduct or for closed session meetings as per the Municipal Act.

2.2 No item shall be placed on the agenda with respect to a matter which is not within the jurisdiction of Council. The Lord Mayor and/or Chair, in consultation with the Clerk, will determine if a matter is within the jurisdiction of Council.

2.3 Any rule contained in this by-law may be temporarily suspended, except for those rules that are set out by legislation, with the consent of at least two-thirds (2/3) vote of the ~~whole~~ Council members in attendance. This should be restricted to cases of extreme urgency.

2.4 All procedures not specifically provided for in this by-law, in the Act, or by the Revised Statutes of Ontario or Regulations, or otherwise

encompassed by Roberts Rules, shall be decided by a motion duly put and passed by a majority vote.

2.5 The Clerk will be responsible to interpret the rules of procedure under this by-law.

~~2.6 In all matters, points of order or questions of procedure arising, and not provided for in the rules herein contained, proceedings in Council, COTW and in Committees shall be governed by Roberts Rules in so far as they are not inconsistent with this by-law or the Act.~~

~~2.7 Matters of procedure not governed by this by-law or dealt with in Roberts Rules shall be decided by a majority vote of Members present.~~

~~2.8~~ 2.6 Should any provision of this By-law be or become in conflict with any statute of the Province of Ontario or with any specific procedure approved by Council and still in effect for certain matters, the statute or specific procedure shall prevail.

~~2.9~~ 2.7 No person other than a member of Council and officials of the Corporation shall, without the prior permission of the ~~Lord~~ Mayer ~~presiding officer~~, be allowed past the podium.

2.10 Following a municipal and school board election, the Clerk shall provide each Councillor with a copy of this by-law, including any amendments thereto.

### 3 USE OF ELECTRONIC DEVICES

Members and members of Committees shall devote their complete and undivided attention to the business at hand at the Meeting and shall only use the iPad and/or laptop provided by the Town. Cell phones, personal tablets, and other electronic devices shall not be used by Members and members of Committees during Meetings unless use of their personal device is required for visibility or accessibility reasons without the prior consent of the Chair and if so approved, such devices shall be used during the meeting exclusively to facilitate participation.

### 4 MEETINGS OF COUNCIL

#### ***Inaugural Meeting***

4.1 The inaugural Meeting of the new Council shall be held within five (5) business days after the new Council takes power as per the *Municipal Elections Act*. The inaugural Meeting is to be set by the Lord Mayor as to time and location. Any reception following the inaugural proceedings will be open to the public in attendance.

4.2 At the inaugural Meeting of each new Council, a Deputy Lord Mayor will be filled by by-law, by the Councillor who received the greatest number of votes in the election, who in the absence of the Lord Mayor shall act

in his/her place and shall preside at the Council Meetings with all powers and obligations of the Lord Mayor.

- 4.3 At the inaugural Meeting of the new Council, the Lord Mayor shall nominate for approval by Council, the appointments to the Chair for each COTW meeting. The Chairs shall rotate annually every three (3) months and the schedule of rotations shall be updated every two (2) years with every Councillor being a Chair at least once in the term of Council.

#### ***Schedule of Meetings***

- 4.4 The Clerk will prepare a schedule of Meetings for Council, COTW Planning and COTW General in the current year for the next year, well in advance, for Council consideration. The Meeting schedule will be determined such that a Meeting shall not fall on a Statutory Holiday or on the Tuesday of Spring Break.
- 4.5 The time of the Council and COTW General Meetings will be 6:00 p.m. 9:30 a.m., unless otherwise called by the Lord Mayor. The time of the COTW Planning Meeting will be 6:00 p.m., unless otherwise called by the Lord Mayor. Committees of Council will meet at a time that is convenient for its members and requisite Town staff.
- ~~4.6 The time of the Closed Session Meetings will be immediately following the open session agenda, if the meeting adjourns at 12:30 p.m. then the closed session would commence at 1:00 p.m. unless otherwise determined based on the scheduling of the agenda. The time will be determined by the Clerk in consultation with the Lord Mayor. The time will be determined by the Clerk in consultation with the Lord Mayor.~~
- ~~4.74.6~~ Councillors will advise the Clerk if they are unable to attend a regular or Special Meeting. If the Clerk becomes aware that a quorum will not be available for a scheduled meeting, the Clerk shall notify the Lord Mayor and make the necessary arrangements to cancel and / or reschedule the meeting to an alternate date and time.
- 4.7 The Clerk may in consultation with the CAO send out calendar dates to hold for potential future meetings as may be required.
- 4.8 No meeting of COTW or Council shall be held in the absence of Clerk or-and their designate, including Closed Session meetings, in accordance with the requirements of the *Municipal Act*, as amended.

#### ***Cancellation of Meeting***

- 4.9 If it is determined by the Lord Mayor that there is insufficient business on the Agenda to justify the holding of a scheduled Meeting, the Lord Mayor has the authority to cancel the scheduled Meeting. Notice of cancellation of the Meeting shall be provided to all Members and to the

public no later than noon on the Friday of the week preceding the scheduled Meeting which is to be cancelled.

### ***Extension of Meeting***

- 4.910 All meetings of Council ~~or~~ COTW General ~~or will adjourn when all business on the agenda of Council is complete, or at 12:30 p.m., whichever is earlier.~~ All meetings of COTW Planning will adjourn when all business on the agenda is complete, or at 10:00 p.m., whichever is earlier.
- 4.104 Where the business before Council, COTW-General or COTW-Planning has not been completed by either ~~12:30 p.m. (Council or COTW General)~~ or 10:00 p.m. ~~(COTW Planning)~~, a motion may be passed by two-third (2/3) vote of the Councillors present to proceed beyond the hour as noted to continue any unfinished business.
- 4.112 No meeting will proceed beyond ~~1:30 p.m. (Council or COTW General)~~ or 11:00 p.m. ~~(COTW Planning)~~.
- 4.123 Unless directed otherwise prior to the adjournment of the meeting, any unfinished business will be discussed at the next scheduled d meeting.

### ***Special Meeting***

- 4.134 The Lord Mayor may at any time call a Special Meeting whenever requested by a majority of the other Members.
- 4.145 The CAO may request a Special Meeting be called in consultation with the Lord Mayor should an urgent matter arise.
- 4.156 Notice of the Special Meeting shall be delivered to each Councillor as expeditiously as possible and should include an agenda which shall set out the matter(s) to be considered.
- 4.16 No business may be dealt with at a Special Meeting of Council other than that specified on the agenda.

### ***Electronic Meetings***

- 4.178 Members of Council, Committees of Council may participate electronically in any regular Council, Special Meeting or Committee Meeting.
- 4.18 Members appearing virtually must for the purpose of quorum have their camera on at all times, unless otherwise given permission by the presiding officer.
- 4.19 Members attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the meeting and shall be entitled to vote as if they were attending the meeting in person.

4.20 A member participating electronically may be required to verbally affirm their vote by the Chair.

4.21 An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public.

4.22 An Electronic Meeting shall permit public delegations in accordance with the Town's Delegation Request Policy.

4.23 Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Lord Mayor, in consultation with the Clerk, shall have the authority to modify the Rules of Procedure to ensure Members can effectively participate in the meeting.

4.24 The Clerk, in consultation with the Lord Mayor, shall establish practices and procedures for electronic participation.

4.25 Artificial Intelligence (AI) invitations are not permitted for the purposes of notetaking or otherwise.

4.244.26 Members and delegations participating electronically are required to do so from an environment conducive to participating in a meeting.

4.254.27 Members must notify the Clerk or recording secretary at least 24 hours prior to the meeting of their intent to participate electronically.

4.28 The meeting shall begin with a roll call to determine which members are participating electronically. Members will be required to audibly indicate their presence, or they will be noted as absent.

4.29 The Chair is not permitted to preside over a hybrid meeting remotely by electronic means, unless in the case of an emergency. The Vice-Chair, or in the absence of the Vice-Chair, another Member, attending in person shall preside over the meeting. This rule does not apply to fully virtual meetings.

4.264.30 Members shall not be permitted to share their screen electronically unless granted permission from the Chair.

~~4.27 All votes during a meeting where some or all members are participating electronically may be recorded votes, at the discretion of the Chair.~~

4.284.31 Should a delegate wish to present electronically the regular rules of delegations as set out in the policy will apply.

4.294.32 The Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk.

## 5 NOTICE OF MEETINGS

5.1 The Clerk will provide notice to the public of all meetings of Council and COTW—General and COTW-Planning, agendas, cancellations and rescheduling by:

- a) posting the annual meeting schedule on the Town's website;

- b) updating the Town's website calendar within twenty-four (24) hours of any changes made to the schedule.

The Staff Liaison will post the same for all Committees of Council.

- 5.2 Notice of Special Meetings called in accordance with this by-law shall be sent electronically to each member so as to be received not later than 24 hours before the hour appointed for the Special Meeting.
- 5.3 An emergency meeting may be held, without written notice, to deal with an emergency situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.

## 6. CLOSED SESSION

6.1 In accordance with Section 239(2) ~~and 239(3)~~ of the *Municipal Act*, S.O. 2001, c. 25, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- ~~a) — the security of the property of the municipality or local board;~~
- ~~b) — personal matters about an identifiable individual, including municipal or local board employees;~~

- ~~e) — a proposed or pending acquisition or disposition of land by the municipality or local board;~~
- ~~d) — labour relations or employee negotiations;~~
- ~~e) — litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;~~
- ~~f) — advice that is subject to solicitor-client privilege, including communications necessary for that purpose;~~
- ~~g) — a matter in respect of which a council, board or committee or other body may hold a closed meeting under another Act;~~
- ~~h) — a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purpose of the Act;~~
- ~~i) — an ongoing investigation respecting the municipality, a local board or a municipally-controlled Corporation by the Ombudsman appointed under the *Ombudsman Act*, and Ombudsman referred to in subsection 223.13(1) of the *Municipal Act*, or the investigator referred to in subsection 239.2(1) of the *Municipal Act*;~~
- ~~j) — educational or training of the member where at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.~~
- ~~k) — information explicitly supplied in confidence to the municipality or local board by Canada, a province, or territory or a Crown agency or any of them.~~
- ~~l) — a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations or a person, groups of persons or organization.~~
- ~~m) — a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.~~
- ~~n) — a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.~~

In accordance with Section 239(3) of the *Municipal Act*, S.O. 2001, c. 25, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

(a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or

(b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.

2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

6.2 Prior to holding a Meeting or part of a Meeting that is to be closed to the public, Council, COTW or Committees of Council shall pass a motion stating:

1) the fact of the holding of the closed Meeting;

2) the specific provision under the *Municipal Act* that permits the item to be considered in a closed session; and

3) the general nature of the matter to be considered.

~~6.32~~ Councillors are not permitted to discuss any additional matters during a closed session.

6.4 When in a closed meeting a vote will not be taken unless the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

6.5 On reconvening in an open meeting the Chair will accept a motion regarding the matters discussed in the closed meeting, or alternatively advise that direction has been given during the closed session in accordance with the Municipal Act.

6.6 The use of electronic devices, other than devices containing meeting information by Councillors during a closed meeting is strictly prohibited. Under no circumstance is a Councillor to record the proceedings.

However, the Clerk or designate may utilize a recording device as a transitory means to facilitate preparation of the official minutes. ~~record the proceedings for record purposes.~~

## 7 CONDUCT OF MEETINGS

### ***Calling Council Meeting To Order***

7.1 As soon after the hour set for the Meeting, or as soon after the hour as set by the notice calling a Special Meeting, a quorum is present, the

Lord Mayor or Presiding Officer shall take the chair and call the meeting to order.

7.2 In the event the Lord Mayor is not present within fifteen (15) minutes of the time appointed for the Meeting, and a quorum is present, the Deputy Lord Mayor shall call Council to order and shall preside during the Meeting or until the arrival of the Lord Mayor.

7.3 In the absence of the Lord Mayor, or if his or her office is vacant or if they refuse to act, and in the absence of the Deputy Lord Mayor, the Clerk shall call Council to order and, if a quorum is present, the Members shall choose a Presiding Officer by a majority vote and the Presiding Officer shall have all of the powers of the Lord Mayor during such absence or vacancy or refusal to act.

7.4 If there is no quorum present within fifteen (15) minutes after the hour set for a regular Meeting of Council or within fifteen (15) minutes of the hour appointed in the notice calling a Special Meeting, the Clerk shall call the roll and record the names of the Members that are present and Council shall stand adjourned until the next regular Meeting or until any Special Meeting is called.

7.5 Where the number of members who are unable to participate in a meeting by reason of the provisions in the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M. 50, such that at the meeting the remaining members are insufficient to constitute quorum, the remaining members will be deemed to constitute a quorum.

7.6 If during the course of a meeting, quorum is lost, the Chair will declare the meeting recessed temporarily or adjourned until the date of the next scheduled meeting.

~~7.7 The Presiding Officer may call for a temporary recess after 2 hours from the start time of a meeting.~~

## 8 MEETING AGENDA

8.1 Prior to each Meeting, an Agenda complete with all documents referenced in the Agenda shall be prepared to be brought before Council and COTW.

8.2 The agenda for each regular Council and COTW-General ~~and COTW-~~ Planning meetings will be posted to the Towns website no later than the Thursday evening preceding the meeting. Agendas for Committees of Council will be posted to the Towns website no later than 4:00 p.m. the Friday preceding the meeting.

8.3 The agenda for a Special Meeting will be posted on the Town's website not less than twelve (12) hours before the time set for such meeting.

8.4 All reports, notices, motions and any other material to be included in the agenda for a regular meeting (save and except those previously

introduced at a meeting via Notice of Motion) shall be delivered to the Clerk, by 9:00 a.m. on the Thursday preceding the meeting.

- 8.5 Delegations are added to the Agenda as per the Delegation Policy of Council attached as Schedule “A”, which is subject to change.

### **Order of Business – Council and COTW**

- 8.6 As soon as a Meeting is called to order the business of the Meeting shall be dealt with in the following order: ~~unless the order is altered by the Lord Mayor:~~

- a) Call to Order
- b) Focus Statement \*
- c) O Canada\*
- d) Adoption of Agenda
- e) Conflict of Interest
- ~~d)f) Closed Session (if applicable)~~
- ~~e)g) Adopt Council and Committee of the Whole Minutes\*~~
- ~~f) Conflict of Interest~~
- g)h) Public Meetings
- ~~h)i) Proclamations\*~~
- i)j) Next COTW and Council Meeting Dates\*
- j)k) Lord Mayor’s Report\*
- k)l) Members’ Announcements\*
- l)m) Delegations
- m)n) Response to Delegations from Council
- n)o) ~~Staff~~ Presentations
- o)p) ~~Consent Agenda~~ Recommendation Reports
- p)q) Information ~~Reports and Information Items~~ Packages
- q)r) Adopt Committees of Council Minutes\*
- r)s) Motions\*
- s)t) Notice Of Motion
- ~~t) New Business~~
- ~~u) Closed session (if applicable)~~
- v)u) By-Laws\*
- w)v) Adjournment

\* Not Applicable in COTW

- 8.7 The order of business may be affected without requiring amendment to this by-law at the discretion of the Clerk, in consultation with the Lord Mayor, and all business shall be dealt in the order on which it appears on the agenda unless otherwise decided by Council on a majority vote under Adoption of Agenda. All business shall be taken up in the order as shown on the agenda unless the order is altered by the Lord Mayor.

- 8.8 Adoption of Agenda

- 1) The agenda for a meeting shall be adopted by a resolution at the start of the meeting
- 2) Any matter may be deleted or deferred from the agenda by majority vote with the exception of the items which may be removed by the applicable party or Town Staff prior to the start of the meeting.
- 3) In the absence of a Notice of Motion, the addition of any new time-sensitive business shall require a two-thirds (2/3) vote of the Members present in order to be added to the agenda.

### ***Delegations***

The Delegation Policy of Council, attached as Schedule "A" shall govern the delegation process. Council may vary from the Delegation Policy with a vote of ~~tTwo-t~~hirds (2/3) of the members of Council in attendance.

### ***Questions / Speaking***

8.78.9 Councillors will be permitted to ask each delegate questions at a time directly relating to the matter under consideration.

8.88.10 A Councillor may ask a question only for the purposes of obtaining facts relevant to the matter under discussion and necessary for clear understanding. Questions are not to be used as a means of making statements.

8.98.11 All Councillors will address their questions through the Presiding Officer.

8.12 The Presiding Officer will recognize the Councillors who wish to speak in the order that they come to their attention.

8.108.13 The Lord Mayor is addressed as "Lord Mayor (surname)" or as "Your Worship". A Councillor is addressed as "Councillor (surname)".

### ***Public Meetings convened under the Planning Act, R.S.O. 1990, c. P.13,***

8.118.14 Speakers will be permitted without prior registration during any public meeting. ~~When practical-~~ The Town will provide an online registration form on the Town website where residents can register to speak.

8.128.15 Speakers heard during a public meeting will be permitted to speak for a maximum of five (5)~~ten~~ minutes.

8.138.16 Speakers will only be permitted to speak once during a public meeting.

8.17 During a public meeting, if an individual provides written comments to the Town, the individual cannot address the same content during the public meeting process.

**Lord Mayor's Report**

8.18 The Lord Mayor's Report shall be prepared on the Lord Mayor's letterhead and provided to the Clerk for inclusion on the agenda no later than 12 p.m. (noon) the Wednesday prior to the meeting.

8.19 In the year of a regular municipal election the Lord Mayor's Report will not be permitted between the first day of the nomination period and voting day, as defined by the Municipal Elections Act, 1996

**Members Announcements**

8.20 A Member shall be permitted to make an announcement, which shall be for the sole purpose of informing other Members and the general public on items of interest, such as recognizing exceptional events, groups, people, achievements and to raise public awareness of important issues in the Town.

8.21 Announcements by Members shall be provided in writing to the Clerk for inclusion on the agenda no later than 12 p.m. (noon) the Wednesday prior to the meeting.

8.22 Announcements shall not include personal comments on pending or past Council business; or to raise issues of a personal nature. Announcements shall not be permitted where practically the same result of the announcement is more appropriately obtained through some other parliamentary motion.

8.148.23 In the year of a regular municipal election, announcements will not be permitted between the first day of the nomination period and voting day, as defined by the Municipal Elections Act, 1996.

**9 BY-LAWS**

9.1 Every by-law being considered will be listed on the Council agenda by an identifying number, followed by a description of the intention of the by-law.

9.2 Every by-law will be in writing and shall require at least one (1) reading prior to being enacted by Council.

9.3 Unless separated at the request of a Councillor, all by-laws proposed for adoption will be passed collectively by a single motion.

9.4 The Clerk is authorized to make minor corrections to any by-laws results from technical or typographical errors prior to the by-law being signed.

9.5 Every by-law which is enacted by Council shall be signed by the Lord Mayor, or Presiding Officer who presided at the Meeting at which the by-law was passed, and by the Clerk and sealed with the seal of the Corporation and becomes part of the official record.

9.6 A by-law will be passed for each regular or special Council, ~~COTW~~ meeting to confirm the proceedings.

## 10 MINUTES

10.1 The minutes of each Council, Special Council or COTW meeting shall be presented at the next regular Council meeting.

10.2 Minutes shall be recorded in accordance with the provisions of the Municipal Act.

10.3 The minutes shall record:

- 1) the place, date and time of meeting;
- 2) the name of the Chair, and the attendance of Council and staff.  
Should a Member leave prior to adjournment, the time shall be noted;
- 3) all declarations of conflicts of interest;
- 4) the motions considered and votes taken by Council; and
- 5) except as provided elsewhere in this by-law, all the other decisions or authorized actions without note or comment;
- 6) the time of adjournment

10.4 The minutes of each meeting of the Committees of Council shall be presented to Council.

10.5 The Clerk shall be authorized to make minor technical or clerical corrections to the minutes after they have been adopted, so long as the intent and integrity of the information and/or resolution is not changed

10.6 Should a Member wish to lift an item from the Minutes of COTW for discussion at a Council meeting, the Member shall notify the Clerk in writing no later than 12 p.m. (noon) the day of the meeting, with the resolution and/or item number, and indicate the nature of the reason for additional discussion.

10.7 Should an item lifted from COTW be lifted for the purposes of voting, if the outcome is approval of the resolution any corresponding by-laws on the Council agenda shall immediately be moved up and voted on.

10.8 A Member may only lift an item from the Previous Minutes of Council or Previous Minutes of Committee of Adjustment in order to correct errors or omissions, which changes shall require a majority vote of Council.

## 11 NOTICE OF MOTION

~~11.1~~ A notice of motion may be introduced by any Member at a regular Meeting of Council or COTW for consideration at the next or a subsequent regular Meeting of Council, and the same shall then be included in the notice of the Meeting at which it is to be considered.

~~11.2~~ All Notices of Motion must be received by the Clerk by 12:00 p.m. on the Wednesday prior to the Meeting at which the motion is to be considered. Failing to do so, will result in a delay to the next meeting. If at the third meeting such Notice of Motion is not proceeded with, it shall be deemed to have been withdrawn.

- 11.1 A notice of motion is a written notice given prior to introduction by a Member of Council of their intent to introduce the matter for consideration by Council at a subsequent meeting. Before introducing a notice of motion, a Member of Council is encouraged to consult with the appropriate members of Town staff and the Chief Administrative Officer regarding the subject matter of their notice of motion. A Member of Council may only introduce a notice of motion by providing the Clerk a written copy of the notice of motion, duly signed by the mover and a seconder, no later than noon (12 p.m.) on the Wednesday prior to the Council/COTW for introduction.
- 11.2 A notice of motion must have a seconder before it is included on the agenda. The seconder must confirm their approval in writing to the Clerk by the deadlines indicated in section 11.1.
- 11.3 The notice of motion shall be printed in full on the agenda under Notice of Motion and shall come forward at a subsequent meeting under Motions to be considered at that time.
- 11.4 A notice of motion shall only be introduced at COTW and Council meetings.
- 11.5 Upon receipt of a notice of motion, the Clerk shall have discretion to determine if the Notice of Motion is properly the subject matter of a Closed Session meeting. If the Clerk so determines and if matter is permitted to be discussed in Closed Session pursuant to section 239 of the Municipal Act, 2001, the Clerk shall so advise the Member, and the Member must provide a Notice of Motion to be read in Open Session and a detailed Notice of Motion to be read in Closed Session. Both motions will be printed on the agenda and read in full, for consideration at the next meeting.
- 11.6 It is at the discretion of the Clerk and Chair to determine if a Notice of Motion is out of order and not include it on the agenda, which shall include, but shall not be limited to:
- (a) Litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals.
  - (b) Matters beyond the jurisdiction of the Town.
  - (c) Information contained in the motion has been determined to be false or misleading and requires correction
- 11.7 Members are encouraged to consult with the CAO and/or Directors to ensure any technical information contained within the notice of motion is accurate, actionable, and aligns with Council's Strategy Priorities. For greater clarity, despite being consulted on technical information contained within a notice of motion, Town staff shall not be required to agree with the merits of the motion being presented by a Member of

Council, nor shall consulting with Town staff be construed as approval of such motion.

12 INFORMATION PACKAGES~~INTRODUCTION OF BUSINESS~~

~~When a notice of motion has not been given, New Business may be introduced at a regular Meeting under adoption of the Agenda. Requests shall be limited to future staff reports, procedural item or request to correspond with an outside agency with the intent that the specific item appears on a future Council agenda. Staff direction shall be by resolution in writing to the Clerk prior to the adjournment of the meeting. The said resolution shall include the specific direction and expected date of receipt of report by Council.~~

Communications including emails, correspondence and other such documents for the attention of Council, other than reports and memos from staff, shall be included in the Council Information Package which is distributed on Thursdays on a weekly basis as necessary. The Clerk or designate, in consultation with the Chief Administrative Officer, as may be required, shall determine the contents to be included in the Council Information Package. The Information Package may include but is not limited to resolutions from other municipalities, correspondence from the Niagara Region, correspondence from Boards, Commissions, Federal Agencies, and the Chamber of Commerce, Town Media Releases and Statements, Notices, Annual Reports from the IPC, Ombudsman, and MPAC and items requested to be included by the Lord Mayor or Members of Council. The Clerk or designate is authorized to exclude items outside of municipal jurisdiction, repetitive motions and resolutions as well as correspondence in support of motions and resolutions previously provided to Council.

No later than 12:00 pm (noon) on the Monday following distribution, any Member may raise a communication that is listed in the Council Information Package by requesting that it be included in the agenda update/addendum for the subsequent meeting.

13 RULES OF DEBATE AND DECORUM

13.1 Council Members shall govern themselves according to Council's Code of Conduct and Council-Staff Relations Policy.

13.2 Council Members shall, unless for a medical reason or otherwise instructed to do so, remain seated during all proceedings.~~may remain seated during all proceedings.~~

13.3 Members must address the presiding Member by their title of Chair/ Lord Mayor, Vice-Chair/Deputy Lord Mayor.

13.4 The Presiding Officer shall preside over the conduct of the meeting including the preservation of order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.~~preserve order and rule on points of order and privilege.~~

13.5 If the Presiding Officer desires to take part in a debate or to leave the chair for any other reason, the Presiding Officer shall appoint another Member to act until the Presiding Officer resumes the chair.

13.6 Every member desiring to speak shall raise their hand~~indicate~~ so in order to be recognized by the Presiding Officer.

13.7 Every Member, who wishes to speak to any question, motion or matter shall address their remarks through the Presiding Officer.

13.8 When two (2) or more Members arise to speak at the same moment, the Presiding Officer shall name the Member who shall speak first.

13.9 When the Presiding Officer is putting a question or motion, no Member may leave their place or make any noise or disturbance until the result is declared.

~~13.10 No Member shall interrupt a Member who has the floor except to raise a point of order, to ask a question of privilege, to ask a question of Quorum, to ask that the vote be taken again.~~A Member may ask a question only for the purpose of obtaining facts relevant to the matter for a clear understanding. All questions will be stated succinctly and will not be used as a means of making statements or assertions.

13.11 Members are encouraged to provide questions to Town staff prior to the Meeting in order to foster an informed discussion.

~~13.10~~13.12 A member called to order by the Presiding Officer shall immediately cease further comment and may appeal the call to order to Council. Council, if appealed to, shall decide on the case without debate and by way of a majority vote of the members present. If there is no appeal, the decision of the Presiding Officer shall be final.

~~13.11~~13.13 No Member shall:

- 1) use offensive words or speak disrespectfully of the Mayor, Members of Council, staff or the public;
- 2) speak on any subject other than the subject under debate;
- 3) speak to any question or matter and immediately thereafter present a motion
- 34) speak in contempt of any decision of Council;
- 5) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or

6) interrupt a Member who has the floor except to raise a point of order, to ask a question of privilege, to ask a question of Quorum, to ask that the vote be taken again.

67) refuse to obey the rules, or

78) disobey at the rules or decisions of the Presiding Officer on questions of points of order or privilege, or upon the interpretation of the Rules of Procedure.

13.1213.14 In the case of a Member using offensive words, refusing to obey the rules or refusing to obey the orders of the Presiding Officer, the Presiding Officer may order the Member to leave the Meeting. If an apology, in the opinion of the Presiding Officer, is made by the offending Member, the Member may be permitted, by a majority vote of those Members present, to resume the Member's seat or to resume addressing the Members of the Meeting as the case may be.

13.1313.15 Any Member at any time during debate, but not so as to interrupt a Member then speaking, may request that the question, motion or matter under discussion be read.

13.1413.16 No Member, without leave of the Presiding Officer, shall speak more than once to the same question, motion or matter except in explanation of a material part of the speech which may have been misconceived and, in doing so shall not introduce any new matter. No Member will be permitted to speak a second time on an item of business until every Councillor who desires to speak has spoken.

13.1513.17 No Member, without leave of the Presiding Officer, shall speak to the same question, motion or matter or in reply, for no longer than fiveten (540) minutes, except that a Member who has moved a main motion or resolution shall be allowed to reply.

13.1613.18 Non-alcoholic beverages may be consumed, but food shall not be permitted in the Council Chambers during a Meeting.

13.1713.19 The Presiding Officer may expel or exclude from any Meeting any person who:

- a) Addresses Council without permission;
- b) Engage in an activity or behavior or make an audible noise that could affect the Council meeting or deliberations;
- c) Bring any signs or placards into the meeting location;
- d) No person shall make detrimental comments, speak disrespectfully or malign the integrity of the Lord Mayor, Members of Council, Staff or the Public.

13.18 Any person who contravenes any provision of this section may be expelled from the meeting by the Presiding Officer

13.19 The Presiding Officer shall rule on improper conduct and the decision is final and not subject to appeal.

## 14 PRIVILEGE AND ORDER

### **Question of privilege**

14.1 If a Member of Council believes that their individual rights, privileges or integrity or those of the Members collectively have been prejudicially affected, the Member asks the Presiding Officer to raise a question of privilege.

- a) The Member making the request is not permitted to enter into any argument or introduce any motion related to the question of privilege.
- b) A question of privilege suspends debate on the matter under consideration at the time until the question is decided.

### **Integrity of Staff**

14.2 If the Presiding Officer determines that the integrity of a staff member has been impugned or questioned, the Presiding Officer may permit the CAO or most Senior Manager present to make a statement to Council.

### **Point of order**

14.3 When a Member of Council wants to call attention to a violation of these rules, the member may raise a point of order. Upon recognition by the Presiding Officer, the Member states the point of order succinctly and the Presiding Officer decides upon the point of order.

### **Appeal**

14.4 Unless a Member of Council immediately appeals the Presiding Officer's decision to the Council, the decision of the Presiding Officer is final.

14.5 If the decision of the Presiding Officer is appealed, a seconder is required and the members decide whether the ruling of the Presiding Officer is to be sustained without debate and its result is final.

14.6 Notwithstanding section 15.3, a motion to appeal the decision of the Presiding Officer is always in order and has no ranking below other motions.

## 15 MOTIONS

### **Motions Generally**

14.115.1 All substantive motions requires a mover and if applicable a seconder

before being put on the floor for debate. When a motion is presented, it shall be read by the Clerk before debate.

14.215.2 After a motion is read by the Clerk, it shall be deemed to be in the possession of the Members but, with the permission of the Members, may be withdrawn at any time by the mover of the motion before decision or amendment.

14.315.3 When a Main Motion is under debate, no other motion shall be received except a motion for the following purposes:

- 1) to postpone indefinitely (deferral motion without a specific meeting date);
- 2) to amend;
- 3) to refer;
- 4) to postpone to a definite time; (deferral motion with a specific meeting date);
- 5) to limit debate or extend debate;
- 6) to move the previous question or questions;
- 7) to table the Main Motion;
- 8) to suspend the rules of procedure;
- 9) other procedural motions, such as point of order or privilege, as deemed appropriate by the Presiding Officer.

14.415.4 Whenever the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges contained in this by-law, the Presiding Officer shall advise the Members and shall cite the rule applicable.

14.515.5 A motion beyond the jurisdiction of Council shall not be in order except a matter that, in the opinion of the majority of Council, has to do with the welfare of citizens generally. The question of the opinion is to be decided without debate.

### ***Motion to Reconsider***

14.615.6 Any proposal to reconsider, amend or rescind a previous decision of Council made within its current term shall require a motion of reconsideration.

15.4.7 A motion to reconsider a previous decision of Council at a subsequent meeting:

- a) may only be introduced by a Councillor who was present at the meeting and voted in the majority when the decision was made or who was not present at the meeting when the decision was made;
- b) will be introduced as a notice of motion;
- c) requires an affirmative vote of two-thirds vote of the Councillors present.

15.4.8 The mover of the reconsideration will specify whether the reconsideration will address the entire original decision or part of the original decision.

15.4.9 Debate on a motion for reconsideration will be confined to reasons for or against reconsideration.

15.10 Discussion of the previous decision will not be in order until the motion to reconsider has been adopted.

- 15.11 Where the motion to reconsider is approved, reconsideration will become the next order of business unless the motion to reconsider included direction to postpone reconsideration to a definitive date.
- 15.12 A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution in legally binding commitments that are in place on the date of the motion to reconsider is considered by Council.
- 15.13 A decision of Council can only be reconsidered once during a term of Council. A motion to reconsider a previous reconsideration will never be in order.

## 16 VOTING

Voting will be conducted in the following order:

- a) amendment to any amending motion;
- b) the amending motion;
- c) the main motion (as amended or as originally presented).

- 16.1 The Presiding Officer shall, except when disqualified to vote by reason of conflict of interest or otherwise, vote with the other Members on all motions.
- 16.2 When the motion under consideration contains multiple recommendations, a Councillor may request that the vote be taken separately on each recommendation and not vote will be required to be taken on the matter as a whole.
- 16.3 Any motion on which there is a tie vote shall be deemed to be defeated.
- 16.4 Every Member present at a meeting is required to vote on every question when the question is put by the Presiding Officer, unless the Member has declared a conflict of interest in the question in accordance with the Municipal Conflict of Interest Act. If a Member refuses to vote and is not excused from the vote through a conflict of interest, the Member shall be deemed to have voted in the negative.
- 16.5 No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect.
- 16.6 Except as provided elsewhere in this by-law, a motion will be considered carried when a majority of the ~~Councillors~~members present and voting have voted in favour of the motion. The manner of determining the decision of the Meeting on a motion shall be at the discretion of the Presiding Officer.
- 16.7 A Member may request a recorded vote immediately before a vote is taken upon any question, motion or matter, and the names of those who vote for and those who vote against the question motion or matter shall be recorded in the minutes.

16.8 When a Member requests a recorded vote during a Meeting, that Member is to start the voting, and then all other Members in alphabetical order with the Presiding Officer voting last, shall announce his or her vote openly and the Clerk shall record each vote.

16.9 Voting can be conducted via electronic software (eScribe) at the discretion of the Town Clerk or Presiding Officer. If a vote is called electronically and a member is unable to participate due to technical error they may be required to verbally affirm their vote by the Chair.

## 17 CONFLICT OF INTEREST - DISCLOSURE

### ***Conflict of Interest***

17.1 It is the responsibility of each Member to identify and disclose a pecuniary interest or a non-pecuniary interest on any item or matter before Council, COTW or Committee of Council in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, and shall include a description of the general nature of the pecuniary interest(s) or non-pecuniary interest(s) and a reference to the agenda item or items to which the statement relates general nature of the conflict.

17.2 At a meeting where a member discloses such an interest as described in 16, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk. The Clerk shall establish and maintain a registry of each such statement filed and each declaration arising from a non-public meeting which shall be available on the Town's website.

17.3 The Clerk will record the particulars of any disclosure of pecuniary interest or non-pecuniary interest made by the members of Council in the minutes of that meeting.

## 18. COMMITTEES

### ***Rules in Committees***

The rules of the Council, so far as the same may be applicable, shall be observed in COTW and in Committees of Council except that ~~no motions shall require a seconder, no motion for recorded votes shall be permitted, and~~ no Member shall be limited in the number of times of speaking to any proposition, matter or question being discussed by the said Committee.

### ***Committees of Council***

~~18~~7.1 The Council may establish and appoint Committees of Council to consider a specific matter.

187.2 The Committees as of the date this by-law was passed, in addition to any specific duties as herein prescribed, or as may be set out by further resolution or terms of reference the following shall be followed:

~~1) To report to Council from time to time and whenever desired by Council and as often as the interest of the Town may require, on all matters connected with the duties imposed on them, respectively, and to advise such action by Council in respect thereto as may be deemed necessary.~~

12) To consider and to report on any and all matters referred or requested to them by Council.  
~~the Council.~~

23) To adhere, in the transaction of all business, to the rules prescribed by by-laws.

187.3 Members of the Council may attend all meetings of a Committee to observe the proceedings and shall not be entitled to speak and vote unless they have been appointed by resolution to the Committee. Members who are not appointed to the Committee will not receive login details for electronic meetings, rather the Member can view the meeting using the livestream.

187.4 If a member is absent for three consecutive meetings they may be removed from the Committee.

187.5 Each Committee shall report to Council according to their Terms of Reference. Following each Committee meeting, minutes will be circulated to Committee members for identification of errors or omissions prior to Council receiving and/or approving minutes as per Terms of Reference.

187.6 Members shall declare any conflict of interest in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, and shall include a description of the general nature of the pecuniary interest(s) and a reference to the agenda item or items to which the statement relates general nature of the conflict.

187.7 At a meeting where a member discloses such an interest as, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk or designate. The Clerk or designate shall establish and maintain a registry of each such statement filed and each declaration arising from a non-public meeting which shall be available for public inspection during the Town's normal business hours.

### ***Notice of Meetings of Committees***

187.8 Written notice of each regular and Special Meeting of each Committee shall be sent to each member of the Committee by the Recording Secretary so that each member of the Committee shall receive the notice.

187.9 The Recording Secretary will post the meeting agenda to the Towns website no later than 4:00 p.m. the Friday preceding the meeting.

***Conduct Of Meetings Of Advisory and Quasi-Judicial Committees***

187.10 Each Committee shall from among its members, appoint a Chair and a Vice-Chair unless Council otherwise provides at the time of the appointment of such Committee.

187.11 The Chair shall preside at every Meeting and may vote on all questions submitted.

187.12 In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair during the Meeting or until the arrival of the Chair.

187.13 There shall be a Staff Liaison and Recording Secretary for each Committee.

187.14 When Committees are established by resolution of Council, the Terms of Reference are to be created by Town Staff outlining the composition of the Committee and its mandate, which shall be adopted by Council.

4718.15 A majority of the members of any Committee of Council shall constitute a Quorum, with the exception of the Committee of Adjustment in accordance with the *Planning Act*.

~~17.16 The business of the respective Committee of Council shall be conducted under the rules governing the procedure in Council as far as the same may be applicable, subject to the following regulations:~~

~~1) No motion shall require a seconder.~~

~~2) No motion for the previous question shall be allowed.~~

~~3) No member shall be limited in the number of times he/she may speak to the question under consideration.~~

~~4) No member shall request a recorded vote while in a Committee.~~

4718.167 The meetings of Committees shall be open to the public and no person shall be excluded, except for improper conduct or for closed session meetings as per the *Municipal Act*.

18.17 The members of all Committees shall conduct themselves in accordance with the Advisory Committees of Council Policy and Procedure.

4819. REPEAL OF PREVIOUS BY-LAW

198.1 That By-law ~~5125-19~~5508-23 and all amendments to the Procedure By-law are hereby repealed.

198.2 This by-law shall take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25<sup>TH</sup> DAY OF ~~FEBRUARY~~MARCH, 2025

---

LORD MAYOR GARY ZALEPA

---

TOWN CLERK GRANT BIVOL

DRAFT

**SCHEDULE 'A'**

**DELEGATION POLICY**

DRAFT

## SCHEDULE 'B'

### MOTIONS AS SET OUT IN ROBERT'S RULES OF ORDER

- *Main Motion or Resolution*

A Main Motion or resolution is fully debatable and may be amended or reconsidered. A Main Motion or resolution shall:

- 1) be moved by a Member to introduce a substantive matter;
- 2) only be moved when no other motion is pending;
- 3) be seconded;
- 4) not interrupt a speaker; and
- 5) obtain a majority vote of the Members present to pass.

- *Postpone Indefinitely*

A Motion to Postpone indefinitely is fully debatable and shall:

- 1) only be moved by a Member when a Main Motion is immediately pending;
- 2) be seconded;
- 3) not be amended;
- 4) not interrupt a speaker; and
- 5) obtain a majority vote of the Members present to pass.

- *Amend*

A motion to amend may be debated, amended and reconsidered, and shall:

- 1) be moved by a Member to change a motion;
- 2) be seconded;
- 3) not interrupt the speaker; and
- 4) obtain a majority vote of the Members present to pass.

- *Refer to a Committee*

A Motion to Refer may be amended, and shall:

- 1) be seconded;
- 2) only be debated with respect to the decision to send the matter or motion to a Committee;
- 3) not interrupt a speaker;
- 4) not be permitted in Committees; and
- 5) obtain a majority vote of the Members present to pass.

- *Postpone to a Definite Time*

A Motion to Postpone to a definite time may be moved by a Member to put off a matter until later in the Meeting or to the next scheduled Meeting, may be amended, and shall:

- 1) be seconded;
- 2) only be debated with respect to the merits of postponing;
- 3) not interrupt a speaker; and

4) obtain a majority vote of the Members present to pass.

- *Limit or Extend Debate*

A motion to “limit or extend debate” may be amended, and shall:

- 1) only be moved with respect to debatable motions;
- 2) be seconded;
- 3) not be debated;
- 4) not interrupt a speaker;
- 5) not be moved in Committees; and
- 6) obtain a vote of Two Thirds of Council to pass;

- *Previous Question (Close Debate)*

A motion to move the Previous Question may be moved by a Member to stop debate and vote immediately, and shall:

- 1) only be moved with respect to immediately pending motions or series of motions;
- 2) be seconded;
- 3) not be amended or debated;
- 4) not interrupt a speaker;
- 5) not be moved in Committees; and
- 6) obtain a vote of Two Thirds of Council to pass;

- *Lay on the Table*

A motion to lay on the table may be moved by a Member to set aside a matter or motion temporarily, and shall:

- 1) be seconded;
- 2) not be amended or debated;
- 3) not interrupt a speaker;
- 4) obtain a majority vote of the Members present to pass; and
- 5) be taken from the table to resume consideration by a majority vote of the Members present, without debate.

- *Call for Orders of the Day*

A Member may call for orders of the day to bring to the attention of the Presiding Officer the fact that the Agenda is not being followed. A call for orders of the day may interrupt proceedings.

- *Raise a Question of Privilege*

A Member may raise a question of privilege to bring to the attention of the Presiding Officer the fact that the privileges of Council or the privileges of an individual Member are being infringed, and the Presiding Officer shall rule on whether there is a question of privilege. The question of privilege may interrupt proceedings and the decision of the Presiding Officer may be appealed pursuant to 6.2.15.1.

- *Recess*

A motion to recess may be moved by a Member requesting to take a short break, and such a motion is amendable, and shall:

- 1) be seconded;
- 2) not be debated;
- 3) not interrupt a speaker; and
- 4) obtain a majority of the Members present to pass.

If a motion to recess is passed, the Members shall not leave the vicinity and shall be in a position to be reassembled quickly.

- *Adjourn*

A motion to adjourn may be moved by a Member to conclude the Meeting, and shall:

- 1) be seconded;
- 2) not be amended or debated;
- 3) not interrupt a speaker; and
- 4) obtain a majority of the Members present to pass.

- *Fix the Time to Which to Adjourn*

A motion to fix the time to which to adjourn may be moved by a Member to set the time and place for a continuation of the current Meeting. A motion to fix the time to which to adjourn may be amended, and shall:

- 1) be seconded;
- 2) not be debated;
- 3) not interrupt a speaker; and
- 4) obtain a majority of the Members present to pass.

- *Point of Order*

A point of order may be raised by a Member to bring to the attention of the Presiding Officer the fact that a rule is being broken. A point of order may interrupt the proceedings, and shall:

- 1) not be amended;
- 2) not be debated; and
- 3) be ruled on by the Presiding Officer without vote.

The decision of the Presiding Officer on a point of order may be appealed pursuant to 6.2.15.1

- *Appeal the Decision of the Presiding Officer*

A motion to appeal the decision of the Presiding Officer may be moved by a Member when the Member believes that the Presiding Officer has ruled incorrectly and wishes the Council to decide the point of order or a question of

privilege. A motion to appeal the decision of the Presiding Officer is debatable, and shall:

- 1) be seconded;
- 2) not be amended;
- 3) obtain a majority vote of Members present to overturn the ruling of the Presiding Officer.

The Presiding Officer remains in the chair during the appeal process, and if the ruling is reversed the Presiding Officer will comply with the decision of Council.

- *Suspend the Rules*

A motion to suspend the rules may be moved by a Member when the Member believes that a rule of order is interfering with the conduct of business. A motion to suspend the rules shall:

- 1) be seconded;
- 2) not be amended or debated;
- 3) not interrupt a speaker; and
- 4) obtain a vote of Two Thirds of Council to pass.

- *Division of the Question*

Division of the question may occur when a Member wishes to consider and vote on individual parts of a Main Motion. Division of the question may be amended and shall:

- 1) be seconded;
- 2) not be debated; and
- 3) obtain a majority vote of Members present to pass.

- *Division of the Council*

Division of the Council may occur when a Member believes that the vote result is too close to call or that the Presiding Officer has incorrectly announced the result of a vote. Division of the Council does not require a seconder and is a demand to take a recorded vote in accordance with the procedure as per Section 7.4. Division of the Council is not amendable or debatable, no vote is required, and it may interrupt a speaker.

- *Point of Information*

A point of information may be used by a Member to ask a question. A point of information does not require a seconder; is not amendable or debatable and does not require a vote.

## 1. Policy

|                        |   |
|------------------------|---|
| <b>Policy Number:</b>  | P-CAO-25-XX                                 |
| <b>Policy Name:</b>    | Delegation Policy                           |
| <b>Effective Date:</b> | <del>April 25, 2023</del> February 25, 2025 |
| <b>Last Revised:</b>   | <del>April 25, 2023</del> February 13, 2017 |
| <b>Last Reviewed:</b>  | <del>March 21, 2023</del> February 11, 2025 |

## 2. Policy Purpose

The purpose of this policy is to provide a process and criteria for members of the public residents of the municipality or local organizations to address Town Council or a Committee thereof, on a matter over which the Town has legislative, legal, financial, geographic, or operational effect for decision-making ~~a matter of concern.~~

## 3. Scope

Notwithstanding any procedures to the contrary within a Committee's Terms of Reference, ~~The scope of this policy applies to Council and its Committees including Committee of the Whole, but excludes and statutory public meetings as required under the Planning Act. Procedures regarding delegating to a Committee of Council are the same as this policy unless otherwise outlined in the Committee's Terms of Reference. Would this apply to all Committees of Council?~~

## 4. Definitions

| TERM                       | DEFINITION   |
|----------------------------|--|
| Town Clerk                 | The Town Clerk of The Corporation of the Town of Niagara-on-the-Lake.  |
| <u>Recording Secretary</u> | <u>A Member of Staff, typically the Town Clerk or designate who is responsible to record without note or comment, all recommendations or resolutions, decisions and other proceedings of the Council or Committee that serves as the Town Clerk in Committees of Council</u> |
| Council                    | <u>The municipal body own Council Members</u> consisting of 9 elected members-at-large, including a Lord Mayor and eight (8) Councillors.  |
| Council Meeting            | <u>A meeting established Council meets</u> as per the calendar approved by Council <u>or a Special Meeting duly authorized in accordance with the Procedure By-law where a quorum of Council is in attendance.</u>   |

|   |   |
|---|---|
| Committee of the Whole (COTW)   | A Committee session of Council, presided over by a member of Council. COTW meets as per the calendar approved by Council. This includes any statutory meetings as required under the <i>Planning Act</i> .  |
| <a href="#">Committee</a> , Committee of the Whole (COTW) or Council Agenda | The order of business for the Meeting which can be prepared in paper or electronically.   |
| <del>Committee of Council</del>   | <del>Committees established by, and/or otherwise comprised of Members of -of Council other than that are not Committee of the Whole.</del>  |
| <del>Council Meeting</del>  | <del>Council meets as per the calendar approved by Council.</del>   |
| Delegation  | A presentation made by a person or persons <a href="#">or on behalf of an organization</a> who has (have) made a formal request through the Town Clerk to address <del>the proceedings Town Council</del> at either a Council, <a href="#">Committee of Council</a> or COTW Meeting on a given <del>agenda matters</del> subject. <del>Unless under extenuating circumstances, delegates</del> When possible, shall <del>delegates are encouraged to</del> present to <a href="#">a Committee of Council or</a> COTW meetings rather than Council meetings. |
| Delegation Request Form   | Online request form that must be completed and submitted on the Town's website to be considered as either an Agenda or Non-Agenda Delegation.   |
| Electronic Participation  | Participating in a <a href="#">Committee</a> , COTW or Council Meeting by joining remotely via a Microsoft Teams invitation. <a href="#">The</a> <del>intention</del> of Electronic Participation is indicated by checking the Participating Electronically check box on the Request Form.  |
| In-Person Participation   | Participating in a <a href="#">Committee</a> , COTW or Council Meeting by attending the Council Chambers at Town Hall. Intention of In-Person Participation is indicated by checking the Participating In-Person check box on the Request Form.   |
| <a href="#">Non-jurisdictional Items</a>                                    | <a href="#">means issues over which the Town does not have legislative, legal, financial, geographic, or operational effect for decision-making</a>   |

## 5. Policy Statement

Council [and its Committees](#) values and welcomes input, comments, and constructive suggestions from residents and local organizations. Since Council [and its Committees](#) generally must consider a large number of issues and concerns at any given time, the

Delegation Policy outlines procedures to ensure fair and equal consideration is given to all requests and also details the protocols required of the delegate when presenting.

## 6. Policy Details

There are two broad categories of delegations. Each category will be noted as such on the Council, [Committee](#) or COTW meeting Agenda:

|   |  |
|---|--|
| <b>Category 1 – Non-Agenda Delegation</b> | This is a presentation that addresses topics that do not appear on the <a href="#">Committee</a> , <a href="#">Council</a> or COTW Agenda and for which no <a href="#">related staff</a> report has been prepared for <a href="#">or included on the applicable agenda</a> . <a href="#">Council by Staff. Non-Agenda Delegations are only permitted at Committee and Committee of the Whole meetings. Are not permitted at Committee of Council Meetings.</a> |
| <b>Category 2 – Agenda Delegation</b>     | This is a presentation which specifically addresses a COTW, <a href="#">Committee of Council</a> or Council Agenda item.   |

### DELEGATIONS S GUIDELINES:

- All delegate presentations shall not exceed 10-minutes in length including requests for multiple topics. However, the length of time may be limited by the [Town Clerk](#), Proceeding Officer or Chair if a large volume of individuals is expected to speak to the item [or as determined by the Town Clerk to facilitate a timely meeting.](#) [Where there are more than three \(3\) delegations on the same subject each delegation is limited to five \(5\) minutes. A maximum of three non-agenda delegations shall be permitted at a meeting.](#)
- Remarks are to be concise. Discussion on topics, other than the subject matter of the delegation request, will not be permitted. In the event that a delegate submits multiple requests for the same meeting consideration will be given in consultation with the Town Clerk and [/or](#) the Lord Mayor.
- Personal attacks or inappropriate language will not be tolerated.
- Where possible, it is requested that one spokesperson represent the similar interests of a group of delegates.

- A written copy of the presentation and/or summary of remarks and all related documentation must be submitted made available to the Town Clerk no later than 12:00 p.m. on the Monday prior to the meeting. This allows for any clarification and/or follow-up that may be required.
- For Committees of Council, timelines are determined by the Terms of Reference or timelines as otherwise noted.
- Where delegations are not permitted under the Terms of Reference, speakers may be invited to speak at the meeting by the Recording Secretary.
- Every item of correspondence, petition, report and other communication intended to support the delegation shall be easy to read and signed by at least one person or clearly indicate the identity of the sender

#### DELEGATION APPLICATIONS:

- Requests to appear as a non-agenda delegation must be made through the completion of the Request Form submitted on the Town's website no later than **12 p.m. on the Thursday prior to the COTW or Council meeting.** Scheduling of the non-agenda delegations shall be at the discretion of the Town Clerk or designate.
- A delegation request to present information to COTW or Council regarding a Staff Report listed on a published agenda must be made through the completion of the Request Form submitted on the Town's website by **12:00 p.m. on the Monday prior to the scheduled meeting.**
- All agenda delegations shall pertain to a matter which is within Council's statutory jurisdiction. The Town Clerk will be authorized to refuse such delegations on non-jurisdictional items.
- A delegate must confine their remarks to the business stated on their form.
- The Delegation Request Form may be submitted electronically via the Town's website or a hardcopy may be mailed or dropped off at Town Hall, addressed to the Clerks Office. Electronic and hardcopy forms must be received prior to the

deadlines outlined above.

- Communications or petitions containing obscene or defamatory language are not accepted or presented to the Council.
- A maximum of three (3) delegations may take place during a COTW or Council meeting, with priority being given to delegations relating to an agenda items. This maximum may increase at the discretion of the Town Clerk or request of the Lord Mayor. For non-agenda items should more than three (3) delegation requests be received, the first three received will appear on the agenda and the remaining will be offered the chance to appear at a subsequent meeting. Council will be notified of the remaining requests.
- 
- By a motion duly put and passed by a two-thirds vote any person not registered as a delegate with the Town Clerk may be heard.
- If an applicant wishes to address an issue they have previously spoken to at COTW or Council, they will only be permitted to do so if they bring forward significant new information. Specific details of how this information is new must be identified on the application form and is subject to approval by the Town Clerk. Only the new information will be heard. Significant new information is information previously unknown to Council or Committee which would reasonably be expected to change the outcome of deliberations.
- Individuals are to present their comments regarding applications under the Planning Act at the scheduled public meeting where their comments can be considered along with all other submissions.
- No application is necessary for individuals speaking at a public meeting under the Planning Act.
- For meetings scheduled in accordance with the Planning Act, timelines will be outlined on the Public Notice.
- A delegation is not permitted on any matter that is the subject of a future statutory public meeting or of a statutory public meeting which has been closed.
- Delegations regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw are not permitted.

- Delegations addressing a staff report are encouraged, when possible, to speak at the COTW meeting.
- No delegations shall be permitted on matters relating to:
  - a) Any matter matters which have been previously decided upon by Council within the ~~term of Council~~last six (6) months.
  - b) Litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals.
  - c) ~~Issues~~ Matters which are non-jurisdictional to the ~~outside the jurisdiction of the Town.~~
  - d) Notices of Motion, provided that Delegates will have an opportunity to speak at the subsequent Council meeting when that item will be discussed.
  - e) Previous Minutes and Committee Minutes listed on the agenda.
  - f) By-laws on the agenda.
  - g) Closed Session items, or a matter which, in the opinion of the Clerk or Chief Administrative Officer, is the proper subject matter of a Closed Session.
  - h) Reports filed by the Integrity Commissioner.
  - a)i) Relief from user fees and charges or any requests relating to tax bills, water bills, or Town-issued offence notices, administrative penalties and/or orders unless otherwise outlined in a Town Policy or by invitation by the Recording Secretary or Town Clerk
- b) Delegations are not permitted for the following agenda items: closed session items, notices of motion, motions to reconsider, and adoption of minutes.

## DELEGATION PROTOCOL

- 1) When called upon by the Chair of the COTW meeting, or the Lord Mayor at Council meetings, the delegate shall proceed immediately to the podium at the front of the Council Chambers.
- 2) If participating electronically, the delegate must wait on the Teams meeting with their microphone muted and their camera off. When called upon by the Chair of the COTW meeting, or the Lord Mayor at Council meetings, the delegate shall unmute their microphone and turn on their camera.
- 3) Remarks should be brief and to a maximum length of 10 minutes per delegate. Comments should be stated in a clear, concise, and factual manner. The Town set the timer when the delegate begins to speak. The Chair may at their discretion extend their length of time.

- 4) For agenda delegations, to reduce the possibility of any misunderstanding, and to facilitate necessary follow-up, the Town Clerk requires a written copy of the presentation or remarks no later than 12:00 p.m. the Monday prior to the meeting. If a written copy is not received either electronically or in hardcopy by the deadline, the delegate may be removed from the agenda.
- 5) ~~No delegation shall: Discussion on topics other than the subject matter of the delegation request will not be permitted.~~
  - ~~a) speak to a matter other than the subject matter identified in their request;~~
  - ~~b) speak disrespectfully or use offensive language;~~
  - ~~c) disobey a decision of the Chair;~~
  - ~~d) enter into cross debate with Members of Council, other delegations or staff;~~
  - ~~a)e) use the presentation to advertise, publicize or promote any business or commercial enterprise or event.~~
- 6) ~~Subsequent delegations on the same topic, without significant new information, will not be permitted. The Town Clerk will determine if the new information is significant.~~
- 7) It is considered proper protocol to not ridicule or berate any individuals. Remarks or questions concerning the character or performance of named individuals or groups shall be immediately ruled out of order. The Chair reserves the right to immediately end the delegation for improper conduct. Any future offences at a subsequent meeting by the same individual will result in forfeiture of their right to speak for a period of time to be determined by Council, dependent upon the seriousness of the offence. Refusal of the individual to respect the ruling of the Chair will result in the meeting being immediately halted until the individual exits the Council Chambers or the Teams call.
- 8) Upon completion of their remarks, the delegate should remain in position to allow for possible questions from Council members. Council members may ask questions for clarification purposes only. Staff shall not be called upon during a delegation.
- 9) After completion of questions, the delegate will be asked to return to their seat in the public gallery or if participating electronically mute their microphone and turn off their camera.
- 10) Members of the public are to refrain from making audible comments or noise (i.e. applause) while in the Council Chambers.
- 11) Members of the public are not permitted to join meetings electronically unless they have been sent an invitation through the Clerk's Office. Members of the

public who wish to watch the meetings electronically are welcome to do so via the Livestream link available on the Town's website.

#### [Response to Delegation](#)

No decision on the Delegation's requested action, if presented, will be made during the meeting at which a Delegation is heard. Following the Delegation, Council or the Committee may take no action, or may refer the issue to one or more of the following:

- the next or another meeting of Council or Committee where the presentation occurred;
- staff for a report; and or
- a Committee of council.

## **8. Forms**

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The Delegation Request Form can be completed online at the Town's website or a hardcopy can be submitted at Town Hall, addressed to the Town Clerk.

## 9. Responsibilities

| POSITION or OFFICE | RESPONSIBILITIES   |
|--------------------|--|
| Clerks Office      | <ul style="list-style-type: none"> <li>• Receive and Process complete Delegation Request Forms.</li> <li>• Add Delegation Request Forms and accompanying documents (presentation/written materials) to agenda.</li> <li>• Monitor the presentation time of each delegation.</li> </ul> |

## 10. Related Information

Procedure By-law of the Town of Niagara-on-the-Lake  
*The Planning Act, 1990*  
*The Municipal Act, 2001*

## 11. Contacts

Please direct any questions regarding this policy to:

| OFFICE        | PHONE        | EMAIL           |
|---------------|--------------|-----------------|
| Clerks Office | 905-468-6418 | clerks@notl.com |

| POLICY GOVERNANCE       |   |
|-------------------------|---|
| Policy Number:          | P-CS-23-01                                  |
| Effective Date:         | <del>February 25, 2025</del> April 25, 2023 |
| Last Reviewed Date:     | <del>January 3, 2023</del> April 25, 2023   |
| Target Review Date:     | January 31, 2026                            |
| Approval Authority:     | Council                                     |
| Policy Owner:           | Town Clerk                                  |
| Responsible Office:     | Clerks Division                             |
| Supplemental Documents: | Delegation Request Form                     |

## MEMORANDUM

**TO:** Council

**FROM:** Shaunna Arenburg, Deputy Clerk

**DATE:** 2025-03-18

**SUBJECT:** Further Updates to Report CAO-24-001 - Procedure By-law Updates

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At the Committee of the Whole – General meeting held on February 11, 2025, Council provided the following direction:

*That item 7.3 - Procedure By-Law Updates, CAO-24-001 be deferred to the March 18, 2025, Committee of the Whole - General meeting to address Council Inquiries, Regional Council updates, length of Presentations and the definitions of the Deputy Lord Mayor and Jurisdiction.*

Staff has reviewed the Procedure By-law and has provided the following comments:

“Council Inquiries” – Council members are encouraged to provide questions to Town staff prior to meetings in order to foster an informed discussion. “Council Inquiries” were not included as an agenda item as often questions coming forward on the floor require background information or research in order to provide a full accurate answer. If the inquiry is for a report to come back to Council, members are encouraged to submit a notice of motion requesting a report that includes as much detail as possible, including the requested content of the report and the timing for which the report is to return to Council.

“Regional Council Updates” – The Town of Niagara-on-the-Lake has extended an open invitation to the Regional Councillor to present to Council along with any Regional Staff at their request. Due to competing priorities and scheduling conflicts, the regional presentations are scheduled as requested as opposed to a set date in the calendar. Both the Regional Councillor and Regional Staff are included under the Presentations portion of the agenda and are not required to submit a delegation request. Presentations are not held to strict timing and are given lenience with the length of their presentation; while encouraged to be around ten minutes, they are not strictly timed.

“Length of Presentations” – Refers to the length of delegation presentations. Presentations from delegations are limited to ten (10) minutes and are encouraged to be concise. The length

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of time may be limited by the Town Clerk, Proceeding Officer, or Chair if a large volume of individuals is expected to speak to the item or as determined by the Town Clerk to facilitate a timely meeting. Where there are more than three (3) delegations on the same subject each delegation is limited to five (5) minutes. A maximum of three non-agenda delegations are permitted at a meeting. When non-agenda delegations are requested for robust meeting agendas the Town Clerk will reach out to the delegate and if their delegation is not time sensitive request to bump them to a future meeting. If Council would like delegations to be limited to five (5) minutes to match the length of speaking time given for a Public Meeting that direction can be given via motion, and staff will make the necessary changes prior to the by-law coming forward at Council.

“Deputy Lord Mayor” – the definition has been updated to provide better clarity. The new definition is as follows: “Deputy Lord Mayor” means a Member of Council who is appointed by by-law to act in the place of the Lord Mayor when the Lord Mayor is absent from the Town or absent through illness, or otherwise, or when the office is vacant, and while so acting, such Member has and may exercise all of the rights, powers and authority of Head of Council.”

“Jurisdiction” – Section 2, subsection 2.2 of the Procedure By-law has been updated to read: “No item shall be placed on the agenda with respect to a matter which is not within the jurisdiction of Council unless the opinion of Council confirmed by majority vote determines it to be so. The Lord Mayor and/or Chair, in consultation with the Clerk, can also determine if a matter is within the jurisdiction of Council” and Section 15, subsection 15.5 states “A motion beyond the jurisdiction of Council shall not be in order except a matter that, in the opinion of the majority of Council, has to do with the welfare of citizens generally. The question of the opinion is to be decided without debate.” The Spheres of Jurisdiction are fully defined in Part II, Section 11 of the *Municipal Act, 2001*, however, for the purposes of the Procedure By-law “jurisdiction” is at the discretion of Council. If the majority of Council believes a matter to be necessary or desirable for the public, the matter would be considered within Council’s jurisdiction.

Once the draft Procedure By-law is approved, any minor administrative or grammatical errors that have been identified will be corrected ahead of the By-law being presented at Council for adoption.

Respectfully submitted,



Shaunna Arenburg  
Deputy Clerk



## Town of Niagara-on-the-Lake

1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 www.notl.com

**REPORT #:** CDS-25-032 **COMMITTEE DATE:** 2025-03-18  
**DUE IN COUNCIL:** 2025-03-25  
**REPORT TO:** COTW-Planning  
**SUBJECT:** 353 Townline Road Draft Plan of Subdivision (26T-18-24-01) – Recommendation Report

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Draft Plan of Subdivision (File No. 26T-18-24-01) for lands municipally described as 353 Townline Road, attached as **Appendix I** to this report, subject to the conditions of final approval contained in **Appendix IV** to this report, **BE APPROVED**; and,
- 1.2 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Subdivision for lands municipally described as 353 Townline Road, as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received.

### 2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Council regarding an application for a Draft Plan of Subdivision for lands known municipally as 353 Townline Road regarding a proposed industrial subdivision in the urban area of Glendale.
- The Draft Plan of Subdivision application proposes the creation of four (4) blocks for industrial development, two (2) blocks for environmental protection, a block for stormwater management, a block for an existing drainage channel, and the extension of a public road northerly from Westwood Court.
- The subject lands are designated and zoned for employment and industrial uses. They are also within the Regionally identified Employment Area. No amendments to the Official Plan or Zoning By-law are required to facilitate the proposal.
- Staff recommend approval of the Application, as detailed in this report and subject to the recommended conditions, attached as **Appendix IV**, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms to Provincial, Regional, and Town planning policies.

### 3. PURPOSE

This report provides a recommendation to the Committee and Council regarding an Application for a Draft Plan of Subdivision to accommodate the creation of new blocks for future industrial development on lands known municipally as 353 Townline Road.

The Draft Plan of Subdivision proposes to create a total of 9 blocks, including four (4) development blocks, two (2) blocks for the natural heritage system and associated buffer, one (1) block for stormwater management, one (1) block for a drainage channel, and one (1) block for a reserve associated with the proposed public road extension northerly from Westwood Court. The Draft Plan of Subdivision provides for approximately 81 metres of frontage on Townline Road; one (1) industrial block will be accessible from Townline Road, and the remaining three (4) industrial blocks will be accessible from the proposed extension of Westwood Court. The Draft Plan of Subdivision is attached as **Appendix I** to this report.

The Application was deemed complete by Town Staff on March 4, 2024.

## **4. BACKGROUND**

### **4.1 Site Description and Surrounding Lands**

The subject lands are located on the east side of Townline Road, south of Queenston Road, in the urban area of Glendale. The location of the subject lands is shown on **Map 1 of Appendix II** to this report.

The subject lands have an area of 11.34 hectares, with 81 metres of frontage on Townline Road. The lands are currently vacant and contain a portion of the Six Mile Creek with associated valleylands and woodlands on the eastern side of the property.

The surrounding land uses are residential to the north, industrial to the west and south, and conservation/open space to the east.

## **5. DISCUSSION / ANALYSIS**

### **5.1 Policy and Legislative Framework**

The Application has been evaluated for consistency and conformity with the relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections. Applicable policies and legislation are provided in **Appendix III** to this report.

#### 5.1.1 Planning Act, R.S.O. 1990, c. P.13

The Application supports the matters of provincial interest, is consistent with policy statements and conforms to provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

#### 5.1.2 Provincial and Regional Planning Documents

The subject lands are designated as being within a “Settlement Area” according to the Provincial Planning Statement, 2024 (the “PPS”) and “Designated Greenfield Area” according to the Niagara Official Plan (the “NOP”). Further, the lands are within the Glendale District Plan Area on Schedule B and a Regionally identified “Knowledge and Innovation Employment Area” as per Schedule G (Employment Areas) of the NOP.

##### 5.1.2.1 Density

The subject lands are within a designated Strategic Growth Area in the NOP (Glendale). Strategic Growth Areas are the highest priority for development and intensification, and serve as the primary location for major uses, including commercial uses. Glendale provides for a

density target of 100 people and jobs per hectare by 2051. The Glendale Employment Area (NOTL-2 Glendale Momentum District) identifies a minimum overall density target of 60 jobs per hectare.

As the Application is only for the subdivision of the lands, no future uses or building footprints have been provided or determined at this time. The subject lands are currently vacant and zoned for industrial and employment uses; therefore, the future development of the lands will further contribute to the overall density targets identified. Subdividing the subject lands into four (4) blocks for future industrial development will assist the Town with achieving the overall density target for Glendale. The densities of the future developments on the proposed blocks will be evaluated at the future Site Plan Approval stage, to ensure that the overall target is achieved.

#### 5.1.2.2 Employment

The subject lands are considered as an employment area, per the PPS, which is intended to be planned for, protected and preserved for current and future employment uses. The *Planning Act* defines employment areas as those areas designated in an official plan for clusters of business and economic uses, and which meet the following criteria:

1. The uses consist of business and economic uses...including any of the following:
  - i) Manufacturing uses.
  - ii) Uses related to research and development in connection with manufacturing anything.
  - iii) Warehousing uses, including uses related to the movement of goods.
  - iv) Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
  - v) Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
  - vi) Any other prescribed businesses and economic uses.
2. The uses are not any of the following uses:
  - i) Institutional uses.
  - ii) Commercial uses.

The PPS directs municipalities to provide an appropriate mix of employment uses to meet long-term needs and opportunities for a diversified economic base, and encourages compatible intensification of employment uses to achieve complete communities. Knowledge and Innovation Employment Areas identified in the NOP are planned to contain land uses that facilitate partnerships and promote the sharing of ideas and information, attain high-quality urban design, encourage transit-supportive densities and incorporate active transportation facilities along active transportation networks.

The subject lands are zoned to permit a range of industrial uses that would provide more employment opportunities to the Town. Items related to urban design, active transportation, and transit-supportive densities, will be reviewed at the time of the Site Plan Application process.

#### 5.1.2.3 Land Use Compatibility

The PPS permits industrial, manufacturing, and small-scale warehousing uses adjacent to sensitive land uses provided that adverse effects are not incurred. The Provincial D-6 Land Use Guidelines provide direction on compatibility between industrial areas and sensitive land uses. The NOP directs that sensitive land uses shall be limited in employment areas and only permitted if such use complies with the D-6 Guidelines. While industrial development has already been established as a permission on the subject lands through the current designation and zoning, directly abutting properties to the north and east are comprised of residential and environmental uses, which are considered to be sensitive land uses.

The Prestige Industrial (PI) Zone on the northern portion of the subject lands abuts residential properties directly to the north. The PI zone requires minimum setbacks and a buffer strip to residential uses; the buffer strip must be a minimum of 6 metres in width and must be landscaped with coniferous plantings to a minimum 2 metre height. The Light Industrial (LI) Zone on the southern portion of the lands abuts environmental lands to the east which warrants a minimum 3 metre buffer. The LI zone also has minimum setback requirements.

Through the attached Conditions (**Appendix IV**), a clause that will be required to be included in all future purchase and sale agreements for future owners of the proposed subdivision blocks to conform to the D-6 Guidelines and implement any recommended mitigation measures to ensure compatibility with the residential uses to the north of the subject lands. Any subsequent mitigation measures will be formalized through the Site Plan Approval process.

Given that the proposal does not facilitate any specific development of the blocks, land use compatibility will need to be addressed once plans are submitted for future development within the proposal blocks. In accordance with the applicable zone requirements, Provincial direction, through the D-6 Guidelines, and the subsequent Site Plan Approval process, land use compatibility will be achieved.

#### 5.1.2.4 Natural Environmental System

The PPS directs that natural features and areas shall be protected for the long-term. The PPS further restricts development and site alteration on lands adjacent to natural heritage features unless no negative impacts are evaluated and demonstrated appropriately. The NOP contains detailed policies and direction regarding natural heritage/environmental features and their protection.

The northeast corner of the subject lands contains a portion of the Six Mile Creek and its associated valleylands regulated by the Niagara Peninsula Conservation Authority (the "NPCA"). The NPCA has provided comments related to their regulated lands specific to stormwater management, erosion, obtaining work permits, and the ownership of Blocks 6 and 7 (natural environmental system and associated buffer). The NPCA had recommended inclusion of a condition related to ownership of Blocks 6 and 7, which provided an opportunity for the Town to own these lands. Based on additional Staff review and input, the Town does not have the means or capacity to maintain Blocks 6 and 7. Through consultation with the NPCA, the ownership of Blocks 6 and 7 will be the responsibility of a public agency or group.

Further discussion on these matters is provided under Section 5.1.3.1 of this report.

The lands are also impacted by the Region's Natural Environment System (the "NES"), consisting of significant woodland, other woodland, other wetland, and watercourse features. With the submission of the application, a Scoped Environmental Impact Study ("EIS") and associated addendums and memorandums were provided, prepared by Colville Consulting Inc., dated January 2024, July 2024, and November 2024, respectively.

The NPCA and Niagara Region were circulated and consulted with throughout the review of this Application. Their detailed comments are provided under Section 5.4.2 of this report and further attached as **Appendix V**.

Through the review of the applicant's EIS, Regional Environmental Staff confirmed that various features on the property achieve the criteria to be considered as part of the Region's NES and required further assessments prior to determining that no negative impacts would arise from the proposal. Feature "FODM12" is further considered as an "Other Woodland" and features "MAM2-2" and "SWD1-3" are considered an "Other Wetland," based on the Region's comments and the natural environment policies of the NOP.

The applicant, Regional Staff and Town Staff met on separate occasions to discuss the Regional environmental comments and policies, as well as management or mitigation of any potential environmental impacts as a result of the proposed subdivision. A summary of these discussions is provided below:

- Town Planning Staff are of the opinion that the increased buffer requirement (recommended 20 metres from the Region, in comparison to the 10-metre buffer proposed) can be addressed at the subsequent Site Plan Approval (SPA) stage when the proposed use, building footprint, and site layout is available. With the submission of future SPAs, the development proponent must submit a scoped EIS with each proposal to determine appropriate mitigation measures, including buffer widths, based on the proposed use/building. Through discussions with Regional Staff, a condition has been imposed to require the submission of the subsequent studies to further determine the necessary buffer to the NES as a result of future development and site alteration.
- Regional Environmental Staff have advised that feature "FODM12" achieves "Other Woodland" criteria in the NOP, and note that there must be no negative impacts to this feature to permit development and site alteration within the area of the feature. To date, subsequent information has not been provided to confirm no negative impacts. Town Planning Staff have worked with Regional Staff to create conditions that will ensure that this information is provided prior to any alteration to the FODM12 feature. Requirements of the conditions include the submission of an EIS Addendum, a Tree Inventory and Preservation Plan, and tree replacements. Should any tree removal be proposed by the applicant, they may replant the trees elsewhere in the Town's urban area or provide a combination of cash-in-lieu and replanting on and/or off-site in the Town's Urban Area, provided that 75% of the trees are replanted.
- Regional Environmental Staff have identified that the "Other Wetland" feature "SWD1-3" and "MAM2-2" may achieve "Significant Woodland" or "Other Woodland" criteria as per the NOP. The applicant's EIS did not discuss the potential woodland criteria within this

feature based on the Regional comments as their environmental planning consultant provided a different evaluation. Provided that the applicant can appropriately demonstrate that the wetland does not achieve woodland criteria, the wetland and its ecological and hydrological functions may be maintained through on-site restoration works, recreating the vernal pool/habitat elsewhere on the property. Town Planning Staff have worked with Regional Staff to create conditions that will ensure that this information is provided to confirm no woodland criteria are achieved in relation to the wetland, and that a vernal pool/habitat creation plan be submitted to confirm no negative impacts and that the functions of the wetland will be maintained.

Based on the materials submitted with the Application, Staff note that the proposed road network (northern extension of Westwood Court) dissects the “Other Wetland” feature and the northwestern portion of the “Other Woodland” feature. The boundaries of the woodland feature further extend into the stormwater management block and one of the future development blocks (Block 4). The proposed layout of the subdivision will result in direct impacts to the FODM12, MAM2-2, and SWD1-3 features, resulting in their partial or entire displacement from the current locations. Conditions related to the FODM12, MAM2-2 and SWD1-3 features have been included in **Appendix IV**). The clearance of conditions relating to the regulated features (FODM12, SWD1-3, and MAM2-2) will be completed in consultation with Regional Environmental Planning Staff, per the service agreement, to ensure that the environmental interests and policies of the NOP are upheld. Provided that the attached Conditions are satisfied, Town Planning Staff are of the opinion that the Application ensures long-term protection of the NES.

#### 5.1.2.5 Archaeology

Provincial and Regional policies aim to protect and conserve archaeological resources through prohibiting development on lands that are deemed to have archaeological potential unless archaeological resources have been evaluated and conserved. Stage 1 and 2 Archaeological Assessments, dated March 12, 2020, and January 17, 2023, respectively, were prepared for the subject lands, confirming that no resources were found and that the lands no longer retain archaeological potential. A Ministry Compliance Letter has not been received for the Stage 1 Archaeological Assessment. A Ministry Compliance Letter has been received for a Stage 2 Archaeological Assessment, dated December 31, 2024. The letter confirms that the Stage 2 assessment was conducted in accordance with Provincial standards and guidelines; however, Staff have not received a copy of the December 31, 2024, Stage 2 Archaeological Assessment

Conditions are included to require the submission of the applicable assessment and letter(s) prior to final plan approval, as well as to implement the standard discovery protocol. No demolition, grading, or other soil disturbances shall take place on the subject lands prior to the issuance of a letter from the Ministry through Niagara Region and the Town, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

#### 5.1.3 Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are currently designated as “Prestige Industrial,” “Light Industrial,” “Conservation,” and further designated as a “Greenfield Area” in the Town’s Official Plan (the “Town OP”). The Town OP designations of the subject lands are shown on **Map 2** of

**Appendix II** to this report. The lands are further designated for employment and industrial uses; future housing is not permitted within the subject lands.

The goals and objectives of the Industrial designations are to provide and expand employment opportunities in the Town, to diversify the local economy through new industries, to efficiently use services to support development, to protect and conserve environmentally sensitive areas, and to minimize conflicts between industrial and residential land uses. Appropriate landscaping and buffering shall be incorporated to protect adjacent residential properties.

The proposed Application would facilitate the subdivision of lands that are designated and zoned for industrial development. The Application provides for additional development blocks that will encourage a diverse range of industrial uses, expand employment opportunities, and make efficient use of Town services. Through the subsequent SPA process for the development of the blocks, mitigation measures will be put in place to ensure no adverse impacts result from industrial uses abutting the residential properties to the north. This includes appropriate buffering and landscaping to achieve land use compatibility.

The goals and objectives of the Conservation designation are to protect wetlands and the retention of woodlots, regulate development on lands with physical environmental constraints, and preserve and enhance the Town's natural areas.

As discussed in Section 5.1.2.4 of this report, the subject lands contain a portion of the Six Mile Creek and its associated valleylands, and are further impacted by the Region's NES, containing significant woodland, other woodland, other wetland and watercourse features. Through the recommended conditions, attached as **Appendix IV**, it must be adequately demonstrated that no negative impacts from future development will result related to the environmental features. Detailed discussion on how this can be achieved is provided earlier in this report. Provided that these items are satisfied, the Application will uphold and protect the Conservation designation of the lands.

The Town's Greenfield density target is 50 people and jobs per hectare. Development of the lands for employment uses will contribute to this target by adding new jobs to the Glendale Employment Area.

#### 5.1.3.1 Glendale Secondary Plan Policies

The subject lands are located within the Glendale Secondary Plan Area. At the time of preparation of this report, the Glendale Secondary Plan (2010) is still in effect. On January 28, 2025, Town Council approved the updated Glendale Secondary Plan through Official Plan Amendment No. 99. The Glendale Secondary Plan (2025) was appealed by several landowners, and is therefore not in force or effect at this time. The Application has been reviewed against the policies in place at the time of application submission as well as recommendation. Future planning applications on the subject lands would be subject to the policies and direction contained in the Glendale Secondary Plan (2025) once it is in force and effect.

The below sections are prepared to provide an analysis based on the policies applicable on the date that the Application is considered.

#### 5.1.3.1.1 Glendale Secondary Plan (2010)

The subject lands are within the Glendale Secondary Plan (2010) and are designated “Industrial Park,” “Prestige Employment,” and “Environmental Conservation Area.”

The objectives of the Glendale Secondary Plan include, but are not limited to, compatible built form, accommodating a diversity of employment uses, and preservation of natural heritage features. The permitted uses in the Industrial Park Area and Prestige Employment Area include a range of industrial uses. The Industrial Park Area further states that lots should have a minimum width of 30 metres, while the Prestige Employment Area states that lots along secondary roads should be a minimum width of 30 metres and a minimum depth of 60 metres.

The proposed lots (Blocks 3 and 4) within the Industrial Park Area exceed the minimum 30 metre lot width. In addition, the proposed lots (Blocks 1 and 2) within the Prestige Employment Area also exceed the minimum width of 30 metres and minimum depth of 60 metres for lots.

The intent of the Environmental Conservation Area is to protect the natural features associated with the Six Mile Creek and any other regulated natural environment feature(s). Main uses permitted in this area include wildlife management, waterfowl protection, floodplains, and environmental protections. Further, the Niagara Region’s policies respecting natural heritage and development adjacent to natural heritage features shall apply in Glendale. Applications for development within or adjacent to Environmental Conservation Areas require the submission of an EIS confirming that no negative impacts will result on the natural feature or its ecological functions.

The applicant submitted an EIS to support the Application. The NOP policies require the assessment of natural environment features to determine their classifications and applicable requirements. As detailed in Section 5.1.2.4 of this report, Regional Environmental Staff confirmed that two features on the subject lands meet “Other Wetland” and “Other Woodland” criteria. Through the conditions of draft approval, the applicant is required to further demonstrate no negative impacts to these features through an EIS Addendum. Additional conditions are included with respect to the submission of a Tree Inventory and Preservation Plan, a vernal pool/habitat creation plan, and tree replacements.

#### 5.1.3.1.2 Glendale Secondary Plan (Council Approved 2025)

The subject lands are within the Glendale Secondary Plan and are designated “Industrial/Business Park,” “Environmental Protection.” The lands are further within the “Adjacent Lands Overlay,” which triggers the requirement for the preparation of an EIS to support an application for development within this overlay.

The fundamental principles of Glendale include protecting and enhancing natural features and functions, promoting compact development and intensification, and providing a full range and mix of land uses. Economic development is a key element in building a successful community and recognizes that the Industrial/Business Park lands are an important resource to attract

high quality jobs and businesses. Direct access to main roads, including the QEW and Highway 405, is essential. Urban design also plays a role in ensuring that development is compatible and that the built form is consistent with the vision for this area in Glendale.

The Industrial/Business Park designation permits a range of industrial uses and further identifies an overall density target of 60 jobs per hectare. Development within this designation must be compatible with existing surrounding sensitive land uses, such as residential properties. Compatibility can include enhanced setbacks, landscaping, height reductions or other mitigation techniques to resolve any adverse impacts that may result from the permitted industrial uses on any existing sensitive land uses in proximity.

The Environmental Protection designation permits conservation uses and municipal service infrastructure, provided that it is supported by an EIS or similar study. General development policies in this designation include limiting development, such as no new lot creation, buildings or structures, or tree removal, except with the approval of the Town and in consultation with other approval agencies. Other policies include the need for an EIS to confirm that no negative impacts will result to any natural heritage features and/or their ecological functions. Further, the designation recognizes that environmental lands may be dedicated to a public agency for ongoing maintenance and protection of its features. The Adjacent Lands Overlay contains similar policies in requiring an EIS to support the proposed development and to ensure that the development does not result in negative impacts to the natural heritage features.

The Application would allow for future industrial development that is compact and provides for additional employment opportunities in the Town. The lands are also conveniently accessed by local roads, with the QEW and Highway 405 being in proximity. While specific plans for the future uses are not available at this time, the densities of the developments will be evaluated at the time of Site Plan Approval to ensure that the overall density target is met. Compatibility with adjacent sensitive land uses will also be addressed through subsequent Site Plan Control processes for the development of each lot, to ensure that the proposed uses and mitigation measures are appropriate for the ongoing protection of the residential properties to the north and the environmental lands to the east. The Town's applicable zoning of the lands further requires minimum setbacks and buffers/landscaping strips along lot boundaries that are shared with sensitive land uses.

The applicant's EIS assessed all natural environmental features on-site and proposed mitigation measures to ensure ongoing protection and maintenance of the features and their ecological functions. Through conditions of draft plan approval, the applicant must sufficiently demonstrate no negative impacts to these features and the overall natural environmental system through an EIS Addendum that further assesses the features.

#### 5.1.3.3 Servicing and Stormwater Management

The Application proposes to connect future developments to municipal water, sanitary and storm sewer services. The Application proposes a stormwater management block (Block 5) with a stormwater pond on the east side of the subject lands. The stormwater pond proposes to discharge/drain into the abutting Six Mile Creek. Development on the subject lands also

requires an extension to Westwood Court, which is a public right-of-way, to allow for access to three (3) internal industrial blocks.

The NPCA has noted that the proposed stormwater outfall and potential associated erosion must be addressed through subsequent NPCA Work Permits. NPCA Staff have requested conditions to require the submission of detailed designs of the outfall, including design elements for potential erosion mitigation, to be addressed through conditions of Draft Plan Approval. The design must also incorporate vegetation that will provide stabilization into the valley bank and wall. Grading, servicing, stormwater management, and construction sediment control drawings must be provided to the NPCA for review and approval as required through the conditions of Draft Plan approval.

The proposed infrastructure and stormwater management approaches have been reviewed by the Town's Operations Department. A number of Draft Plan conditions have been required to ensure that service extensions and connections are constructed in accordance with Town requirements, as the Town would be assuming the proposed road extension and infrastructure. In addition to this, a condition has been required for the applicant to confirm through a letter prepared by a Professional Engineer, that any adverse downstream impacts from the stormwater management discharge will be minimized or mitigated, as to not impact other lands adjacent to the creek to the Town's satisfaction. Provided that any adverse downstream impacts will be minimized or mitigated as confirmed by the Professional Engineer, the Application would facilitate appropriate servicing connections and infrastructure to support future industrial development. Overall, the Town's Operations Department accepts the findings of the submitted servicing reports and plans.

#### 5.1.3.4 Tree Removal

The OP policies require that existing mature trees be preserved wherever possible. Development proposals may be subject to submitting a tree preservation plan to demonstrate this.

The Environmental Protection designation on the subject lands generally covers the eastern portion of the property. No removal of trees within this designation is permitted without the approval of the Town and relevant agencies. A detailed discussion on the classification of the features and future requirements is provided under Section 5.1.2.4 of this report. These trees are not regulated under Town or Regional Tree By-laws, but are subject to the policies of the NOP.

For the trees that currently exist outside of the regulated features, the applicant has agreed to follow the requirements of the Town's Private Tree By-law for replacement and compensation, as detailed in the draft plan conditions. includes, but is not limited to: a tree inventory and preservation plan to appropriately assess the trees and determine removals, protection zones and replanting requirements. All replanted trees are to be native species.

Through the future Site Plan Approval process for the development of each block, additional landscaping and tree plantings will be considered and implemented where appropriate based on the proposed uses and building footprints.

#### 5.1.3.5 Urban Design

The Glendale Secondary Plan contains urban design guidelines for all new developments. Through future Site Plan Approval Applications, design of the proposed building(s) and associated site layout features (e.g., parking, landscaping) will be reviewed to ensure that the proposed development plans reflect and incorporate the urban design requirements.

#### **5.2 Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended**

The subject lands are zoned “Light Industrial (LI)” and “Prestige Industrial (PI)” under Zoning By-law 4316-09, as amended. The existing zoning on the lands is shown on **Map 3** to **Appendix III** of this report.

Development Blocks 1 and 2 would be subject to the “Prestige Industrial (PI) Zone,” and Blocks 3 and 4 would be subject to the “Light Industrial (LI) Zone.”

No change in the applicable zoning is proposed at this time. Any future development in these blocks must be in accordance with and comply to the prescribed zone, its permitted uses, built form requirements, and any required buffers. Any subsequent owner is required to adhere to these provisions.

#### **5.4 Consultation**

The Application was circulated to Town departments and external agencies. Notice of the Application was provided as required by the *Planning Act*. Comments received from external agencies and the public are attached as **Appendix V** to this report, with overall comments summarized below.

##### Town Comments

Building – No objections.

Finance – No objections.

Fire and Emergency Services – No objections.

Heritage – No objections. Condition included for the submission of the Ministry Compliance Letter associated with the archaeological assessments.

Operations – No objections. Conditions included regarding the submission and approval of detailed servicing and engineering plans and reports, and confirmation that any adverse downstream impacts from the stormwater management discharge will be minimized or mitigated, so as to not impact other lands adjacent to the creek, to the Town’s satisfaction.

Urban Forestry – No objections. Conditions included regarding the submission of an Arborist Report, Tree Inventory and Preservation Plan, replanting/replacement requirements, and to implement the recommendations of the submitted Arborist Report and Plans.

##### Agency Comments

Accessibility – No objections.

Bell Canada – No objections. Conditions included regarding easements.

Canada Post – No objections. Conditions included regarding centralized mailbox locations and requirements.

Enbridge Gas – No objections. Conditions included to determine gas availability and regarding easements.

Hydro One – No objections.

Niagara Peninsula Conservation Authority (NPCA) – The NPCA is supportive of the Application, provided that requirements with respect to stormwater outfall, emergency spillway, and erosion be addressed through NPCA Work Permits. Conditions include the submission of servicing drawings, sediment and erosion control measures, confirmation of stable top of slope, detailed design of stormwater outfall and spillway, obtaining Work Permits, and the dedication of Blocks 6 and 7 (environmental and associated buffer blocks). It should be noted that, through subsequent discussions with the NPCA, the condition requiring the dedication of Blocks 6 and 7 has been since revised to remove reference to the Town, and replace it with a public agency.

Niagara Region – Regional Staff are generally satisfied that the application is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Town's satisfaction from a local planning perspective and the outstanding environmental concerns. The table below summarizes these items and the Region's position:

| <b>Interests</b>  | <b>Regional Response</b>  |
|---|---|
| Overall density target of 60 jobs per hectare, as per the Glendale Secondary Plan | Regional Staff acknowledge that the proposal will contribute to the density target, but no specific density has been identified at this time. The Town is to monitor the achievement of this density target.  |
| Archaeological potential  | Stage 1 and Stage 2 Archaeological Assessments were submitted with the Application. The Town and Region both have an interest in archaeology. As a condition of draft approval, the applicant must provide the Ministry clearance letter associated with the assessments.       |
| Natural heritage  | The Region continues to maintain interest regarding natural heritage. Through discussions between Town and Regional Staff, these interests will be addressed through conditions to ensure no negative impacts to the natural environmental system and its ecological functions. |
| Servicing   | Servicing is under the jurisdiction of the Town. The proposal requires the construction of new watermain, sanitary and storm systems, which are subject to Environmental Compliance Approvals from the Ministry of the Environment, Conservation and Parks.                     |
| Stormwater management   | Stormwater management also falls under the jurisdiction of the Town; however, the Region and the NPCA also provided comments on the   |

|                  |  |
|------------------|--|
|                  | proposed SWM approach. The Region offers no objections on the proposed approach, and have included a condition to require the owner to provide details of the orifice in the outlet structure through future detailed design. A condition is also requested by the Town to require confirmation from a professional engineer that no adverse downstream impacts will occur as a result of the proposed drainage outfall. |
| Waste collection | The subject lands are eligible to receive Regional curbside waste collection. Future engineering plans must ensure the design and road configuration meets the current Regional Waste Collection Policy.   |

### Public Comments

An electronic Open House was held on March 20, 2024, which was attended by five (5) residents.

In accordance with Provincial planning changes, under Bill 23 (the *More Homes Built Faster Act, 2022*), municipalities are no longer required to hold public meetings for draft plans of subdivision; however, municipalities are still required to provide Notice of the Application to all entitled persons and public bodies. Given that this Application was submitted after the implementation of Bill 23, no statutory Public Meeting was held for the draft plan of subdivision. Required notice of the Application was provided to all entitled persons and public bodies. Staff has received one written correspondence from a resident. The comments provided during the Open House and in writing are summarized below, with Staff's responses:

| <b>Public Comment</b>   | <b>Response</b>   |
|---|---|
| Concerns with environmental impacts, including wildlife habitats and erosion      | A detailed discussion on environmental impacts is provided under Sections 5.1.2.4 and 9 of this report. With respect to erosion, the NPCA has reviewed the Application and imposed conditions to require erosion control and any associated mitigation measures.  |
| Concerns with noise and dust during future construction and industrial activities | The Town has standards for controlling noise and dust caused by developments. Any future development on the subject lands must adhere to the Town's applicable policies and by-laws to ensure no adverse impacts arise from construction. Any future industrial development on the lands is subject to Site Plan Approval, where noise and dust impacts to neighbouring properties will be addressed.   |
| Concerns with future lighting   | Street lighting for the proposal development will be addressed through the Subdivision Agreement process and detailed design. Any future development on the proposed lots is subject to Site Plan Approval. Through this process, lighting will be reviewed to ensure no negative impacts to abutting properties; Town staff will require that light pollution be addressed through future development. |
| Concerns with servicing capacity and stormwater drainage                          | The Application has been reviewed by the Town's Operations Department to ensure that the development can be appropriately serviced. It has been determined that municipal   |

|   |   |
|---|---|
|   | services can accommodate the proposed subdivision and any future developments on the lands. Conditions have been included to ensure that the servicing is built out in accordance with Town standards, and to confirm that any adverse downstream impacts to the creek and abutting properties from the stormwater management discharge will be minimized or mitigated.   |
| Concerns with sizing and scale of future developments, including any necessary buffers and/or landscaping | While the Application does not currently propose any uses or buildings, future development on these lands is subject to Site Plan Approval and the applicable Zoning By-law provisions. Appropriate mitigation measures will be implemented to ensure compatibility with adjacent residential properties, and to ensure that future industrial operators are aware of any requirements associated with the existing nearby sensitive land uses. |
| Tree removal and retention  | The Application proposes to remove a number of trees, including those regulated under the policies of the NOP. A Tree Inventory and Preservation Plan is required to confirm the number of trees to be removed and replanting requirements. Discussions on tree removal and retention is provided under Sections 5.1.2.4 and 5.1.3.4 of this report.  |

#### **5.4 Future Site Plan Matters**

As noted throughout the report, there are a number of items to be addressed through the future Site Plan Approval process to facilitate development on each of the development blocks proposed the subject lands, including but not limited to:

- Urban Design
- Land Use Compatibility
- Lighting
- Bird-Friendly Guidelines (with respect to building and lighting design)
- Landscaping
- Buffers and other mitigation measures

### **6. STRATEGIC PLAN**

The content of this report supports the following Strategic Plan initiatives:

#### **Pillar**

1. Vibrant & Complete Community

#### **Priority**

1.1 Planning for Progress

#### **Action**

1.1 b) Planning for Progress Initiatives

### **7. OPTIONS**

The Committee may approve, refuse or modify the proposed Draft Plan of Subdivision or any

of the conditions. The Committee may also choose to refer the Report back to Staff, with specific direction for review and response.

## **8. FINANCIAL IMPLICATIONS**

The applicant is responsible for all costs associated with the development and the registration of legal documents and/or agreements. The Town will collect Development Charges at the time of issuance of building permits. The Town will also hold securities as part of the future Subdivision Agreement, and any Site Plan Agreements.

## **9. ENVIRONMENTAL IMPLICATIONS**

The northeast corner of the subject lands contains a portion of the Six Mile Creek and its associated valleylands regulated by the Niagara Peninsula Conservation Authority (the “NPCA”). The lands are also subject to the Region’s Natural Environment System (the “NES”) polices, consisting of significant woodland, other woodland, other wetland and watercourse features. There are also a number of trees (outside of the regulated woodlots) that would be impacted by the proposal. As detailed throughout the report, in Sections 5.1.2.4 and 5.1.3.4, conditions have been imposed that will ensure protection of the regulated environmental features and for tree replacements/requirements where necessary to offset any required tree removals.

## **10. COMMUNICATIONS**

Once Council has made a decision on the Application, notice of the decision will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

Changes to provincial legislation have been made through Bill 23 and third-party appeals are restricted.

## **11. CONCLUSION**

Community and Development Services Staff recommend approval of Draft Plan of Subdivision Application 26T-18-24-01, as detailed in this report and subject to the attached conditions (**Appendix IV**), since the Application meets *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with the Niagara Official Plan and Town Official Plan.

## **12. PREVIOUS REPORTS**

Not applicable.

## **13. APPENDICES**

- **Appendix I –** Draft Plan of Subdivision
- **Appendix II –** Maps
- **Appendix III –** Planning Policies and Legislation
- **Appendix IV –** Conditions of Draft Plan Approval
- **Appendix V –** Agency and Public Comments

Respectfully submitted:

**Prepared by:**



**Victoria Nikoltcheva  
Senior Planner, Community &  
Development Services**

**Recommended by:**



**Aimee Alderman, MCIP, RPP  
Manager of Development Planning  
Community & Development Services**

**Recommended by:**



**Kirsten McCauley, MCIP, RPP  
Director, Community & Development  
Services**

**Submitted by:**



**Jay Plato  
Chief Administrative Officer (Acting)**

DRAFT PLAN OF SUBDIVISION

PART OF LOT 180 AND 181,  
(GEOGRAPHIC TOWNSHIP OF NIAGARA)  
NOW IN THE  
TOWN OF NIAGARA ON THE LAKE  
REGIONAL MUNICIPALITY OF NIAGARA

KEY MAP:  
Subject Lands



OWNER'S AUTHORIZATION  
I HEREBY AUTHORIZE KEVIN FREEMAN TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF NIAGARA ON THE LAKE FOR APPROVAL.

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_  
Kristina Karanell, Vice President  
Karanell Group

SURVEYOR'S CERTIFICATE  
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS UNDER THEM.

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_  
Alec S. Mantha, Ontario Land Surveyor  
J.D. Barnes Limited

ADDITIONAL INFORMATION  
AS REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT  
(a), (e), (f), (g), (j), (l) AS SHOWN ON THE DRAFT PLAN  
(b), (c) AS SHOWN ON THE DRAFT AND KEY PLAN  
(d) LAND TO BE USED IN ACCORDANCE WITH THE SCHEDULE OF LAND USE  
(i) SOIL IS SILTY CLAY  
(h), (k) FULL MUNICIPAL SERVICES TO BE PROVIDED

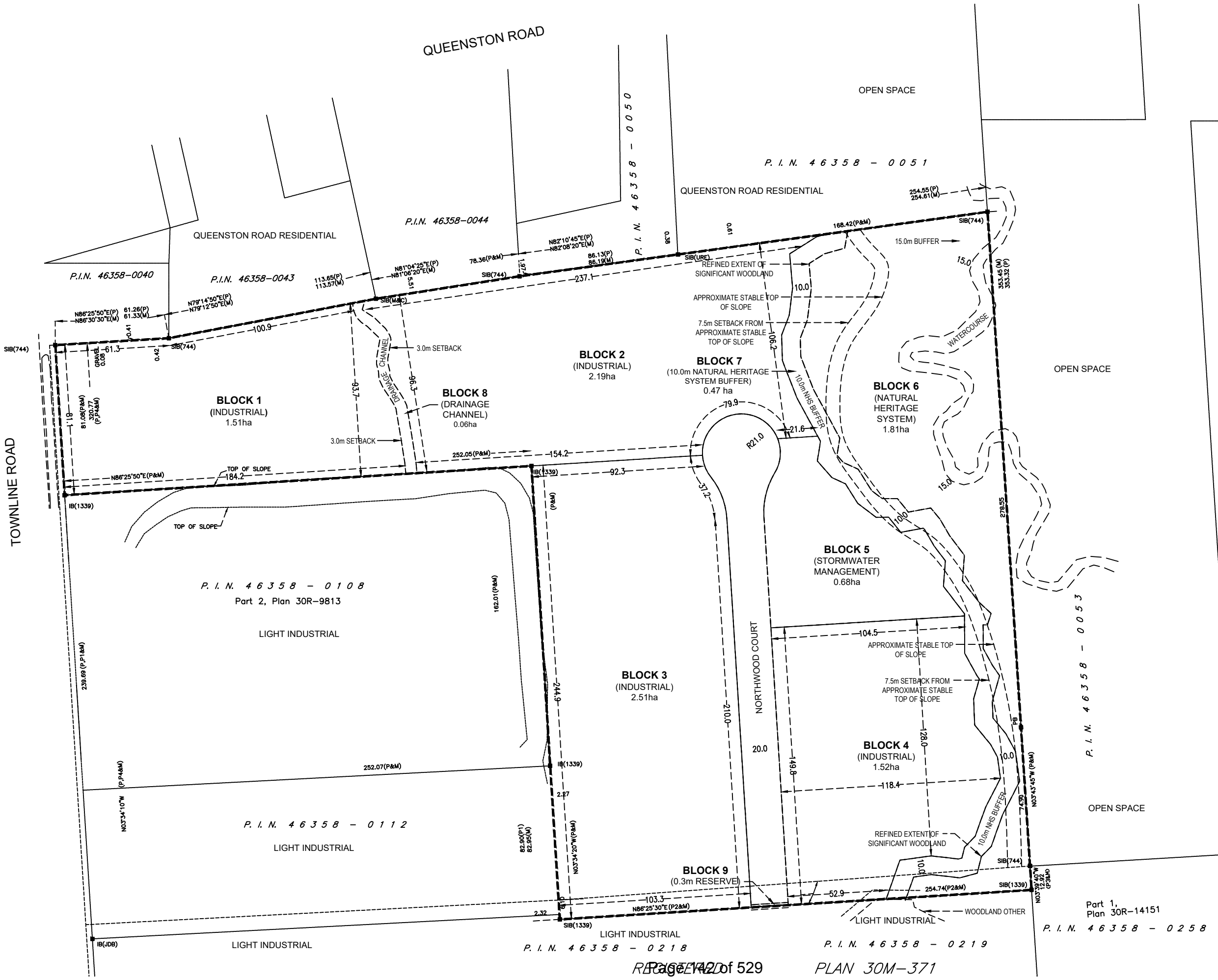
| LAND USE SCHEDULE                    |        |                    |           |  |
|--------------------------------------|--------|--------------------|-----------|--|
| Land Use                             | Blocks | Lot / Block Totals | Area (ha) |  |
| Industrial Blocks                    | 1 - 4  | 4                  | 7.73      |  |
| Stormwater Management                | 5      | 1                  | 0.68      |  |
| Natural Heritage System (NHS)        | 6      | 1                  | 1.81      |  |
| 10.0m Natural Heritage System Buffer | 7      | 1                  | 0.47      |  |
| Drainage Channel                     | 8      | 1                  | 0.06      |  |
| 0.3m Reserve                         | 9      | 1                  | 0.00      |  |
| 20.0m ROW (243.5 m)                  |        |                    | 0.59      |  |
| Totals                               | 9      | 9                  | 11.34     |  |

NOTE: SOME NUMBERS MAY NOT ADD UP DUE TO ROUNDING

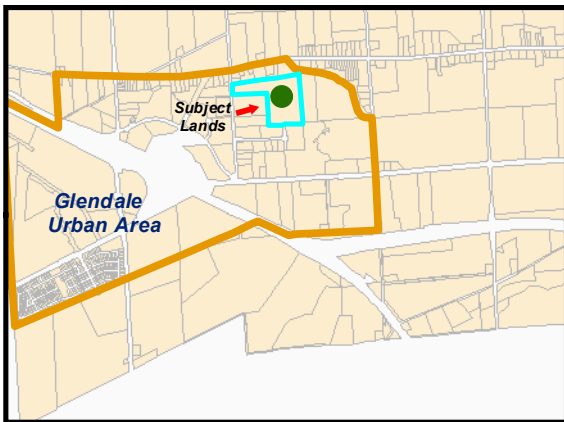
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|               |                                   |     |    |
|               |                                   |     |    |
| 10/25/2024    | ISSUED FOR DRAFT SUBDIVISION PLAN |     |    |
| 08/07/2024    | ISSUED FOR DRAFT SUBDIVISION PLAN |     |    |
| 05/12/2023    | ISSUED FOR DRAFT SUBDIVISION PLAN |     |    |
| DATE [D.M.Y.] | REVISION                          | DWG | BY |

NOTES:

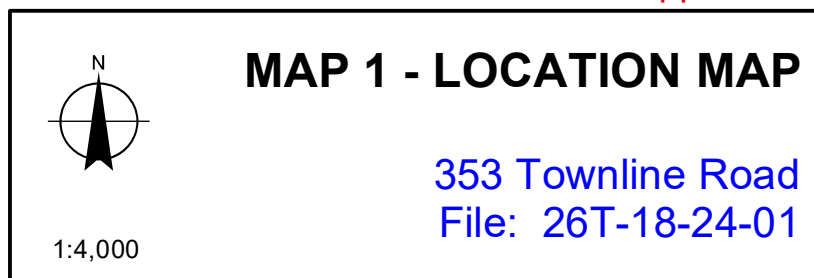
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| SCALE 1:2000             | Dec. 5, 2023 |  |
| Revision Date:           |              |  |
| Subdivision File Number: |              |  |

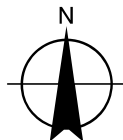


## Key Map



## Appendix II



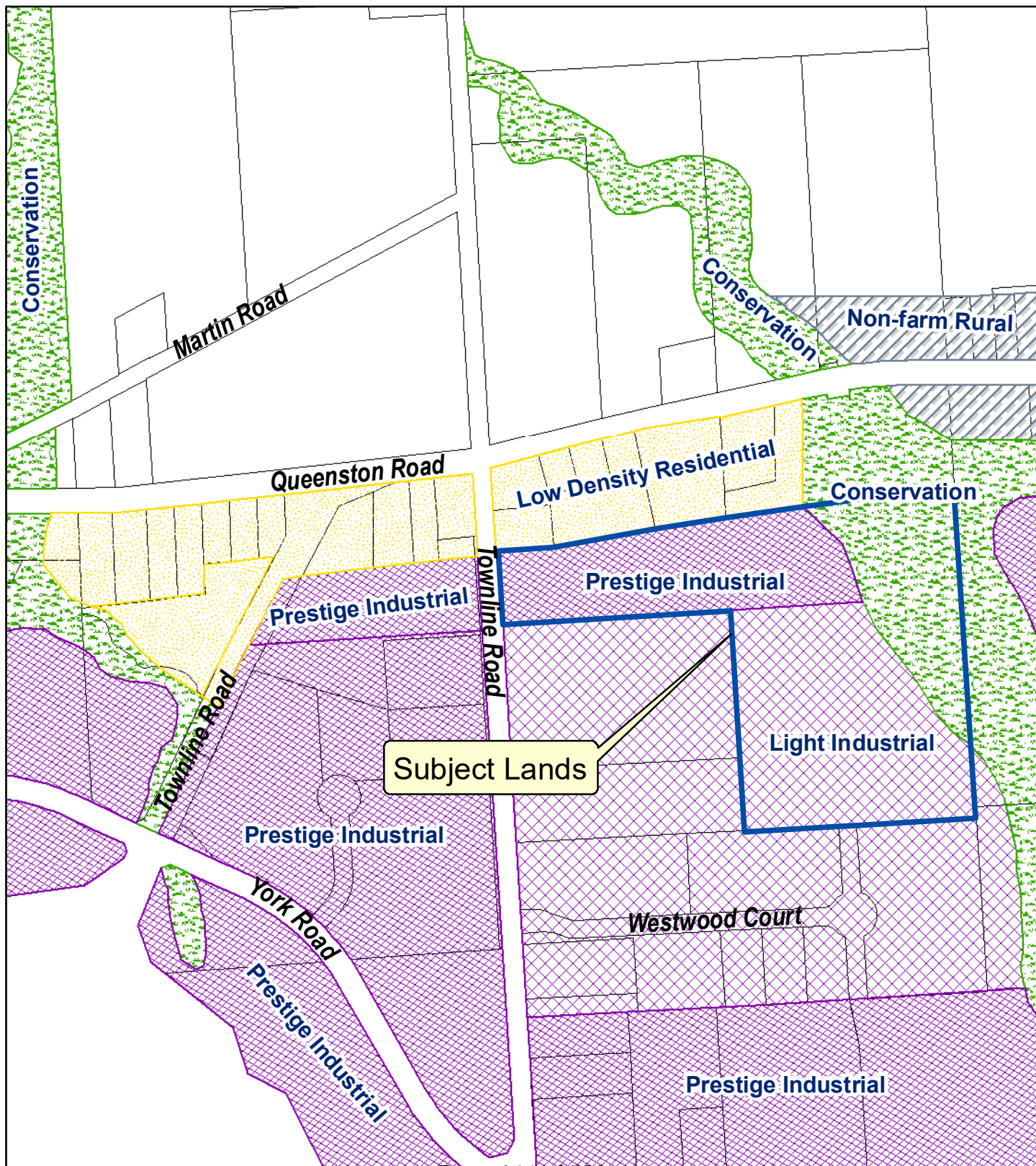


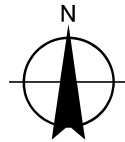
## MAP 2 - OFFICIAL PLAN

*Land Use Designations*

353 Townline Road

File: 26T-18-24-01



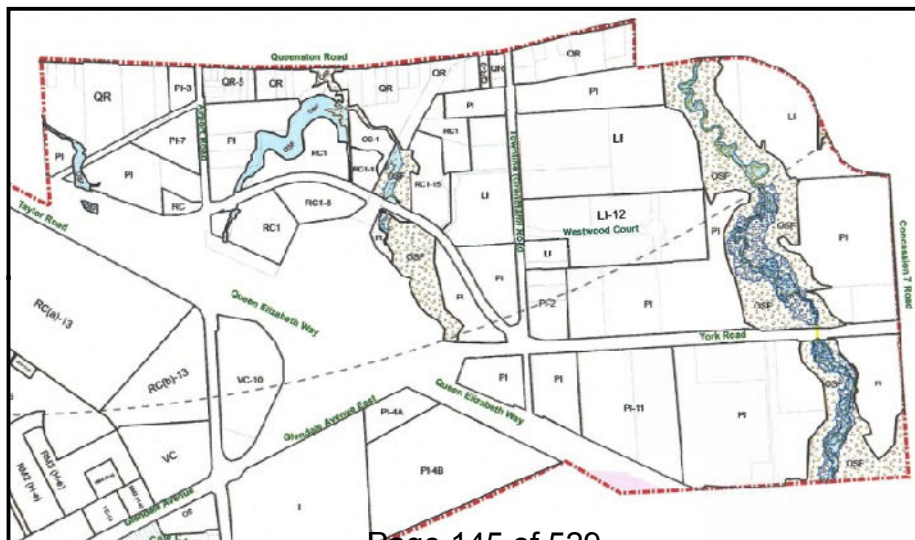
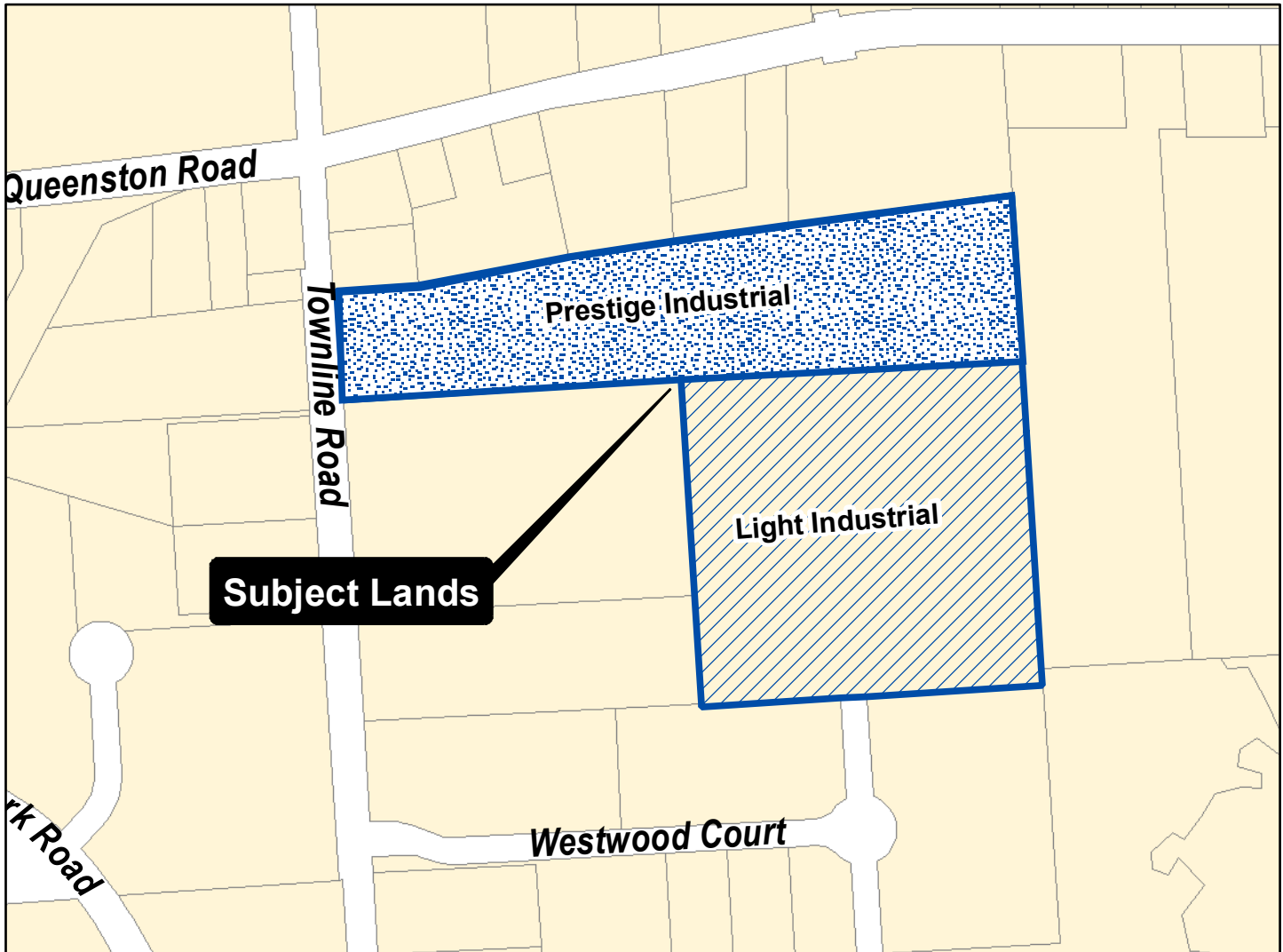


## MAP 3: ZONING

As per Zoning By-law 4316-09, as amended

353 Townline Road

File: 26T-18-24-01



## PLANNING LEGISLATION AND POLICIES

### **Planning Act, R.S.O. 1990, c. P.13**

#### **Provincial interest**

**2** The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

#### **Policy statements**

#### **Policy statements and provincial plans**

**3** (5) *A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,*

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and*
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.*

### **Plan of subdivision approvals**

#### **Application**

**51**(16) *An owner of land or the owner's agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it. 1994, c. 23, s. 30.*

#### **Criteria**

(24) *In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

- (l) *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

### **Conditions**

(25) *The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,*

- (a) *that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;*
- (b) *that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;*
- (b.1) *that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;*
- (c) *when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to provide for the widening of the highway to such width as the approval authority considers necessary;*
- (d) *that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services; and*
- (e) *in the case of an application for approval of a description or an amendment to a description, as referred to in subsection 9 (2) of the Condominium Act, 1998, if the condominium will contain affordable housing units and if a shared facilities agreement will be entered into with respect to the condominium, whether under section 21.1 of that Act or otherwise, that the shared facilities agreement be satisfactory to the approval authority. 1994, c. 23, s. 30; 2005, c. 26, Sched. B, s. 1; 2006, c. 23, s. 22 (5); 2016, c. 25, Sched. 4, s. 8 (3).*

### **Agreements**

(26) *A municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to*

the Registry Act and the Land Titles Act, any and all subsequent owners of the land. 1994, c. 23, s. 30.

### **Lapse of approval**

(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period, but if there is an appeal under subsection (39) the time period specified for the lapsing of approval does not begin until the date the Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51). 2017, c. 23, Sched. 5, s. 99 (1).

### **Extension**

(33) The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1). 2022, c. 12, Sched. 5, s. 9 (2).

### **Parkland**

#### **Land conveyed or dedicated for parkland**

**51.1(1)** The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes. 1994, c. 23, s. 31.

### **Payment in lieu**

(3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) does not apply, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 32 (2).

## **Provincial Planning Statement, 2024**

### **2.3 Settlement Areas and Settlement Area Boundary Expansions**

#### **2.3.1 General Policies for Settlement Areas**

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;

- c) *support active transportation;*
- d) *are transit-supportive, as appropriate; and*
- e) *are freight-supportive.*

## **2.8 Employment**

### **2.8.1 Supporting a Modern Economy**

1. *Planning authorities shall promote economic development and competitiveness by:*

- a) *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) *identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) *encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and*
- e) *addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.*

## **3.6 Sewage, Water and Stormwater**

1. *Planning for sewage and water services shall:*

- a) *accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;*
- b) *ensure that these services are provided in a manner that:*
  - 1. *can be sustained by the water resources upon which such services rely;*
  - 2. *is feasible and financially viable over their life cycle;*
  - 3. *protects human health and safety, and the natural environment, including the quality and quantity of water; and*
  - 4. *aligns with comprehensive municipal planning for these services, where applicable.*
- c) *promote water and energy conservation and efficiency;*

- d) *integrate servicing and land use considerations at all stages of the planning process;*
- e) *consider opportunities to allocate, and re-allocate if necessary, the unused system capacity of municipal water services and municipal sewage services to support efficient use of these services to meet current and projected needs for increased housing supply; and f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.*

#### **4.1 Natural Heritage**

- 1. *Natural features and areas shall be protected for the long term.*
- 2. *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*
- 4. *Development and site alteration shall not be permitted in:*
  - a) *significant wetlands in Ecoregions 5E, 6E and 7E...*
- 5. *Development and site alteration shall not be permitted in:*
  - a) *significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;*
  - b) *significant woodlands in Ecoregions 6E and 7E*

*unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

- 8. *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

#### **4.6 Cultural Heritage and Archaeology**

- 2. *Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

### **Niagara Official Plan, 2022**

#### **2.1 Forecasted Growth**

*The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051. This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Effective and proactive growth management is needed to ensure there is appropriate housing, employment, and infrastructure available to support Niagara's growth. Land use, housing, and servicing is planned using the*

forecasts set out in Table 2-1. The Region will monitor these forecasts to ensure growth is planned for and managed based on reliable data. The objective of this section is as follows:

- a) coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.

## **2.1.1 Regional Growth Forecasts**

2.1.1.1 Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.

2.1.1.3 Forecasts in Table 2-1 are used to determine the location and capacity of infrastructure, public service facilities, and the delivery of related programs and services required to meet the needs of Niagara's current and future residents.

2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051...

**Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality**

| <b>Municipality</b> | <b>Population</b> | <b>Employment</b> |
|---------------------|-------------------|-------------------|
| Niagara-on-the-Lake | 28,900            | 17,610            |

## **2.2 Regional Structure**

The objectives of this section are as follows:

- a) manage growth within urban areas;
- b) accommodate growth through strategic intensification and higher densities;
- c) protect and enhance the character of rural settlements;
- d) plan for the orderly implementation of infrastructure and public service facilities;  
...and
- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.

### **2.2.1 Managing Urban Growth**

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;

- c) *a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) *social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
  - i. *a range of transportation options, including public transit and active transportation;*
  - ii. *affordable, locally grown food and other sources of urban agriculture;*
  - iii. *co-located public service facilities; and*
  - iv. *the public realm, including open spaces, parks, trails, and other recreational facilities;*
- e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
- g) *opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h) *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i) *the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
- j) *conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
- k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) *mitigation and adaptation to the impacts of climate change by:*
  - i. *protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;*
  - ii. *where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
  - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

## **2.2.2 Strategic Intensification and Higher Densities**

- 2.2.2.23 *Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.*
- 2.2.2.24 *Local official plans are required to achieve the minimum greenfield density target in Policy 2.2.2.23 across the entire municipality, and are encouraged to exceed this minimum.*

- 2.2.2.25 *Designated greenfield areas will be planned as complete communities by:*
- a) ensuring that development is sequential, orderly and contiguous with existing built-up areas;*
  - b) utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;*
  - c) ensuring infrastructure capacity is available; and*
  - d) supporting active transportation and encouraging the integration and sustained viability of public transit service.*

### **3.1 The Natural Environment System**

*This section outlines the objectives and policies for a Regional natural heritage system and water resource system.*

*The natural heritage system is made up of features such as wetlands, woodlands, valleylands, and wildlife habitat, as well as components such as linkages, buffers, supporting features and areas, and enhancement areas. The intent of the natural heritage system is to preserve and enhance the biodiversity, connectivity, and long-term ecological function of the natural systems in the region.*

*The water resource system is made up of both groundwater features and surface water features and areas. The intent of the water resource system is to protect the ecological and hydrological integrity of water resources and the various watersheds in the region.*

*The natural heritage and water resource systems are ecologically linked, rely on and support each other, and have many overlapping components. The establishment of these natural systems is required by Provincial policy. These systems have been integrated in this Plan and are known together as the Region's natural environment system.*

#### **3.1.3 Only Certain Features and Components are Mapped**

*3.1.3.1 Not all of the features and components that make up the natural environment system can, or have been mapped as part of the schedules to this Plan. Where features or components of the natural environment system listed in Schedule L are not mapped, detailed area-specific or site-specific studies such as an environmental impact study, hydrological evaluation, or subwatershed study are required for their identification.*

*3.1.3.2 Where through the review of an application for development or site alteration, or through the completion of a subwatershed study, it is found that there are features or components of the natural environment system or related ecological and/or hydrologic functions that have not been adequately mapped, evaluated, or protected, the applicant shall have an evaluation prepared by a qualified professional in consultation with the Region, the Local Area Municipality and, where appropriate, the Conservation Authority. If the evaluation finds one or more natural heritage features and areas, key natural heritage features, or key hydrologic features, the policies of this Plan will be applied to the lands under application as appropriate.*

*3.1.3.3 Where lands are mapped or identified as two or more features or components of the natural environment system, the policies which provide the highest level of environmental protection shall apply in the event of any conflict.*

#### *3.1.4 Refinements to the Limits of the Natural Environment System*

*3.1.4.1 Changes to the limits or classification of individual features or components of the natural environment system identified through Regional criteria may be considered through the submission of an environmental impact study and/ or hydrological evaluation based on a terms of reference approved by the Region, in accordance with the policies of this Plan, and in consultation with the Conservation Authority as appropriate.*

*3.1.4.2 If the change to the limit or classification of an individual feature or component of the natural environment system identified through Regional criteria can be justified to the satisfaction of the Region, an amendment to this Plan shall not be required. Further details on the scope of the study required to support a change to the limit or classification of the natural environment system will be included in the Region's Environmental Impact Study Guidelines and/or Hydrological Evaluation Guidelines.*

*3.1.4.8 Where development or site alteration is proposed within or adjacent to the natural environment system, new lots shall not be created which would fragment a natural heritage feature or area, key natural heritage feature, or key hydrologic feature. The lands to be retained in the natural environment system shall remain in a natural state. The natural feature and any required buffer or vegetation protection zone shall be maintained in a single block and zoned to protect the natural features and its ecological functions. The Region encourages the Local Area Municipalities, the Conservation Authority, and other appropriate public and private conservation organizations to assume ownership of these lands.*

#### *3.1.9 Lands Outside of a Provincial Natural Heritage System and Outside of the Niagara Escarpment Plan Area*

##### *3.1.9.5 Development and Site Alteration in Natural Heritage Features and Areas outside of a Provincial Natural Heritage System*

*3.1.9.5.1 Development and site alteration shall not be permitted in the following natural heritage features and areas:*

- a. provincially significant wetlands;*
- c. significant woodlands*

*3.1.9.5.2 Development and site alteration shall not be permitted in the following natural heritage features and areas unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the natural features or their ecological functions:*

- a. other woodlands;*

- b. significant valleylands;*
- c. significant wildlife habitat; and*
- d. areas of natural and scientific interest.*

*3.1.9.5.4 Notwithstanding any other policies of this Plan, development and site alteration in, and adjacent to watercourses, provincially significant wetlands, and other wetlands that are regulated by the Conservation Authority, may also be subject to the regulations and land use planning policies of the Conservation Authority. When development or site alteration is proposed in or adjacent to any watercourse, provincially significant wetland, significant valleyland, or other wetland the applicant shall contact the Conservation Authority, at which time Conservation Authority staff will advise the applicant and the Region of the land use or regulatory policies that will apply.*

*3.1.9.5.6 Where another wetland in a settlement area has been identified, and it is determined that it is not regulated by the Conservation Authority:*

- a. the Region shall require that an evaluation be undertaken through an environmental impact study, and if required, a wetland evaluation using the Ontario Wetland Evaluation System, and/or hydrological evaluation as part of an application for development or site alteration, or through a subwatershed study to determine the appropriate classification and protection or management of the feature;*
- b. outcomes of the evaluation completed with Policy 3.1.9.5.6 a) could include the in-situ protection with appropriate buffers or incorporation of the hydrologic function into the design of the development in accordance with the following:*
  - i. if the other wetland is a treed community with a canopy coverage greater than 25 percent, and the other criteria for other woodlands are met, the other woodland policies of this Plan shall apply;*
  - ii. if the other wetland is a treed community with a canopy coverage greater than 60 percent, and the other criteria for significant woodlands are met, the significant woodland policies of this Plan shall apply;*
  - iii. no negative impact on the ecological function of the other wetland; and iv. maintain the hydrologic function of the other wetland;*
- c. if the evaluation finds one or more other natural heritage features and areas, the appropriate other policies of the Plan shall be applied to the lands and natural features that are subject to the application to development or site alteration.*

#### **3.1.9.9 Buffers in Settlement Areas**

*3.1.9.9.1 Within settlement areas, mandatory buffers from natural heritage features and areas are required. The width of an ecologically appropriate buffer would be determined through an environmental impact study and/or hydrological evaluation at the time an application for development or site alteration is made, or through the completion of a subwatershed study in support of a secondary plan or other large scale development. The width of the buffer would be based on the sensitivity of the ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions as a result of the proposed change in land use.*

#### **3.1.11 Other Woodlands**

*3.1.11.1 Other woodlands are identified, and considered a natural heritage feature and area in all geographic areas of the region. The location of known other woodlands is shown on Schedule C2.*

*3.1.11.2 Development or site alteration shall not be permitted in other woodlands unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the other woodland or its ecological functions*

*3.1.11.4 Inside of settlement areas other woodlands are subject to an ecologically appropriate buffer to be determined at the time an application is made for development or site alteration in accordance with Policy 3.1.9.9.1.*

#### **3.1.16 Enhancement Areas**

*3.1.16.1 Enhancement areas are intended to consist of natural self-sustaining vegetation that increase the ecological resilience and function of individual key natural heritage features, key hydrologic features and/or natural features and areas, or groups of such features, by:*

- a. increasing the size of key natural heritage features, key hydrologic features and/or natural heritage features and areas;*
- b. connecting key natural heritage features, key hydrologic features and/or natural heritage features and areas to create larger contiguous natural areas;*
- c. improving the shape of key natural heritage features, key hydrologic features and/or natural heritage features and areas to increase interior habitat conditions; or*
- d. including critical function zones and important catchment areas for sustaining ecological functions.*

## **4.2 Planning for Employment**

*The Region is required to plan for and protect lands to accommodate the Province's forecasted employment growth coming to Niagara. These lands will play a critical role in the ability to retain and attract employment investment that contributes to Niagara's economic competitiveness on provincial, national, and global scales. The provision of lands for employment is an important component of complete communities.*

*The policies encourage employment development in urban areas and recognizes the contribution of rural employment in the agricultural community toward Niagara's prosperity. Emphasis is on fostering communities that attract people, jobs, and investment, while protecting employment uses for the long-term.*

#### **4.2.1 Employment Area Types and Densities**

*4.2.1.3 Sensitive land uses that are not ancillary to the primary employment use shall be limited in employment areas and only permitted if such use can comply with D-6 Guidelines.*

*4.2.1.4 Employment areas are classified in three types, as identified on Schedule G and Table 4-2.*

**Table 4-2: Niagara Region Employment Area Minimum Density Targets to 2051**

| <b>Employment Area Sub-Grouping</b> | <b>Local Area Municipality</b> | <b>Employment Area</b>                   | <b>Minimum Overall Density Target (jobs per hectare)</b> |
|-------------------------------------|--------------------------------|--|--|
| <i>Knowledge and Innovation</i>     | <i>Niagara-on-the-Lake</i>     | <i>NOTL-2 Glendale Momentum District</i> | <i>60 jobs/ha</i>  |

*4.2.1.7 Knowledge and Innovation employment areas are clusters of higher density employment uses, including office parks, and major institutional uses. Knowledge and Innovation employment areas will: a. contain a mix of complementary land uses to facilitate partnerships and promote the sharing of ideas and information; b. accommodate built form that supports nearby major institutional uses and major office uses where permitted; c. attain high-quality urban design; d. encourage densities that are transit-supportive; and e. incorporate active transportation facilities along active transportation networks.*

*4.2.1.13 Employment areas will be promoted by aligning land use planning and economic development strategies to retain and attract investment.*

## **6.4 Archaeology**

*The Niagara region is situated on treaty lands. This land is steeped in the rich history of the First Nations, including the Anishinaabe, such as the Mississaugas of the Credit First Nation, the Hatiwendaronk and the Haudenosaunee.*

*Both Indigenous and European terrestrial and marine archaeological resources contribute to Niagara's local identity. They include sites that contain scattered artifacts, remains of structures or other cultural deposits, and sites that are fully or partially submerged or lie below the high-water mark of any body of water.*

*As archaeological sites are both highly fragile and non-renewable, the Region recognizes the importance of conserving archaeological resources and the potential to commemorate significant archaeological discoveries in recognition of their contribution to Niagara's unique community identity.*

*The Region will manage archaeological data and potential mapping on behalf of the Local Area Municipalities.*

#### **6.4.2 Conservation in Accordance with Provincial Requirements**

*6.4.2.7 When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the Standards and Guidelines for Consulting Archaeologists, and an acknowledgement letter from the Province verifying this shall be required prior to any final approvals.*

### **Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended**

## **SECTION 6: GENERAL DEVELOPMENT POLICIES**

### **6.1 ARCHAEOLOGICAL SURVEY**

*As a condition of a planning application for the development or redevelopment of land, the municipality in consultation with the authority having jurisdiction may require the proponent to undertake an Archaeological Survey for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found. Detailed requirements are contained in SECTION 18: HERITAGE CONSERVATION.*

### **6.17 LOT SIZES**

*The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.*

### **6.22 PARKS AND DEDICATION**

*Whenever development or redevelopment of lands is proposed for commercial or industrial purposes up to a maximum of two per cent of such lands shall be conveyed to the municipality for park or other public recreational purposes.*

*The municipality, in the alternative, may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be equal to the required amount of land dedication and will be determined by an appraisal authorized by the municipality. The value of the lands shall be determined as of the day before the day of the issuance of the building permit as outlined in Section 41 of the Planning Act, 1983. For plans for subdivision, the value of the land is determined as of the day before the day of the Draft Plan is approved, as outlined in Subsections 51(8) and (9) of the Planning Act, 1983.*

### **6.15 LANDS ABUTTING CONSERVATION DESIGNATIONS**

*The municipality shall consult with the Ministry of Natural Resources and Forestry and/or the Conservation Authority prior to the approval of any development on lands abutting Conservation Areas. Proposed uses shall be sensitive to and minimize any impact on the natural environment in a Conservation designation. Building setbacks and buffering may be a requirement in Zoning By-laws and/or Site Plan Control.*

### **6.33 TREE PRESERVATION AND REFORESTATION**

*It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following policies shall apply.*

*(1) As a condition of any development or redevelopment where it is unavoidable that trees must be removed. The proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arbourist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

## **SECTION 6A: GROWTH MANAGEMENT POLICIES**

### **2.6 Greenfield Areas**

#### *Planned Function*

*Greenfield Areas are larger tracts of undeveloped areas and are planned to provide the Town with an opportunity to accommodate new growth on lands which generally do not contain existing urban development.*

*Though the Town of Niagara-on-the-Lake's Greenfield density target is 50 jobs and people per hectare as per Places to Grow, it is realized that not every site will be able to achieve that target. The Town will have flexibility on a site by site basis however; the Town will closely monitor its Greenfield developments to ensure that Niagara-on-the-Lake's overall Greenfield target will be achieved.*

## **SECTION 11: INDUSTRIAL**

### **11.2 GOALS AND OBJECTIVES**

*(1) To broaden the tax base through the attraction of new industrial development to meet the financial needs of the Town and its residents by helping to maintain a balanced assessment ratio between industrial/commercial and residential uses.*

*(2) To diversify, stabilize and stimulate the local economy through the attraction of new industries.*

*(3) To provide and expand the employment opportunities in the Town and Region.*

*(4) To provide for a more efficient and economic extension of municipal service through the concentration of a number of industries in a specific area, rather than scattered indiscriminately in widely separated locations throughout the Town.*

*(5) To provide for industrial sites that are serviceable and can be assured of a high level of hydro power supply.*

*(6) To ensure that adequate water and sewer service (or alternatives) and drainage works will be provided to the entire industrial district.*

*(7) To encourage industrial development to locate within serviced industrially designated lands.*

*(8) To encourage prestige type industries to locate in areas with exposure to the Queen Elizabeth Way and the arterial roads.*

*(9) To minimize conflicts between industrial uses and adjacent rural, rural residential and natural amenity areas through adequate regulation and separation;*

*(10) To ensure that a broad range of industrial related commercial facilities exist to meet the needs of the users of the industrial district as well as other visitors to the area by providing suitable locations for the facilities and permitting a suitable range of services.*

*(11) To protect and conserve environmentally sensitive areas, such as existing watercourses, their valley lands, wood lots and other significant landscaped areas by minimizing any adverse effects by industrial uses. This may be accomplished by special site plan requirements or other appropriate methods.*

*(12) To ensure that all industrial development takes place in a logical and orderly manner within the physical and financial capabilities of the Town.*

### **11.3.2 LIGHT INDUSTRIAL**

*(1) In Light Industrial designation shown on the Land Uses Schedules the following uses shall be permitted:*

#### **Main Uses:**

*Light industrial activities such as: manufacturing; fabrication; assembly and processing of partially processed material, goods and products; warehousing; bulk storage tanks; servicing and maintenance operations; public utilities; transportation facilities; and research and development laboratories that by their operation do not result in any threat to public health or safety.*

#### **Secondary Uses:**

*Uses permitted with a Main Use:*

- recreation facilities.*
- limited residential uses subject to General Industrial Policy (12)*
- accessory buildings and structures*
- open storage of goods, material and equipment, subject to policy (2)*

*Uses permitted independent of a Main Use:*

- commercial uses which provide services for the industrial areas and which increases the attractiveness for industry, such as offices and retail outlets operated only as a subsidiary function of an industry.

- agricultural uses subject to General Industrial Policy (10)

(2) Open storage of goods, materials or equipment shall be limited and generally confined to

rear yards and appropriately screened from view.

### **11.3.3 PRESTIGE INDUSTRIAL**

(1) In Prestige Industrial designation shown on the Land Use Schedules the following uses shall be permitted:

#### **Main Uses:**

- Prestige type industrial uses, well designed, carefully sited and landscaped in order to benefit from their proximity and exposure to well-travelled highways and to foster a good impression of the community and the industrial district.

- Non-obnoxious industrial uses such as: light manufacturing; assembly of processed material, goods and products; warehousing; public utilities; research and development laboratories that by their operation do not result in any threat to public health or safety, technology centers, office complexes, colleges and universities.

#### **Secondary Uses:**

Uses permitted with a Main Use:

- recreation facilities.

- limited residential uses subject to General Industrial Policy (12)

- accessory buildings and structures

- open storage of goods and materials, subject to Policy (3)

Uses permitted independent of a Main Use:

- Commercial uses which provide services for the industrial area and which increase the attractiveness for industry such as offices and retail outlets operated as a subsidiary function of an industry, provided they meet prestige quality standards.

- Industrial related commercial uses such as bank, restaurant, service station, hotel and motel, are permitted within the area shown as "service commercial with prestige industrial" on the Land Use Schedule F to this Plan.

- Agricultural uses subject to General Industrial Policy (10)

*(2) Within the Prestige Industrial areas designated in the Plan, prestige quality standards shall be set out in the implementing zoning by-law to provide protection for adjacent residential communities and/or maintenance of high amenity value for the industrial or commercial use itself. Such standards may include special requirements for limitation of uses, landscaping, buffering, off-street parking and unloading facilities, external building design and materials, sign control, and prohibition or screening of outside storage.*

*(3) Only limited open storage of goods or materials shall be permitted within areas designated Prestige Industrial. In limiting the amount of open storage regard shall be had for such matters as visibility from main roads, highways and other significant public vantage points, amount of open storage and type of material to be stored (i.e. bulk goods vs. landscaping).*

#### **11.4 INDUSTRIAL POLICIES**

*(3) Where industrial uses are proposed adjacent to residential uses or lands designated for residential use, adequate separation and buffering shall be provided as determined by the Town in consultation with the authority having jurisdiction.*

### **SECTION 16: CONSERVATION/WETLANDS**

#### **16.2 GOALS AND OBJECTIVES**

*(1) To protect wetlands from incompatible activities.*

*(2) To encourage the retention of woodlots and the reforestation of low capability farmland.*

*(3) To protect areas of natural and scientific interest.*

*(7) To delineate and regulate development on all lands having inherent physical environmental hazards such as flood susceptibility, poor drainage or other physical conditions which act as a constraint to development in order to prevent loss of life and to minimize property damage and social disruption.*

*(8) To preserve and enhance the amenities and natural resources offered by waterways, wetlands and natural areas in the Town.*

*(9) To preserve and protect provincially significant wetlands in accordance with provincial policy statements.*

#### **16.3 LAND USE DESIGNATIONS**

##### **16.3.1 CONSERVATION**

*Within the Conservation designation as shown on the Land Use Schedules the following uses are permitted:*

**Main Uses:**

*Forestry, fisheries management, wildlife management, waterfowl production, floodplains, environmental protection, public and private parks (parks are permitted only within urban boundaries), activities and facilities of the Niagara Parkway Commission.*

### **Secondary Uses:**

*Uses permitted with a Main Use:*

- *accessory buildings and structures subject to the approval of the authority having jurisdiction.*

*Uses permitted independent of a Main Use:*

- *shoreline protection works*
- *any agricultural use permitted in Section 7 of this Plan*
- *yard space for any use permitted in an abutting designation*
- *accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction.*

## **16.4 GENERAL CONSERVATION POLICIES**

*(2) No buildings or structures, or addition thereto nor the placement or removal of fill material, shall be permitted within or adjacent to the Niagara River, Lake Ontario or any inland watercourse, and its associated valley system, without the prior written authorization of the Conservation Authority or the Ministry of Natural Resources and Forestry.*

### **Glendale Secondary Plan, 2010:**

## **2. Objectives and Principles**

### **2.1 Place Making and Beauty**

*Establish an identity and sense of place for Glendale that is distinct yet true to the overall identity of the Town. In each area within Glendale development shall have compatible built form and streetscape characteristics and contribute to a coherent, inviting place.*

### **2.2 Diversity**

*Accommodate a diversity of employment uses and housing types.*

### **2.5 Conservation**

*Preserve and respect natural heritage features.*

## **3. Land Use and Site Development**

### **3.1 General Policies**

*(b) Stormwater management shall be incorporated into the planning and design of open spaces, buildings and paved areas. Stormwater retention ponds and other elements should contribute to a park-like setting and connect to other open space amenities.*

*(c) Existing mature trees shall be preserved wherever possible. Niagara Region's Tree and Conservation Bylaw shall apply in Glendale, and development applications may be required to include a tree preservation plan.*

*(d) Applications for development on lands within or adjacent to Environmental Conservation Areas shall include an environmental impact study stating that there will be no negative impact on the natural feature or its ecological function.*

### **3.3 Prestige Employment Areas**

*Prestige Employment Areas occupy a significant portion of the land in Glendale and most are highly visible from major roads; therefore, the quality of development on these lands will play a large role in defining the image and character of the community.*

*The conversion of Prestige Employment Areas to nonemployment uses, including stand-alone major retail uses and residential uses, shall only be considered through a comprehensive municipal land use review.*

*Prestige Employment Areas are intended to accommodate a wide range of office and industrial uses occupying sites and buildings that demonstrate design excellence. In addition to the policies in Section 3.1, the following shall also apply to Prestige Employment Areas:*

*(a) The following uses are permitted in prestige Employment Areas*

- corporate or other business office*
- research and development facility*
- manufacturing and assembly*
- information processing*
- goods distribution and warehousing*
- enclosed technical or commercial school*

*(m) ... Exceptions to the following guidelines are permitted without amendment to this plan provided the exceptions satisfy the principles and objectives for Glendale.*

*i) ... Along secondary roads, lot widths should be a minimum of 30 metres. Lots should have a minimum depth of 60 metres.*

### **3.4 Industrial Park Areas**

*The Industrial Park Areas are located in a less publicly visible area of Glendale and therefore are an appropriate location for industrial uses whose operations may have adverse visual impacts.*

*The following uses are permitted in Industrial Park Areas:*

- *research and development facility*
- *manufacturing and assembly*
- *fabrication*
- *information processing*
- *goods distribution and warehousing*
- *industrial and transportation servicing and maintenance facility*
- *construction and agricultural equipment sales and rental facility*

*g) ... Exceptions to the following guidelines are permitted without amendment to this plan provided the exceptions satisfy the principles and objectives for Glendale.*

*i) Lots should have a minimum width of 30 metres...*

### *5.3 Environmental Conservation Areas*

*The primary intent with respect to the Environmental Conservation Areas associated with the two branches of Six Mile Creek is to protect their natural features and enhance their ecological function while enhancing their visual presence and amenity value... Any proposed improvements within Conservation Areas and development adjacent to them shall be subject to the policies, regulations and guidelines of the Niagara Peninsula Conservation Authority. Applications for development on adjacent lands shall include environmental impact studies.*

- *The following main uses are permitted: fisheries management, wildlife management, waterfowl protection, floodplains, environmental protection, parks, activities and facilities of the Niagara Peninsula Conservation Authority.*
- *The following secondary uses are permitted: uses permitted with a main use such as accessory buildings and structures subject to the approval of the authority having jurisdiction.*
- *The following uses, independent of a main use, are permitted: accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction*

*Niagara Region's policies respecting natural heritage and development adjacent to natural heritage features, as well as the Region's Tree and Conservation By-law, shall apply in Glendale. Applications for development in areas where the Tree and Conservation By-law applies may be required to include a tree preservation plan.*

### *7.2 Site Plan Control*

*With the exception of detached, semi-detached and Townhouse dwellings, and accessory structures on a residential property, all proposed developments in Glendale shall be subject to site plan control.*

### *7.3 Plans of Subdivision*

*Where development requires the subdivision of land and the dedication of public right-of-ways and open spaces, a plan of subdivision shall be required. All plans of subdivision applications shall include a phasing plan.*

## **Glendale Secondary Plan (Council Approved 2025):**

### **2. VISION & PRINCIPLES**

#### **2.1. Vision**

*Glendale will be a beautiful, healthy and complete urban community that fulfills its role in the urban structure of the Town and includes a full array of opportunities to live, work, learn and play in proximity.*

#### **2.2. Fundamental Principles**

*a) To achieve the vision, the policies of this Plan build upon the following fundamental principles:*

*Principle 2 - Protect and enhance natural features and functions - All of the significant natural heritage features and associated ecological functions within Glendale will be protected and their natural beauty and quality will be enhanced for the enjoyment of everyone.*

*Principle 3 - Promote compact development and intensification - New development will support the ongoing evolution of the Glendale secondary plan area into a more compact, walkable, and transit-supportive community. New development will be efficient, and will be provided with municipal infrastructure systems, including a full range of mobility options, Public Service Facilities and parkland in a cost-effective and fiscally responsible manner.*

*Principle 4 - Provide a full range and mix of land uses - Glendale will be a welcoming and inclusive community, providing a full range of residential, retail and service commercial uses, restaurants, educational, recreational, employment and cultural opportunities*

*Principle 6 Encourage high quality design - High quality urban design will promote the importance of Glendale within the structure of the Town. New development will demonstrate high quality urban design that contributes to the recognition of Glendale as a beautiful and successful mixed-use community*

### **3. GROWTH MANAGEMENT**

#### **3.2. Phasing**

- b) Development approval will be considered on the basis of the following criteria;*
  - i. Conforms with all of the relevant policies of the Official Plan and this Plan, and is consistent with the attached Urban Design Guidelines;*

- iv. Considers compatible development, community impacts and community benefits*

#### **4. GENERAL POLICIES FOR BUILDING A SUCCESSFUL COMMUNITY**

##### **4.2. Economic Development**

*a) It is recognized that the Industrial/Business Park lands within Glendale represent one of Niagara's premier prestige business parks and is an important resource for both the Town and the Region in terms of attracting high quality jobs and businesses. This Plan includes the protection of the lands within the Industrial/Business Park designation for employment generating land uses. The key advantages of the Industrial/Business Park lands within Glendale are as follows:*

- i. Direct access/exposure to the QEW and close proximity to Highway 405;*
- ii. Proximity to the Niagara District Airport, the international border and Niagara College;*
- iii. Contains an available supply of serviced employment land; and*
- iv. A strategic gateway location for Niagara-on-the-Lake.*

##### **4.3. Urban Design**

*b) All development within Glendale shall be compatible with the surrounding community. The following shall be considered when evaluating the compatibility of development proposals:*

- i. The use, height, massing, orientation and landscape characteristics of nearby properties to ensure an appropriate transitions between the built forms and uses;*
- ii. On-site amenity space is provided and is reflective of, or enhances, the existing patterns of private and public amenity space in the vicinity; and*
- iii. Appropriate streetscape patterns, including block lengths, setbacks and building separations are implemented.*

##### **4.4. Compatible Development**

*c) To ensure compatible development, all development applications shall be consistent with the Urban design Guidelines attached to the Plan as Appendix B.*

#### **5. LAND USE AND BUILT FORM POLICIES**

##### **6.6. Industrial/Business Park Designation**

###### **6.6.2. Permitted Uses**

*a) Permitted uses on lands within the Industrial/Business Park designation identified on Schedule F, may include, subject to the relevant policies of this Plan:*

*i. Industrial uses, including:*

- Light manufacturing facilities;*
- Warehousing and distribution centres;*
- Municipal works yard;*
- Research and development facilities;*
- Data processing facilities;*
- Transportation servicing and maintenance facilities;*
- Construction and agricultural equipment sales and rental facilities*

#### **6.6.3. General Development Policies**

*a) Development within the Industrial/Business Park designation will accommodate built forms that support Niagara College and major office uses. Development is also expected to attain high-quality urban design, at densities that are transit-supportive. Development within the Industrial/Business Park designation should ultimately aim to achieve an overall density of 60 jobs per hectare. Development will incorporate identified elements of the Pedestrian Realm and Active Transportation Network, as shown on Schedule F4.*

*d) Development within the Industrial/Business Park designation shall be compatible with existing and planned sensitive land uses in proximity. Appropriate transition conditions, including enhanced setbacks, landscaping, angular planes or height reductions, and other mitigation techniques shall be employed to resolve any adverse impacts that may emanate from any permitted use within the Industrial/Business Park designation on any existing or planned sensitive land uses in proximity.*

#### **6.8. The Environmental Protection Designation**

##### **6.8.2. Permitted Uses**

*a) Permitted uses, subject to the results of an Environmental Impact Study, on lands within the Environmental Protection designation may include:*

- i. Conservation uses;*
- ii. Small-scale buildings or structures appropriate and supportive of public parks and trails and other associated passive recreational opportunities and facilities; and*
- iii. Buildings or structures necessary for flood or erosion control.*

*b) In addition to the permitted land uses listed, the following uses may also be considered:*

*ii. Municipal service infrastructure (sewer, water stormwater management) and public and private streets which are supported by a completed Environmental Impact Study or similar study*

#### **6.8.4. General Development Policies**

##### **Limited Development**

*d) No new lot creation, buildings or structures, nor the cutting of trees, or the removal or placing of fill of any kind whether originating on the site or elsewhere, may be permitted within the Environmental Protection designation, except with the approval of the Town, in consultation with any agency having jurisdiction. Lands within the Environmental Protection designation shall generally not form part of any new lots to be created for the purposes of development, other than to facilitate the establishment of the uses permitted by this Plan.*

##### **Environmental Impact Study**

*e) Where development, redevelopment and/or site alteration is proposed within the Environmental Protection designation, the Town shall require that an Environmental Impact Study be prepared by a qualified professional with appropriate in-season field work, and in accordance with any applicable Federal, Provincial, Regional, and Town requirements that demonstrates that there will be no negative impacts on any natural heritage features, and/or their ecological functions, to the satisfaction of the Town, in consultation with any agency having jurisdiction.*

*f) Where fish habitat and/or the habitat of endangered species and/or the habitat of threatened species are identified, the required Environmental Impact Study shall ensure that all Provincial and Federal requirements have been satisfied.*

##### **No Negative Impact**

*h) The establishment of any permitted use shall demonstrate no negative impact to any natural heritage feature and/or associated ecological functions, as demonstrated through the required Environmental Impact Study. Where a permitted use requires impact mitigation, the mitigation shall result in no negative impact on the natural heritage features and/or their ecological functions.*

##### **Dedication of Lands**

*n) Lands within the Environmental Protection designation may be dedicated to the Town, other public authority, or to a Land Trust, or other not-for-profit agency, subject to the approval of the Town, without cost.*

#### **6.8.5. The Adjacent Lands Overlay**

*b) Where development, redevelopment and/or site alteration is proposed within the Adjacent Lands Overlay, the Town shall require that an Environmental Impact Study be prepared by a qualified professional with appropriate in-season field work, and in accordance with any applicable Federal, Provincial and Town requirements that demonstrates that there will be no negative impacts on any natural heritage features, and/or their ecological functions, to the satisfaction of the Town, in consultation with any agency having jurisdiction.*

*d) The uses permitted and the associated development policies on any specific site or area within the Adjacent Lands Overlay may include those land uses permitted by the underlying land use designation, as identified on Schedule F, subject to the results of an Environmental Impact Study when required by the Town. In addition to any permitted land uses, the extension of existing municipal infrastructure projects where the alignments or locations of those facilities have been established in this Plan, and/or an approved Environmental Assessment, may be permitted on lands within the Adjacent Lands Overlay, subject to the application of specific mitigation measures as set out in an approved Environmental Impact Study.*

## **8.2. Municipal Service Infrastructure and Utilities**

### **8.2.1. General Policies**

*a) Municipal service infrastructure includes water, wastewater and stormwater facilities that are a critical element in the development of Glendale. The objectives of this Plan with respect to municipal service infrastructure are to:*

*i. Provide adequate and sufficient systems of water supply, sanitary sewage disposal and storm drainage to all areas of development in Glendale in accordance with the phasing policies this Plan and based on sound financial planning.*

### **8.2.2. Municipal Water and Wastewater Servicing Infrastructure**

*a) All new development within Glendale is required to connect to urban municipal water and wastewater service infrastructure upon confirmation that capacity is available within those systems. The phasing of development shall be coordinated with the phasing of municipal water and wastewater service infrastructure.*

### **8.2.3. Stormwater Management Infrastructure**

*b) New stormwater management facilities in Glendale shall be consistent with the attached Urban Design Guidelines and in accordance with the following policies:*

*iv. Proposals for large-scale development proceeding by way of a Plan of Subdivision/Condominium, Consent or Site Plan Approval will be supported by a stormwater management plan or equivalent, that:*

- *Incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure - including consideration of porous pavements, bioretention basins, enhanced swales, green roofs and rain gardens among others;*
- *Establishes planning, design and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces;...*

**File:** 26T-18-24-01  
**Draft Approval Date:** \_\_\_\_\_  
**Lapse Date:** \_\_\_\_\_

**Town of Niagara-on-the-Lake**  
**Conditions of Draft Plan of Subdivision Approval**

The conditions of draft plan approval and registration of 353 Townline Road Subdivision, File 26T-18-24-01 are as follows:

1. That approval applies to the 353 Townline Road Draft Plan of Subdivision, being Part Lots 180 & 181 Niagara Township, Parts 1 & 4 30R9813; Town of Niagara-On-The-Lake, Regional Municipality of Niagara, prepared by J.D. Barnes Ltd., O.L.S., dated October 25, 2024, showing Blocks 1-4 for industrial development, Block 5 for stormwater management, Blocks 6 and 7 for the Natural Environment System and associated buffer, Block 8 for a drainage channel, and Block 9 for a reserve associated with a public road ("Northwood Court").
2. That the owner enters into one or more agreements with the Town of Niagara-on-the-Lake (the "Town") agreeing to satisfy all requirements, financial and otherwise, of the Town including the provision of services, roads, signage, grading, drainage, trees, sediment and erosion control, streetlighting, and sidewalks. The agreement shall also specifically prohibit development on the lands, until such time as grading and services are adequately provided, to the satisfaction of the Town.
3. That if final approval is not given to this plan within three (3) years of the draft approval date and an extension has not been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the subdivision agreement between the owner and the Town with regard to the subject lands be registered by the Town against the lands to which it applies, pursuant to the provisions of the Planning Act.
5. That the owner provides an undertaking to the Town agreeing that a properly executed copy of the transfer of the lands to the municipality will be deposited to the Clerk concurrently with the registration of the final plan of subdivision.
6. That the owner agrees in the subdivision agreement that any outstanding taxes will be paid prior to the registration of the final plan of subdivision.
7. That the owner provides a preliminary 30M plan and a letter to the Director of Community and Development Services stating how all conditions of draft plan approval have been satisfied at the time of request for condition clearance.

8. That the owner pays 2% cash-in-lieu of parkland dedication to the Town pursuant to the provisions of the *Planning Act* based on the total value of the subject lands as determined by an appraisal prepared by a qualified person and approved by the Town. All costs associated with obtaining an appraisal are the responsibility of the owner.
9. The owner shall complete to the satisfaction of the Director of Operations of the Town of Niagara-on-the-Lake and Canada Post:
  - a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    - i. That the home/business mail delivery will be from a designated Centralized Mail Box; and
    - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home/unit/building sales.
  - b. The owner further agrees to:
    - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
    - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
    - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision; and
    - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps re also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
  - c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
10. That the owner/applicant submits a Scoped Environmental Impact Study Addendum to confirm that removal of the feature FODM12 (as identified in Scoped Environmental

Impact Study, prepared by Colville Consulting Inc., dated July, 2024) and relocation of features SWD1-3 and MAM2-2 (as identified in Scoped Environmental Impact Study, prepared by Colville Consulting Inc., dated July, 2024) will not result in negative impacts to the Natural Environment System and demonstrate conformity with the Niagara Official Plan, to the satisfaction of the Director of Community and Development Services.

11. That the owner/applicant submits a Tree Inventory and Preservation Plan to support the removal of the feature FODM12 (as identified in Scoped Environmental Impact Study, prepared by Colville Consulting Inc., dated July, 2024), in accordance with the aforementioned Scoped Environmental Impact Study and Scoped Environmental Impact Study Addendum required as per Condition 10, and removal of any regulated trees to the satisfaction of the Director of Community and Development Services.
12. Subject to the satisfaction of Condition 10, the owner/applicant agrees to replace the number of regulated trees (FODM12) proposed for removal at a location on-site and/or off-site in the Town's Urban Area, to the satisfaction of the Director of Community and Development Services. Alternatively, the owner/applicant may provide a combination of cash-in-lieu and plantings provided a minimum of 75% of the trees are replaced to the satisfaction of the Director of Community and Development Services.
13. In accordance with Condition 12, tree replacements are to be detailed through the submission of a Replanting and Restoration Plan, which incorporates any required buffers, to the satisfaction of the Director of Community and Development Services. The number of trees to be replaced, and amount of security fees will be determined by Town Staff once final tree removal requirements have been finalized.
14. That the Owner/applicant enters into any necessary agreements with the Town to implement the Replanting and Restoration Plan as required in accordance with Condition 13, to the satisfaction of the Director of Community & Development Services.
15. That the owner/applicant submits a vernal pool/habitat creation plan, prepared by a qualified professional, to confirm no negative impacts and that the ecological and hydrological functions of the wetland will be maintained through on-site restoration works, to the satisfaction of the Director of Community and Development Services.
16. That the owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1 and Stage 2 Archaeological Assessment reports (dated March 12, 2020 and January 17, 2023, respectively) for 353 Townline Road, Niagara-on-the-Lake, prepared by Amick Consultants Limited. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region and Town of Niagara-on-the-Lake, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through

Niagara Region and the Town, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

17. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
18. That the Owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the Town of Niagara-on-the-Lake.
19. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings (with calculations) for the sanitary and storm drainage systems required to service this development to confirm the capacity in the Regional system prior to the municipality signing off on the CLI ECA forms.
20. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Public Works Growth Management and Planning Division and the Town of Niagara-on-the-Lake for review and approval:
  - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site. The detailed lot grading plan shall demonstrate that no grading within the natural environmental features and/or their buffers will occur, and shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural environmental features and their buffers.
  - b. Detailed erosion and sedimentation control plans. All erosion and sediment control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
21. That the subdivision agreement between the Owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the above Condition (Condition 20).

22. That the Owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and By-laws relating to the curbside collection of waste and recycling throughout all phases of development.
23. That the Owner/Developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.
24. That the Developer submit to the Niagara Peninsula Conservation Authority (NPCA) for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings. The Developer agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
25. That the Stable Top of Slope be identified on all engineering drawings submitted for detailed design. A Geotechnical Engineer shall provide confirmation that the location of the identified Stable Top of Slope on said drawings appropriately reflects the findings of the Preliminary Slope Stability prepared by Bendigo Consulting Inc., dated February 12, 2021 and is accurate across the site.
26. That the detailed design of the stormwater pond outfall and emergency spillway include longitudinal cross-sections of the stormwater outfall and spillway, and design elements that mitigate potential erosion on the valley wall by dissipating stormwater flows and slowing the velocity of the flows. Further the design will incorporate vegetation that will provide stabilization into the valley bank and wall.
27. That a NPCA Works Permit pre-consultation meeting be held between the NPCA and Developer to confirm all permit submission requirements for any development activities within NPCA regulated areas.
28. That prior to the commencement of any works or site alterations, the Developer shall obtain Work Permit(s) from the NPCA for all works within the NPCA regulated areas or associated buffers including but not limited to the stormwater outfall and emergency spillway, restoration/enhancement plans, pre-grading/servicing, subdivision build out, etc.
29. That Block 6 & 7 be dedicated to a public agency, to the satisfaction of the NPCA.
30. That Conditions 24 to 29 above be incorporated into the Subdivision Agreement between the Developer and the Town of Niagara-on-the-Lake, to the satisfaction of the NPCA. The Town of Niagara-on-the-Lake shall circulate the draft Subdivision Agreement to the NPCA for its review and approval.

31. That the detailed design drawings with calculations for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Town's Operations Department for review and approval.
32. That the owner provides a comprehensive cost estimate detailing the cost of all on-site and off-site works, as well as the number of working days required to complete the proposed works, in order to establish the appropriate security deposits to be identified in the subdivision agreement.
33. The subdivision agreement shall contain a schedule for the purpose of identifying the Town's cost sharing obligations towards the oversizing of the SWM lands/pond and related storm sewer infrastructure.
34. That the owner agrees that prior to the assumption of the subdivision by the Town, that the storm sewers, including catch basins, will be flushed and TV inspected. This requirement shall also be included in the subdivision agreement.
35. Upon completion of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawings.
36. That the public streets be deeded to the Town free and clear of any mortgages, liens or encumbrances.
37. That access reserve shown as Block 9 on Draft Plan of Subdivision, dated October 25, 2024 be lifted upon the completion of Primary Services.
38. That access reserve shown as Block 5 on 30M-371, dated September 11, 2007 be lifted upon the completion of Primary Services.
39. That the existing turn-around at the terminus of Westwood Court be re-configured to allow for the proposed northerly road connection (shown as Northwood Court on the Draft Plan of Subdivision, dated October 25, 2024) into the subject development, and that:
  - a. All affected lands south of the proposed development limit which abut the proposed Northwood Court be restored, repaired, and/or reinstated to existing condition or better;
  - b. All existing curb and boulevard at the existing turn-around be restored, repaired, and/or reinstated to accommodate the proposed new road connection; and
  - c. That signage be installed at the existing turn-around noting the direction of traffic, as well as street name signs.
40. That the owner agrees to the following requirements in the subdivision agreement:
  - a. That all infrastructure works will be constructed to current Town specifications.

- b. That the owner agrees to grant to the Town any required easements for services or utilities.
- c. That a sanitary and storm drainage area plan be submitted to the Town's Operations Department for approval.
- d. That the owner comply with all current CLI ECA requirements, including the submission of the necessary forms and clearances to the Town's Operations Department, prior to the approval of all proposed sanitary & storm infrastructure
- e. The owner will be required to submit an overall lot grading plan to be approved by the Town's Operation Department noting both existing and proposed grades (including entrance apron and top of foundation elevations, if available) and the means whereby overland flows will be accommodated across the site.
- f. That overall lot grading, street lighting, sediment control, servicing, and drainage plans be submitted to the Town's Operations Department for review and approval.
- g. That a streetscape plan of the internal streets illustrating the location of on-street parking, street trees, pavement markings, community mailbox locations, hydrants, regulatory and no parking signs and street lighting is submitted to the Town's Operations Department for review and approval.
- h. That all submitted plans and supporting reports will be subject to a peer review at the owner's cost.
- i. That the owner provides boulevard trees in the subdivision in accordance with Town policy respecting the number, location, species, and size.
- j. The owner will provide the Town with calculations indicating the existing water supply pressure and proposed fire flows. The approval of the servicing plans will be subject to the delivery of adequate water system pressure and fire flows and approval by the Town's Fire and Emergency Services Department. Upon completion of primary services and before any financial releases, the fire hydrants must be pressure tested, flow tested, and coded with the appropriately coloured disc as per Fire Code requirements.
- k. That the owner be required to provide the appropriate securities and cash deposits prior to commencing the installation of infrastructure.
- l. That the owner be required to provide a maintenance security deposit of \$100,000 toward the cleaning of the stormwater management pond. The security deposit will be released upon completion of the development and the owner demonstrating that the pond has been cleaned and/or restored, if needed, to the approved design specifications and Town Engineering Standards.
- m. That all the proposed infrastructure will be subject to the Town's inspection at the owner's expense including qualitative and quantitative tests made of any materials used in the construction of any works.
- n. That the owner construct a storm sewer system, and that all stormwater flows collected in that system be directed to the stormwater management pond, in accordance with the Town's Engineering Standards.
- o. That all road allowances within the proposed development be a minimum of 20.11 metres (66 feet) in width.
- p. That all roads are constructed to current Town urban design standards, which includes an 8.5-metre-wide pavement, concrete curb and gutter with barrier type curbs (O.P.S.D 600.04) and storm sewers to the satisfaction of the Town's

- Operations Department.
- q. That if applicable, the owner agrees to consult with Canada Post and the Town's Operations Department to determine suitable permanent locations for the community mailboxes, which shall be included on appropriate servicing plans.
  - r. That all offers and agreements of purchase and sale shall contain a clause that the purchaser will be responsible to maintain the grassed boulevard directly in front of and adjacent to their lot where they exist.
  - s. That during the construction the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).
  - t. That the owner/applicant install permanent fencing along the limit of the Natural Environment System features and their associated buffers, in accordance with the Town's Fence By-law.
  - u. That vegetation removals be undertaken between October 1<sup>st</sup> and March 14<sup>th</sup>, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. The survey is to take place within 48 hours of vegetation removal.
  - v. That construction activity occurring during the active bat season (i.e., between April 1<sup>st</sup> and September 30<sup>th</sup>) be restricted to daylight hours only and that the use of artificial lighting be avoided in order to reduce disturbance on rare bat species.
  - w. That no construction materials or equipment be located within features FODM12, SWD1-3, MAM2-2, and their buffers (as identified in Scoped Environmental Impact Study, prepared by Colville Consulting Inc., dated July, 2024), even on a temporary basis.
  - x. That the owner/applicant agrees to submit an Ecological Monitoring Plan, related to the Replanting and Restoration Plan required in accordance with Condition 13, to monitor the success of the restorative plantings up to and including five (5) years from full build out. The Plan must be submitted by September 1<sup>st</sup> of years 1 through 5, and must include photographs and advise of actions necessary to address any deficiencies.
  - y. That the owner/applicant implements the recommendations of the Tree Inventory and Preservation Plan required in accordance with Condition 11, as approved by Town Staff.
41. That the owner provides a letter, signed by a Professional Engineer, confirming that no downstream impacts from stormwater management discharge from the site will be incurred, to the satisfaction of the Town's Operations Department.
42. That the subdivision agreement between the owner and the Town include the following clauses:
- a. All future occupants of subdivision are aware that future uses may be required to conform to Provincial D-6 Land Use compatibility requirements*

*and/or implement recommended mitigation measures to ensure compatibility with residential uses to the north as part of future Planning Act approvals. The Developer agrees that a similar warning clause shall be inserted in all Agreements of Purchase and Sale or Lease for each lot, advising of such potential requirements.*

- b. All future owners/occupants of the subdivision are aware that, prior to the issuance of a building permit, Site Plan Control is applicable to the development of the subject lands.*
- c. The owner acknowledges that, through the Site Plan Control process, an Environmental Impact Study will be required to confirm if the proposed use/development necessitates a larger buffer to the Natural Environmental System. The Environmental Impact Study will be to the satisfaction of the Niagara Region, or its predecessor or designate. The Developer agrees that a similar warning clause shall be inserted in all Agreements of Purchase and Sale or Lease for each lot, advising of such potential requirements.*
- d. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.*
- e. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.*
- f. The Owner shall contact Enbridge Gas Distribution for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.*
- g. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner.*
- h. In the event that easement(s) are required to service this development, the Owner will provide the easement(s) to Enbridge Gas Distribution at no cost.*
- i. Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological*

*assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C. <https://pre.niagararegion.ca/culture-and-environment/archaeology.aspx>”*

## Clearance of Conditions

Prior to granting final approval for the subdivision plan, the Town of Niagara-on-the-Lake Community and Development Services Department requires **written notification** from the following departments and agencies that their respective conditions have been met satisfactorily.

| Department or Agency                     | Conditions  |
|--|---|
| Town Community & Development Services    | 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 40(t - y), 42(a, b, c, i) |
| Town Corporate Services                  | 8   |
| Town Operations                          | 20, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40(a - s), 41                         |
| Town Fire & Emergency Services           | 40(j)   |
| Niagara Region                           | 16, 17, 18, 19, 20, 21, 22, 23, 42(c, i)                                      |
| Niagara Peninsula Conservation Authority | 24, 25, 26, 27, 28, 29, 30  |
| Canada Post                              | 9, 40(q)  |
| Bell Canada                              | 42(d, e)  |
| Enbridge Gas                             | 42(f, g, h)   |

Clearance of the conditions of final approval should be coordinated with the following contacts:

| Department or Agency                    | Contact Name  | Address  | Phone               | Email                     |
|---|---|--|---------------------|---------------------------|
| Town Community and Development Services | Kirsten McCauley,<br>Director of Community & Development Services | 1593 Four Mile Creek Road,<br>P.O. Box 100,<br>Virgil, ON, L0S 1T0 | (905) 468-3266      | Kirsten.mccauley@notl.com |
| Town Operations Department              | Darren MacKenzie,<br>Manager of Public Works                      | 1593 Four Mile Creek Road,<br>P.O. Box 100,<br>Virgil, ON, L0S 1T0 | (905) 468-3266      | Darren.mackenzie@notl.com |
| Town Fire and Emergency Services        | Jay Plato,<br>Fire Chief  | 1593 Four Mile Creek Road,<br>P.O. Box 100,<br>Virgil, ON, L0S 1T0 | (905) 468-3266 x321 | jay.plato@notl.com        |
| Town Corporate Services Department      | Grant Bivol,<br>Town Clerk  | 1593 Four Mile Creek Road,<br>P.O. Box 100,                        | (905) 468-3266      | clerks@notl.com           |

|  |  |  |                      |                                |
|--|--|--|----------------------|--------------------------------|
|  |  | Virgil, ON, L0S 1T0  |                      |                                |
| Niagara Region                           | Amy Shanks,<br>Senior Planner                          | 1815 Sir Isaac Brock Way,<br>P.O. Box 1042,<br>Thorold, ON,<br>L2V 4T7 | (905) 980-6000 x3532 | Amy.shanks@niagararegion.ca    |
| Niagara Peninsula Conservation Authority | Taran Lennard,<br>Watershed Planner 2                  | 250 Thorold Road West, 3 <sup>rd</sup> Floor, Welland, ON, L3C 3W2     | (905) 788-3135       | tlennard@npca.ca               |
| Canada Post                              | Andrew Carrigan,<br>Delivery Planning Officer          | 955 Highbury Ave. N.<br>London, ON<br>N5Y 1A3                          | (226) 268-5914       | andrew.carrigan@canadapost.ca  |
| Bell Canada                              | Juan Corvalan,<br>Senior Manager,<br>Municipal Liaison |  |                      | planninganddevelopment@bell.ca |
| Enbridge Gas                             | Willie Cornelio, Sr<br>Analyst<br>Municipal Planning   | 500 Consumers Road, North York, ON M2J 1P8                             | (416) 495-6411       | municipalplanning@enbridge.com |

### Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.

**From:** [donna@theherringtongroup.ca](mailto:donna@theherringtongroup.ca)  
**To:** [Victoria Nikoltcheva](#)  
**Subject:** RE: New Application - 26T-18-24-01 - 353 Townline Road, NOTL  
**Date:** Monday, March 4, 2024 4:17:40 PM

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**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi Victoria, I do not have any accessibility-related comments for this application.

**Donna Herrington**

The Herrington Group Ltd

53 Greenmeadow Court

St. Catharines, ON L2N 6Y7

Phone: (905) 380-4782

Web: [www.theherringtongroup.ca](http://www.theherringtongroup.ca)

March 7, 2024

Victoria Nikoltcheva  
Planner II  
The Town of Niagara-on-the-Lake  
Community & Development Services  
1593 Four Mile Creek Road – PO Box 100  
Virgil, ON L0S 1T0

Dear Victoria,

Re: Draft Plan of Subdivision  
Kaneff Group  
353 Townline Road  
Town of Niagara-on-the-Lake  
File No.: 26T-18-24-01

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall use the [Enbridge Gas Get Connected tool](#) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.

([https://enbridge.outsystemsenterprise.com/GetConnected\\_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp\\_UI%2F](https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F))

If the gas main(s) needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

Sincerely,



**Willie Cornelio** CET  
Sr Analyst Municipal Planning  
Engineering

ENBRIDGE  
TEL: 416-495-6411  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](https://enbridge.com)  
Safety. Integrity. Respect. Inclusion.

## Draft Plan of Subdivision (26T-18-24-01), 353 Townline Rd., Niagara-on-the-Lake

PrimeCities <WSP.PrimeCities@wspdigitalfactory.com>

Fri 3/8/2024 5:00 PM

To:Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

You don't often get email from wsp.primecities@wspdigitalfactory.com. [Learn why this is important](#)

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**3/8/2024**

**Victoria Nikoltcheva**

**Niagara-on-the-Lake**

**Niagara-on-the-Lake (Town)**

**Attention: Victoria Nikoltcheva**

**Re: Draft Plan of Subdivision (26T-18-24-01), 353 Townline Rd., Niagara-on-the-Lake; Your File No. 26T-18-24-01**

**Our File No. DTS: 38648 / Circ: 40810**

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

**Bell Canada Condition(s) of Approval**

1) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

2) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network

infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

**Concluding Remarks:**

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

Should you have any questions, please contact the undersigned.

Yours Truly,



Juan Corvalan  
Senior Manager - Municipal Liaison  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca).

VICTORIA NIKOLTCHEVA  
TOWN OF NIAGARA ON THE LAKE  
1593 FOUR MILE CREEK ROAD  
P.O BOX 100, VIRGIL, ON

Re: 353 Townline Rd

Dear Victoria,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the Town of Niagara on the Lake and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
  - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
- iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

*A. Carrigan*

Andrew Carrigan  
 Delivery Planning Officer  
[Andrew.Carrigan@canadapost.ca](mailto:Andrew.Carrigan@canadapost.ca)

March 22, 2024

Via Email Only

Victoria Nikoltcheva  
Planner II  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil ON, L0S 1T0

NPCA File No.: PLSUB202400256

Dear Ms. Nikoltcheva,

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments  
Draft Plan of Subdivision  
Town of Niagara-on-the-Lake: 353 Townline Road**

The NPCA has received a request to review the complete application in relation to a proposed industrial subdivision, inclusive of 9 blocks, where 4 will be for industrial employment uses, and the remaining will be for stormwater management the existing natural heritage system, a drainage channel, and a 0.3 metre reserve for the proposed roadway. In response to this request, we offer the following comments.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands are impacted by a valleyland system associated with the Six Mile Creek/Airport Drain Complex. The regulatory floodplain associated with this section of Six Mile Creek is confined to the valleyland. Further, a regulated watercourse crosses the subject lands, immediately north of 345 Townline Road.

**Draft Plan of Subdivision**

The NPCA has reviewed the 'Preliminary Slope Stability Assessment' as prepared by Bendigo Consulting Inc (dated February 12, 2021) the 'Slope Stability Assessment' by Soil Engineers Ltd (dated December 13, 2023), and the 'Functional Servicing and Stormwater Management Report' as prepared by Crozier and Associates (dated December 2023). The NPCA will require that the location of the stable top of slope be accurately identified on all plans. This limit shall be confirmed by the Geotechnical Engineer.

Staff note that the current proposal is slated to cut into the valley slope for the purposes of a new stormwater outlet and emergency spillway associated with the proposed stormwater management pond located in close proximity to the edge of the valley. The NPCA is not generally supportive of alterations to a valley slope, where reasonable alternatives exist. As such, and prior to being able to support the proposed alterations, the NPCA will require that alternative approaches to the emergency spillway and outlet be explored. Additional details on the spillway shall be provided to our Agency that confirms that the use of softer, environmentally friendly treatments have been incorporated into the design. Further, a cross sectional view of the spillway is requested to show the extent of the alterations on the valley wall. The outfall shall also be reconfigured away from the valley

wall. While the NPCA can support a vertical drop structure, the outfall location should be at the base of the slope and into the watercourse, rather than out letting onto the valley wall. The drop structure shall be supported by the Geotechnical Engineer.

The applicant shall, through the design at this stage, confirm that the proposed outlet and emergency spillway will not cause erosion in the valley slope and into Six Mile Creek. The design shall reduce erosive velocities and mitigate any thermal impacts to the watercourse. Further, the NPCA will require confirmation that future maintenance and repairs can safely be carried out on the outlet and spillway without negative impacts to the valley.

The 'Scoped Environmental Impact Study, 353 Townline Road' as prepared by Colville Consulting (dated January 2024) has been reviewed by the NPCA. This report recommends that watercourse 1 on the north end of the property be afforded a 5m buffer. The NPCA will require the protocol details, and dates of surveys completed to ensure no negative impact to the form and function of the watercourse or its riparian buffer. Please provide a revised plan that shows an appropriate setback from top of bank of the watercourse as the EIS addresses 5 metres, with the site plan reflecting 3 metres.

Furthermore, the NPCA has reviewed the stormwater quantity controls for the site. The NPCA notes that post-development flows will be attenuated to pre-development levels for both drainage catchment areas, and that roof storage and a wet pond will be used to facilitate this. The NPCA does not offer objections. With respect to erosion control, the NPCA notes that extended detention time is required for the 25mm storm over 24 hours, or retention of the 5mm event runoff. Staff again are aware that roof storage and the proposed wet pond are used to facilitate this. In principle, the NPCA would not offer objections to this.

### **Conclusion**

At this time, NPCA Staff are not in a position to provide Conditions of Draft Plan Approval. Revisions to the documentation shall be provided to the NPCA for our review.

I hope this information is helpful. If you have any questions, please let me know.

Thank you,



Taran Lennard  
Watershed Planner II  
(905) 788-3135 ext. 277  
tlennard@npca.ca

**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

---

**Via Email Only**

March 25, 2024

Region File: PLSD202400041

Victoria Nikoltcheva  
Intermediate Development Planner  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Regional and Provincial Comments  
Proposed Draft Plan of Subdivision Application  
Town Files: 26T-18-24-01  
Owner: Kaneff Group  
Applicant: Kaneff Group (Kevin Freeman).  
353 Townline Road  
Niagara-on-the-Lake**

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Staff of the Regional Growth Strategy and Economic Development Department have reviewed the above-mentioned Draft Plan of Subdivision (“SD”) application for 353 Townline Road in Niagara-on-the-Lake.

The Draft Plan application proposes to create a total of 9 blocks: 4 blocks for future industrial development, 1 block for stormwater management, 1 block for natural heritage conservation, 1 block as a natural heritage conservation buffer, 1 block for a drainage channel, and 1 block to facilitate the extension of the existing public right-of-way (Northwood Court). The lands are to be developed in accordance with the as-of-right “Light Industrial (LI)” and “Prestige Industrial (PI)” zoning for the property.

A pre-consultation meeting for the development concept was held on January 6, 2022 with the applicant, Town and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town with its consideration of the applications.

## Summary

**Regional Growth Strategy and Economic Development Department is unable to support approval of this application at this time as confirmation that the proposal will not have significant negative impacts to the NES and submission of a revised Environmental Impact Study (EIS) is required in order to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans. As such, Appendix I: Regional Conditions of Draft Plan of Subdivision and Condominium are preliminary and provided for information purposes only at this time and do not include conditions related to natural environment requirements pending review and approval of the revised EIS.**

## **Provincial and Regional Policies**

The subject land is within a “Settlement Area” under the Provincial Policy Statement, 2020 (“PPS”) and “Designated Greenfield Area” under A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”) and the Niagara Official Plan (“NOP”). The subject land is also within a ‘Knowledge and Innovation Employment Area’ (NOTL-2 Glendale Momentum District) as delineated on Schedule G – Employment Areas of the NOP.

Designated Greenfield Areas are areas within settlement areas that have been designated for development and are to be planned in a manner that ensures development is sequential, orderly and continuous with existing built-up areas, uses proactive planning tools such as District Plans and Secondary Plans as appropriate, ensuring infrastructure capacity is available and its location is supporting active transportation and encouraging integration to public transit service.

The lands are subject to the Town’s Glendale Secondary Plan, which is currently under Regional and Town review to update policies and mapping to align with the Glendale Niagara District Plan. Staff note the secondary plan identifies density requirements which contribute to the Town achieving its overall 50 people and jobs per hectare Greenfield Area density target. Additionally, Policy 4.2.1.9 and Table 4-2 of the NOP requires that lands within the Glendale Momentum District Employment Area be planned to achieve a minimum overall density target of 60 jobs per hectare. Staff note the Town is to monitor the achievement of these targets and should be satisfied the proposed subdivision will contribute to achieving the overall density target.

Staff have reviewed the Planning Rational Report prepared by Kaneff Group (dated January 2024) and are in general agreeance with the study which highlights the development will support industrial related employment uses and future industrial development in conformity with Provincial and Regional policies. Staff, however, note the report does not specifically outline the development’s proposed density in relation to the Designated Greenfield Area, Employment Area and Glendale Secondary Plan targets. As such, staff note the Town is to monitor the achievement of these targets and

should be satisfied the proposed subdivision will not limit the ability for them to be achieved. Staff is generally satisfied that the application is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Town's satisfaction from a local planning perspective and the below comments.

## **Archaeological Potential**

The PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. The subject lands are mapped within an Area of Archaeological Potential on Schedule K of the NOP, have one registered archaeological site on the property (AgGs-79) and are within 300 metres of another registered site (AgGs-80).

Staff have reviewed the Draft Stage 1 Archaeological Assessment ("AA") report submitted and the Stage 2 Archaeological Assessment, both prepared by Amick Consulting Limited (dated March 12, 2020 and January 17, 2023, respectively). The Draft Stage 1 AA outlines a portion of the property had been previously assessed (April 24, 1990) with the remainder not being assessed due to the area being identified as a steep bank and ravine slope and not requiring assessment per Ministry guidelines. However, the recent Stage 1 found further archaeological assessment of the area to be warranted with the exception of the lands which had been previously subject to the Stage 2 in 1990. The Stage 2 report (dated January 17, 2023) notes no archaeological resources were encountered within the bounds of the study area. As such, the assessment concluded that no further archaeological assessment work is warranted.

Staff has not received acknowledgement from the Ministry of Citizenship and Multiculturalism ("MCM") that the report has been submitted to the Ontario Public Register of Archaeological Reports. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM, confirming that all archaeological resource concerns have been addressed. Additionally, in recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, Regional staff recommend the inclusion of a standard archaeological resource warning clause within the Subdivision Agreement. Appropriate conditions have been included within the attached Appendix.

Staff acknowledge that the Town of Niagara-on-the-Lake also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

## Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Significant Woodland, Other Woodland, Other Wetland and a permanent/intermittent watercourse. As such, consistent with Niagara Official Plan (NOP) policies, an Environmental Impact Study (EIS) was required in support of the proposed development to confirm the extent of NES features and demonstrate that there will be no ecological or hydrological impacts to the NES.

Staff have reviewed the Scoped EIS, prepared by Colville Consulting Inc., dated January 2024. Staff note that an EIS Terms of Reference (TOR) was not prepared for Regional approval. Based on staff's review of the EIS, there are a number of concerns that are required to be addressed in an EIS Addendum in order to satisfy the Region that the conclusions are valid and that the development conforms to Provincial and Regional policies. Details are provided below.

### EIS Review Comments:

1. The Ecological Land Classification (ELC) work used a large polygon size to classify a complex community (THDM2-6/WODM5). This approach is appropriate only in cases where communities are so complex, they cannot be teased apart at a finer scale through field investigations. The EIS did not include information regarding the proportional representation of each complex by area nor does it provide an indication of the distribution of the woodlands throughout the overall polygon. This information is important in evaluating the extent of 'Other Woodland' present on the property and the associated policy context should 'Other Woodland' be present and proposed for removal. As such, additional information is required in an EIS Addendum. Staff note that consistent with NOP policies, should 'Other Woodland' be identified for removal, a Woodland Enhancement Plan will be required.
2. Acoustic bat monitoring was not undertaken to determine the presence of Species at Risk (SAR) bats or Significant Wildlife Habitat (SWH). The EIS concludes that an assessment of significant potential roost trees was completed in the thicket/woodland portions of the property but that potential for roost trees was limited because of the young age and small diameter of most trees. However, the EIS indicates that potential roost trees were identified within the forest communities, but that an assessment was not warranted as these trees will not be impacted by future land use. Had an EIS TOR been circulated for Regional review and approval, staff would have required acoustic monitoring for bats in all woodland communities as the results would inform an appropriate buffer width from forested communities. In the absence of acoustic monitoring data, larger buffer widths adjacent to the forested communities are required. The EIS Addendum should include a re-evaluation of all recommended buffer widths following the precautionary principle.

3. The wetland vegetation community (SWD1-3) identified on the southern portion of the property was confirmed to meet criteria to be designated 'Other wetland'. NOP policy 3.1.9.5.6 outlines requirements should an 'Other wetland' be proposed for removal. Staff request that the EIS Addendum elaborate on how this NOP policy is being addressed. Further, the EIS recommends that amphibian breeding habitat currently available in the 'other wetland' be recreated in other areas of the property, potentially within the valley floodplain or in suitable areas of the buffer adjacent to the woodland. Staff require additional information to confirm that opportunities to replace the ecological functions currently provided by the 'other wetland' exist on the subject lands. Staff note that creating amphibian habitat adjacent to an industrial land use is not appropriate and, as such, the creation of amphibian ponds in the woodland buffer will not be supported. In addition, a buffer will be required adjacent to any restored amphibian ponds. The EIS Addendum should identify an appropriate location of amphibian habitat creation and recommend a buffer width to ensure long-term protection.
4. The Treed Hedgerow (FODM12) requires re-evaluation due to its proximity to adjacent woodlands.
5. The boundaries of NES features, including Significant Woodlands, 'Other Woodlands' and wetlands, are required to be staked with Regional staff and surveyed. As the extent of NES feature boundaries have not been confirmed by Regional staff, this exercise should be undertaken before circulating a revised application.
6. The conceptual Site Plan identified on Figure 5 in the EIS shows the footprint of Industrial Blocks extending within the recommended NES buffers. Staff note that no development and/or site alteration (including lot lines) are permitted within NES features or their associated buffers. The EIS Addendum should include a revised conceptual Site Plan that conforms to Provincial and Regional policy requirements.

At this time, staff cannot recommend conditions of approval pertaining the environmental interests as additional information is required to confirm that the proposal will not have significant negative impacts to the NES. An EIS Addendum is requested to address the concerns summarized above.

Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features.

We look forward to working with the applicant and are open to meeting to further discuss our comments, if desired. Please feel free to contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca)

should you have any questions or like to arrange a meeting. Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## **Servicing**

Servicing for the proposed development will be under the jurisdiction of the Town of Niagara-on-the-Lake. The proposed development will require the construction of a new watermain, sanitary and storm sewer system. New and extended services must be approved through the Town's consolidated linear ECA process and drinking water license.

### **Regional Sewer Use By-Law**

The Niagara Region's Sewer Use By-law requires owner/occupants of commercial, institutional or industrial premises to install and maintain a suitable maintenance access point (manhole) to allow observation, sampling and flow measurement of sewage effluent from the proposed development. Further, every manhole installed must be located on the property of the owner as close to the property line as possible.

As such, staff require that future site servicing plan(s) show a sanitary inspection manhole located near the property line in accordance with Niagara Region's Sewer Use By-law. The full requirements of the Region's Sewer Use By-Law are available on the Region's website at the following location:

<https://www.niagararegion.ca/government/bylaws/pdf/Sewer%20Use%20By-Law.pdf>

## **Stormwater Management**

The 'Functional Servicing Report and Stormwater Management Report' prepared by CF Crozier & Associates Inc.(dated December 2023) proposes two storm outlets. The report outlines the main development will outlet to Six Mile Creek through a stormwater management (SWM) pond and Block 1 will outlet to an unnamed tributary of Six Mile Creek. Staff notes the SWM plan covers only the subject lands and requires roof storage and flow control on all future buildings (refer to Servicing Plan C102). Additionally staff highlight that the SWM and engineering plan details will be subject to the review and approval of Town staff to ensure the requirements for SWM facility and Northwood Court to be adequately addressed. At the discretion of Town staff, the applicant should consider the following comments prior to final approval:

- That the erosion control requirements for Block 1 be depicted on the Servicing Plan C102.
- The provided permanent pool storage in the Report Table 14 should be 873m<sup>3</sup> rather than 1338m<sup>3</sup>, refer to Appendix C 'SWM Pond Stage Storage Calculation'.

- Details of the pond outlet structure are missing within the report. The assumed stage-storage-discharge used in analysis modeling may not adequately represent the SWM pond's real operation. The 100-year water level in the pond is inconsistent between 'SWM Pond Section' and Table 11.
- A deeper forebay is preferred as per the MECP Design Manual. A deeper micro-pool may be constructed, if practical, to prevent sediment resuspension at outlet.
- Confirm the runoff volume from a 25mm storm and clarify how the required extended storage of 821m<sup>3</sup> is obtained as the analysis model output includes a scenario of 30mm storm rather than a 25mm storm. Refer to Appendix C 'Extended Detention Specifications – SWM Pond Design', an orifice smaller than 153mm should be selected. Note a drawdown time greater than 24 hours is better for erosion control.
- It is suggested that a 24-hour design storm be used in sizing the SWM pond to justify the facility contains an adequate detention storage and freeboard.
- Confirm access for pond inspection and maintenance has been considered in the pond design. It is recommended that pond inspection and maintenance requirements be prepared for future owner.
- There are various typos in the report, e.g., the pervious and impervious area in Table 7, the ratio of forebay length to width (25m to 11.6m) in Table 15.

## Waste Collection

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste collection provided that the owner bring the waste to the curbside on the designated pick up day and that the following limits are not exceeded (based on current waste collection contract):

- Green – Green Bins Equivalent to 8 Green Carts (weekly collection)
- Waste – 8 containers (bi-weekly collection)
- Curbside collection only

The proposed subdivision will require the construction of the road from Westwood Court to the proposed development for access for the waste collection trucks. Please note the conceptual Site Plan and road configuration is to conform to Provincial and Regional policy requirements.

## Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff is unable to support approval of this application at this time. As outlined above, confirmation that the proposal will not have significant negative impacts to the NES is required, and a revised EIS is to be submitted to the Region for review.

March 25, 2024

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As currently presented, the Region is not in a position to confirm if the subject application is consistent with the PPS and conforms to Regional policy from a Natural Environment perspective. Accordingly, Regional staff is unable to make a determination and issue an exemption for the proposed Official Plan Amendment from Regional approval at this time in accordance with Policies 7.4.1.6 and 7.4.1.7 of the NOP.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca). Regional staff is also available to discuss these comments further.

Please send a copy of the staff report and notice of the Town's decision on this application.

Kind regards,



Valentina Escobar

Development Planner

cc: Diana Morreale, MCIP, RPP, Director, Growth Management and Planning  
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and Development, Niagara Region

**Appendix I**  
**Preliminary Regional Conditions of Draft Plan of Subdivision**  
**Approval**

**353 Townline Road, Niagara-on-the-Lake**

1. That the Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1 (March 12, 2020) and Stage 2 (dated January 17, 2023) Archaeological Assessment reports for 353 Townline Road, Niagara-on-the-Lake, prepared by Amick Consultants Limited. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, the report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition, and a copy of the report(s) and Ministry acknowledgement letter shall be provided to Niagara Region.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the subdivision agreement between the Owner and Town of Niagara-on-the-Lake include the following warning clause:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the Niagara Regional Police Services as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

3. That the Owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.

4. That the Owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the Town of Niagara-on-the-Lake.
5. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development to confirm the capacity in the Regional system prior to the municipality signing off on the CLI ECA forms.
6. That the Owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and By-laws relating to the curbside collection of waste and recycling throughout all phases of development.
7. That the Owner/Developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.

## **Clearance of Conditions**

Prior to granting final approval, the Town of Niagara-on-the-Lake must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

## **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development shall be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

Niagara-on-the-Lake - 353 Townline Road - 26T-18-24-01

AMIN Pranav <Pranav.Amin1@HydroOne.com>

Mon 4/1/2024 10:23 PM

To:Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

You don't often get email from pranav.amin1@hydroone.com. [Learn why this is important](#)

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hello,

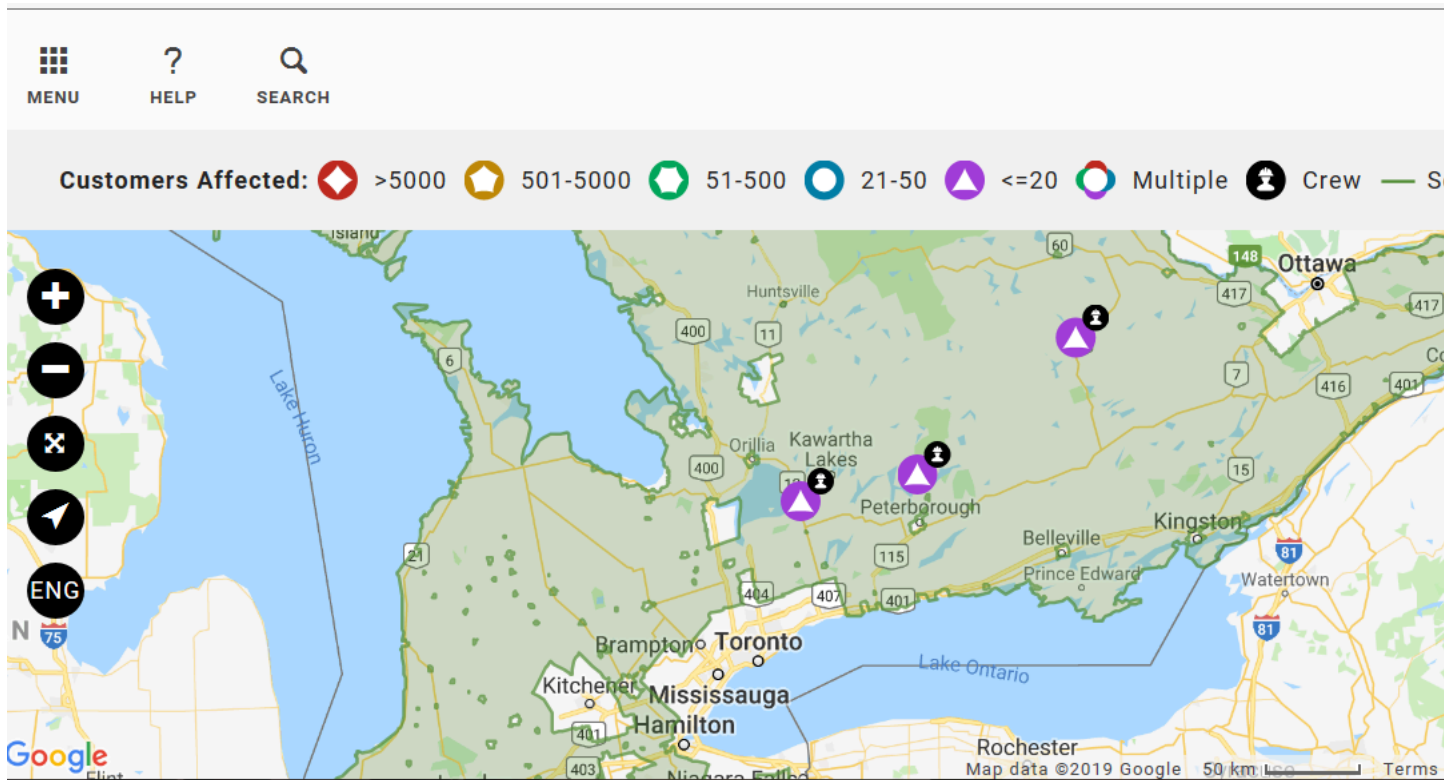
We are in receipt of your Plan of Subdivision application, 26T-18-24-01 dated March 4<sup>th</sup>, 2024. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

**Dennis De Rango**

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: [Dennis.DeRango@HydroOne.com](mailto:Dennis.DeRango@HydroOne.com)

**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

August 6, 2024

Region File: PLSD202400041

Victoria Nikoltcheva  
Intermediate Development Planner  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Regional and Provincial Comments  
Proposed Draft Plan of Subdivision Application – Second Submission  
Town Files: 26T-18-24-01  
Owner: Kaneff Group  
Applicant: Kaneff Group (Kevin Freeman).  
353 Townline Road  
Niagara-on-the-Lake**

---

Staff of the Regional Growth Strategy and Economic Development Department have reviewed the above-mentioned second submission of the Draft Plan of Subdivision (“SD”) application for 353 Townline Road in Niagara-on-the-Lake. Regional comments for the first submission were provided on March 25, 2024 (copy attached by e-mail for reference).

The Draft Plan application proposes to create a total of 9 blocks: 4 blocks for future industrial development, 1 block for stormwater management, 1 block for natural heritage conservation, 1 block as a natural heritage conservation buffer, 1 block for a drainage channel, and 1 block to facilitate the extension of the existing public right-of-way (Northwood Court). The lands are to be developed in accordance with the as-of-right “Light Industrial (LI)” and “Prestige Industrial (PI)” zoning for the property.

The following comments for the second submission of this application are provided from a Provincial and Regional perspective to assist the Town with its consideration of the applications.

### Summary

**Regional staff remain unable to support approval of this application at this time as confirmation that the proposal will not have significant negative impacts to the Region's Natural Environment System (NES) is outstanding (refer to Natural Heritage comments and Appendix II). Additional analysis is, therefore, required in order to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans. Staff continues to recommend a site visit with Regional forestry staff to confirm the precise location of NES features.**

**As such, updated Regional Conditions of Draft Plan of Subdivision Approval in Appendix I: are preliminary and provided for information purposes only at this time. Additional conditions related to natural environment requirements will follow pending the outstanding environmental concern being addressed to the Region's satisfaction.**

### **Provincial and Regional Policies**

The subject land is within a "Settlement Area" under the Provincial Policy Statement, 2020 ("PPS") and "Designated Greenfield Area" under A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan") and the Niagara Official Plan ("NOP"). The subject land is also within a 'Knowledge and Innovation Employment Area' (NOTL-2 Glendale Momentum District) as delineated on Schedule G – Employment Areas of the NOP.

Designated Greenfield Areas are areas within settlement areas that have been designated for development and are to be planned in a manner that ensures development is sequential, orderly and continuous with existing built-up areas, uses proactive planning tools such as District Plans and Secondary Plans as appropriate, ensuring infrastructure capacity is available and its location is supporting active transportation and encouraging integration to public transit service.

The lands are subject to the Town's Glendale Secondary Plan, which is currently under Regional and Town review to update policies and mapping to align with the Glendale Niagara District Plan. Staff note the secondary plan identifies density requirements which contribute to the Town achieving its overall 50 people and jobs per hectare Greenfield Area density target. Additionally, Policy 4.2.1.9 and Table 4-2 of the NOP requires that lands within the Glendale Momentum District Employment Area be planned to achieve a minimum overall density target of 60 jobs per hectare. Staff note

the Town is to monitor the achievement of these targets and should be satisfied the proposed subdivision will contribute to achieving the overall density target.

Staff have reviewed the updated Planning Rational Report prepared by Kaneff Group (dated July 2024). Further to the Region's comments on the first submission, staff note the report does not provide quantifiable analysis of how the proposal will help reach density targets; nonetheless, the report states that the proposed development will increase the ratio of jobs per hectare for the existing employment area upon development of the subject lands (currently vacant). As such, staff note the Town is to monitor the achievement of these targets and should be satisfied the proposed subdivision will not limit the ability for them to be achieved. Staff is generally satisfied that the application is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Town's satisfaction from a local planning perspective and the below comments.

## **Archaeological Potential**

Regional comments as provided March 25, 2024 regarding archaeological potential remain applicable. The previously outlined condition has been included within the attached Appendix.

## **Natural Heritage**

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of Significant Woodland, Other Woodland, Other Wetland and a permanent/intermittent watercourse. As such, consistent with NOP policies, an Environmental Impact Study ("EIS") was required in support of the proposed development to confirm the extent of NES features and demonstrate that there will be no ecological or hydrological impacts to the NES.

Staff reviewed a Scoped EIS, prepared by Colville Consulting Inc., (dated January 2024) and provided comments on March 25, 2024, outlining a number of concerns that were to be addressed in an EIS Addendum. Staff have reviewed the EIS Addendum, prepared by Colville Consulting Inc., (dated July 2024), and note that there remains outstanding matters that require additional clarity/justification as outlined in the detailed comments provided in Appendix II. Accordingly, staff are not in a position to support the proposed application at this time. Staff continue to recommend that the Region's Forestry team visit the site to confirm the precise locations of NES features and measure separation distances among others. Staff notes that potential revisions to the Draft Plan of Subdivision may be warranted.

We look forward to working with the applicant and are open to meeting to further discuss our comments, if desired. Please feel free to contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca) should you have any questions or like to arrange a meeting and site visit. Alternatively,

please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## **Servicing**

Servicing for the proposed development will be under the jurisdiction of the Town of Niagara-on-the-Lake. The proposed development will require the construction of a new watermain, sanitary and storm sewer system. New and extended services must be approved through the Town's consolidated linear ECA process and drinking water license, capacity in the Regional system will need to be confirmed prior to the signing of the CLI ECA forms.

## **Regional Sewer Use By-Law**

Regional comments as provided arch 25, 2024, remain applicable.

## **Stormwater Management**

Staff have reviewed the revised Functional Servicing Report and Stormwater Management Report' prepared by CF Crozier & Associates Inc. (dated July 2024) and offer no objection from a stormwater management ("SWM") perspective, noting that the SWM and engineering plan details are subject to the review and approval of Town staff to ensure local public SWM facility and infrastructure requirements are adequately addressed. Staff suggest an operation and maintenance manual for the SWM facility be prepared for the future owner. Details of the orifice in the outlet structure can be addressed in a future detailed design. A condition in this regard has been included within the attached Appendix I.

Regional staff also encourages SWM comparison study between the "Phase 3 Report – Implementation and Management Plan for Glendale Secondary Plan Update and Scoped Subwatershed Study" and the site's SWM plan, and that a final report be circulated with the findings highlighting any gaps.

## **Waste Collection**

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste collection provided that the owner bring the waste to the curbside on the designated pick up day and that the following limits are not exceeded (based on current waste collection contract):

- Green – Green Bins Equivalent to 8 Green Carts (weekly collection)
- Waste – 8 containers (bi-weekly collection)
- Curbside collection only

The proposed development will require the extension of the Westwood Court cul-de-sac with the proposed Northwood Court to ensure waste collection trucks can access the site. Future engineering plans are to be submitted to ensure the design and road configuration meets the current Regional Waste Collection Policy

## Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff is unable to support approval of this application at this time. As outlined above and in Appendix II, confirmation that the proposal will not have significant negative impacts to the NES is required. Staff recommend that the Regional Forestry team visit the site to confirm precise NES locations. Additional analysis is required to be submitted to the Region for review in order to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans .

As currently presented, the Region is not in a position to confirm if the subject application is consistent with the PPS and conforms to Regional policy from a Natural Environment perspective. Accordingly, Regional staff is unable to make a determination and issue an exemption for the proposed Official Plan Amendment from Regional approval at this time in accordance with Policies 7.4.1.6 and 7.4.1.7 of the NOP.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca). Regional staff is also available to discuss these comments further.

Please send a copy of the staff report and notice of the Town's decision on this application.

Kind regards,



Valentina Escobar

Development Planner

cc: Diana Morreale, MCIP, RPP, Director, Growth Management and Planning  
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and Development, Niagara Region



## **Appendix I**

### **Updated Preliminary Regional Conditions of Draft Plan of Subdivision Approval**

#### **353 Townline Road, Niagara-on-the-Lake**

1. That the Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1 (March 12, 2020) and Stage 2 (dated January 17, 2023) Archaeological Assessment reports for 353 Townline Road, Niagara-on-the-Lake, prepared by Amick Consultants Limited. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, the report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition, and a copy of the report(s) and Ministry acknowledgement letter shall be provided to Niagara Region.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the subdivision agreement between the Owner and Town of Niagara-on-the-Lake include the following advisory clause:

“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C. <https://pre.niagararegion.ca/culture-and-environment/archaeology.aspx>”

3. That the Owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
4. That the Owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until

- the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the Town of Niagara-on-the-Lake.
5. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development to confirm the capacity in the Regional system prior to the municipality signing off on the CLI ECA forms.
  6. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Growth Strategy and Economic Development Department for review and approval:
    - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
    - b. Detailed erosion and sedimentation control plans.
  7. That the subdivision agreement between the Owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the above Condition.
  8. That the Owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and By-laws relating to the curbside collection of waste and recycling throughout all phases of development.
  9. That the Owner/Developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.

**Appendix II**

**Regional Natural Environment Comment Matrix**

**353 Townline Road, Niagara-on-the-Lake**

| Regional Comments<br>(Dated May 7, 2024)   | Colville Comment<br>(EIS Addendum dated July 2024)  | Regional Comments<br>(Dated July 31, 2024)  |
|--|---|---|
| <p><b><u>Treed Hedgerow</u></b><br/>Staff require more information related to the separation distance between the dripline of the Treed Hedgerow and the FOD2-2/FOD5-5 community located east, as well as the separation distance between the Treed Hedgerow and the SWD1-3 community located south. If the separation distance is less than 20 m, the status of Treed Hedgerow should be re-evaluated. Based on aerial mapping, staff also note that the Treed Hedgerow appears to be larger than 20 m in width, as such if it is confirmed to be an isolated feature additional information is required to confirm it does not meet Woodland criteria. The map below illustrates in green where additional measurements are requested.</p> | <p>A subsequent assessment of this hedgerow was completed on June 13, 2024, to refine the width and proximity of this hedgerow to adjacent woodlands. The refined extent of the hedgerow is illustrated in Figure 3. Based on this delineation, the average width of the hedgerow was determined to be approximately 37 meters. The closest point of this hedgerow's dripline from the woodland associated with the valley is approximately 10 meters. Section 7.3.2 of the Natural Heritage Reference Manual (MNRF 2005) provides guidance on delineating the extent of woodland patches. Because of their limited ecological functions, hedgerows less than 40m in average width are often excluded from the delineation of woodland. As the hedgerow on this property averages</p> | <p>The 'hedgerow' is identified as being located less than 20 m from the adjacent woodland. Consistent with the Natural Heritage Reference Manual (MNRF 2005), as it relates to woodland openings, <i>a bisecting opening 20 metres or less in width between crown edges is not considered to divide a woodland into two separate woodlands. The area of the developed opening (e.g., maintained public road or rail line) is not included in the woodland area calculation.</i></p> <p>As such, staff are of the opinion that the trees within the identified 'hedgerow' are a component of the woodland associated with the valley slope.</p> |

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|--|--|---|
|  | less than 40m in width and is distinct from the forest communities in the valley, this hedgerow has been excluded from the refined extent of the significant woodland on the property.   | <p>If Colville Consulting maintain the position that the hedgerow is a distinct feature from the adjacent FOD community, staff recommend that the entirety of the features be staked with Regional forestry staff and surveyed by an OLS to confirm widths, separation distances and policy considerations.</p> <p>Staff note that an updated policy analysis may be required as well as revisions to the Draft Plan of Subdivision.</p>                                      |
| <p><b><u>Other Woodland</u></b><br/>Based on observations, the extent of 'other woodland', that does not overlap with the wetland feature, appears to reflect the following map (outlined in red). This is rough approximation. Staff offer no objection to the remainder of the THDM2-6/WODM5 community being identified as thicket. It was fairly clear on-site that this complexed ELC unit is distinctly thicket in some areas, with a lot more tree-cover along the southern boundary of the property. Staff need to know the precise boundaries of the feature so that NOP policies can be appropriately assessed.</p> | While there are some scattered medium sized trees within this community in the southwest corner of the property, the significant majority of this vegetation community has less than 25% canopy coverage and was therefore described as THDM2-6. | <p>Based on staff observations on-site, there's some discrepancy related to whether the scattered medium sized trees should have been classified as a WOD community instead of THD. Staff continue to recommend that having Regional staff delineate the extent of the dripline associated with the scattered trees will confirm if the scattered trees meet Regional criteria to be designated 'other woodland'.</p> <p>Alternatively, a tree inventory can be provided.</p> |

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|--|--|---|
| <p><b><u>Other Wetland</u></b><br/>Staff do not object to the boundaries of the ‘other wetland’ depicted in the EIS. That said, additional survey work was being completed on-site in this area. Staff request that a copy of that updated information be circulated when it’s available. As noted on-site, should the ‘other wetland’ be proposed for removal, NOP policies need to be satisfied, including demonstrating no negative impact to the ecological and hydrological functions being provided by the wetland. Any restoration proposed to address the loss of ecological/hydrological function will need to be located in an appropriate location to ensure long-term protection. As noted previously, locating wetland habitat/vernal pools adjacent to a future industrial use is not appropriate.</p> | <p>As this wetland appears to be created by previous site alteration and is not providing any significant habitat functions, it is recommended that potential amphibian breeding habitat available in the wetland be recreated within suitable areas of the buffer adjacent to the woodland. Maintaining potential amphibian breeding habitat on the property will maintain the primary wetland habitat functions of the wetland.<br/>It appears from our assessment that approximately 700m2 of vernal pool within the wetland will be impacted by the construction of the roadway, as well as proposed future industrial development on the site (shown on Figure 5). It is recommended that the potential amphibian breeding habitat in this area be recreated within the Significant Woodland buffer zone. To satisfy Region staff that have voiced concerns over creating amphibian breeding habitat directly adjacent to industrial land uses, pools should be constructed within the woodland buffer as far from the proposed industrial blocks as feasibly possible.</p> | <p>Staff request that NOP Policy 3.1.9.5.6 be assessed. This policy states that if the ‘other wetland’ is a treed community with a canopy coverage greater than 25%, and the criteria for <i>other woodlands</i> are met, the <i>other woodland</i> policies of the NOP shall apply. Similarly, if the <i>other wetland</i> is a treed community with a canopy coverage greater than 60%, and the other criteria for <i>significant woodlands</i> are met, the <i>significant woodland</i> policies of the NOP shall apply.<br/><br/>If neither <i>other woodland</i> or <i>significant woodland</i> criteria are achieved, then Policy 3.1.9.5.6 states that ‘no negative impact on the ecological function of the other wetland, and the maintenance of the hydrologic function of the other wetland’ must be addressed.<br/><br/>Staff note that the wetland community was identified as SWD1-3 (Pin Oak Mineral Deciduous Swamp) which is identified by NHIC as a rare vegetation community (S2S3).</p> |

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|--|---|---|
|  |   | <p>Further, it has been identified as providing amphibian breeding habitat for 2 species of amphibians. As such, the test of no ecological negative impact has not been sufficiently addressed, and the full removal of this community would not be supported by Regional policy. As such, additional justification is required or alternatively the proposed Subdivision Plan should be revisited to retain at least the majority of this feature in-situ.</p> <p>In addition, staff remain concerned with the proposal to create amphibian breeding habitat within the woodland buffers located directly adjacent to the proposed industrial land use. Other alternatives should be explored as staff are not in support of creating amphibian breeding habitat in the locations recommended in the EIS Addendum.</p> |
| <p><b><u>Permanent / Intermittent Watercourse</u></b><br/>Staff confirm that the watercourse moving stormwater from the adjacent property through the subject lands is identified as an intermittent</p> | <p>Our assessment indicates that Watercourse 1 on the north end of the property is functioning as a stormwater conveyance channel, conveying water from industrial lands south of the property to Queenston</p> | <p>Staff offer no objection to the recommended 5 m buffer from Watercourse 1.<br/>Staff note a Restoration Plan will be recommended as a condition of</p>   |

| Regional Comments<br>(Dated May 7, 2024)  | Colville Comment<br>(EIS Addendum dated July 2024)   | Regional Comments<br>(Dated July 31, 2024)  |
|---|--|---|
| watercourse. As such, consistent with NOP policies, staff require the EIS Addendum to recommend an appropriate buffer width to ensure no negative impact occurs to the watercourse as a result of the proposed development.   | Road. As this watercourse has little, if any, ecological functions, it is recommended that a buffer of 5m be maintained from this watercourse, however the extent of this buffer should be reassessed as needed following detailed design on blocks adjacent to the watercourse. | approval to restore the feature and buffer.   |
| <p><b><u>Miscellaneous</u></b><br/>Based on conditions observed on-site, it was apparent that there were likely opportunities for enhancement that would contribute to biodiversity and the ecological function of the Natural Environment System (NES) that were not sufficiently evaluated in the EIS. Further, there also appeared to be 'supporting features and areas' that would positively contribute to the long-term function of the NES that were not assessed. Consistent with NOP policies, an EIS Addendum should be prepared to detail how applicable these items are to the subject lands.</p> | No response provided in EIS Addendum.  | <p>The EIS Addendum does not include a discussion related to <i>supporting features and areas</i> and <i>enhancement opportunities</i> are limited to restoration of natural heritage feature buffers, which will already be required to address development impacts. As such, more detail is requested to confirm the extent of both <i>supporting features and areas</i> as well as <i>enhancement opportunities</i>. Relevant policies are outlined in sections 3.1.15 and 3.1.16, of the NOP.</p> <p>Staff reiterate that based on site observations it was apparent that there were likely opportunities for enhancement that would contribute to biodiversity and the ecological function of the Natural Environment System (NES). The property is currently naturalized with a thicket</p> |

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|---|---|--|
|   |   | community and scattered trees that are presumably supporting the ecological functions of adjacent <i>key natural heritage features and key hydrologic features (i.e., the adjacent valleyland associated with Six Mile Creek)</i> . Additional policy analysis is requested.   |
| As it relates to the proposed buffer/setback widths, staff require additional information to justify why a minimal 10 m setback is appropriate to buffer the NES from a future industrial use. Buffers should be reflective of the change in land use being proposed. | To protect the functions of this woodland, it is recommended that an average buffer of approximately 10m be considered when designing future development blocks and envelopes on the property. For illustration purposes, a 10m woodland buffer has been included in Figure 5, as well as conceptual development envelopes. It is recommended that the appropriateness of this 10m buffer be reassessed as part of site specific EIS's as necessary after detailed designs on each development block have been finalized. | Based on the characterization of the woodland associated with the valleyland, and the proposed industrial land use adjacent, staff are of the opinion that a 10 m buffer is not adequate. Further, conceptual development blocks are illustrated to overlap with the recommended feature buffers. Staff recommend that a minimum 20 m buffer be considered for the plan of subdivision application once the extent of KNHF/KHFs is confirmed. As noted in the EIS Addendum, the appropriateness of this buffer width can be reassessed in the future as part of site specific EIS's when detailed designs are available. |
| <b><u>Summary</u></b><br>In an effort to address some of the items outlined above, staff recommend that the Region's Forestry   |   | Staff continue to recommend that the Region's Forestry team visit the site to confirm the precise locations of NES features, measure separation  |

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|---|--|--|
| team visit the site to confirm the precise locations of the woodland features and measure separation distances, etc. Please let us know if the property owner is agreeable to this approach and we can coordinate a date/time to complete this work. An EIS Addendum should be prepared to address the other items. |  | distances, etc. Please contact Adam Boudens, Senior Environmental Planner,<br><a href="mailto:adam.boudens@niagararegion.ca">adam.boudens@niagararegion.ca</a> to coordinate a site visit. |

October 18, 2024

Via Email Only

Victoria Nikoltcheva  
Planner II  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil ON, L0S 1T0

NPCA File No.: PLSUB202400256

Dear Ms. Nikoltcheva,

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments  
Draft Plan of Subdivision  
Town of Niagara-on-the-Lake: 353 Townline Road  
Municipal File No.: 26T-18-24-01**

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The NPCA has received a request to review the complete application in relation to a proposed industrial subdivision, inclusive of 9 blocks, where 4 will be for industrial employment uses, with the remaining lands for stormwater management, the existing natural heritage system, a drainage channel, and a 0.3 metre reserve for the proposed roadway. In response to this request, we offer the following comments.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 41/24 of the Conservation Authorities Act*. The NPCA's *Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands are impacted by a valleyland system associated with the Six Mile Creek/Airport Drain Complex. The regulatory floodplain associated with this section of Six Mile Creek is confined to the valleyland. Further, a regulated watercourse crosses the subject lands, immediately north of 345 Townline Road.

### **Draft Plan of Subdivision**

The NPCA attended a site visit on September 20, 2024, with the applicant. Further, the NPCA has reviewed the '*Preliminary Slope Stability Study Assessment*' as prepared by Bendigo Consulting Inc., (dated February 12, 2021) the '*Slope Stability Assessment*' by Soil Engineers Ltd (dated December 13, 2023, with revised report dated July 4, 2024), and the '*Functional Servicing and Stormwater Management Report*' as prepared by Crozier and Associates (dated December 2023 and revised July 2024). The NPCA will require that the location of the stable and physical top of slope be accurately identified on all plans. The stable top of slope shall be confirmed by the Geotechnical Engineer, based on the findings of the revised Report.

Staff note that the current proposal is slated to cut into the valley slope for the purposes of a new stormwater outlet and emergency spillway associated with the proposed stormwater management pond located in close proximity to the edge of the valley. The NPCA generally does not support alterations to a valley slope, where reasonable alternatives exist. As such, and prior to being able to support the proposed alterations, the NPCA will require that alternative approaches to the emergency spillway and outlet be explored. Additional details on the spillway shall be provided to our Agency that confirms that

the use of softer, environmentally friendly treatments have been incorporated into the design. A longitudinal cross section of the spillway shall be provided to NPCA to demonstrate the amount of impact to the slope. It is the preference of the NPCA that the outfall be reconfigured away from the valley wall. While the NPCA can support a vertical drop structure, the outfall location should be at the base of the slope and into the watercourse, rather than out letting onto the valley wall. The *'Preliminary Slope Stability Study Assessment'* (Bendigo Consulting, February 12, 2021) identified erosion issues at the toe of the subject slope along the bank of Six Mile Creek. This is in line with NPCA Staff observations on the site visit. The NPCA advises that erosion was observed along both sides of the bank of Six Mile Creek, extending up a portion of the slope, with numerous tree roots exposed. At the location of the proposed outfall channel on the valley wall, it was noted that a tree previously situated on the bank had all soils within its roots eroded away. Additional trees on the slope were noted to have roots exposed, appearing to be a result of erosion from overland flows. Further, there was a surficial crack in the face of the slope near the outfall location.

The applicant shall, through detailed design, confirm that the proposed outlet and emergency spillway will not cause erosion in the valley slope and into Six Mile Creek. The design shall reduce erosive velocities to the watercourse. Further, the NPCA will require confirmation that future maintenance and repairs can safely be carried out on the outlet and spillway without negative impacts to the valley. The NPCA observed several gullies of various sizes in proximity to the proposed outfall location. As there are currently no concentrated outfalls in this location, the existence of gully erosion points to easily erodible soils. This proposal would see concentrated flows being outlet down a 3:1 (33% grade) slope. The NPCA is of the opinion that this proposal would result in a high rate of erosion and long-term slope instability. Furthermore, silt socks are a temporary measure and the NPCA considers the use inappropriate for long term erosion mitigation. Alternative measures are to be implemented.

The 'Scoped Environmental Impact Study, 353 Townline Road' as prepared by Colville Consulting (dated January 2024) has been reviewed by the NPCA. This report recommends that watercourse 1 on the north end of the property be afforded a 5m naturally vegetated buffer, to which the NPCA is supportive.

Furthermore, the NPCA has reviewed the stormwater quantity controls for the site. The NPCA notes that post-development flows will be attenuated to pre-development levels for both drainage catchment areas, and that roof storage and a wet pond will be used to facilitate this. The NPCA does not offer objections. With respect to erosion control, the NPCA notes that extended detention time is required for the 25mm storm over 24 hours, or retention of the 5mm event runoff. Staff are aware that the roof storage and the proposed wet pond are used to facilitate this aspect as well. In principle, the NPCA would not offer objections

### **Conditions of Draft Approval**

In an effort to assist in moving this development forward, NPCA staff have agreed to address the outstanding information through Conditions of Draft Plan Approval. This is on the understanding that the NPCA is not obligated to clear any of its conditions if it is not satisfied with the information provided. The NPCA requests the following conditions be incorporated into the Conditions of Draft Approval for the Subdivision application.

1. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.

2. That prior to the commencement of any works or site alterations, the Owner shall obtain Work Permits from the NPCA for any works associated with the construction of the proposed stormwater outlet and emergency spillway. In support of the application, the following information will be required:
  - a. Detailed design plans.
  - b. Confirmation from a qualified Geotechnical Engineer that the design will not compromise the long-term integrity of the slope.
  - c. Confirmation of no reasonable alternative to the location of the spillway
  - d. Justification and supporting documentation to the outfall as designed, rather than the use of the NPCA recommended vertical drop structure.
  - e. Any other information as may be determined necessary by the NPCA.
3. That prior to the commencement of any works or site alterations, the Owner shall obtain Work Permits from the NPCA for all other works within the NPCA regulated features or associated buffers including but not limited to any stormwater outfalls, restoration/enhancement plans, pre-grading/servicing, subdivision build out, etc.
4. That Block 6 & 7 be dedicated to the Town of Niagara-on-the-Lake or other public agency, to the satisfaction of the Niagara Peninsula Conservation Authority.
5. That Conditions 1 to 4 above be incorporated into the Subdivision Agreement between the Developer and the Town of Niagara-on-the-Lake, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Niagara-on-the-Lake shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

## **Conclusion**

In summary, the NPCA is generally supportive of the Subdivision for the subject lands. The NPCA continues to have concerns regarding the design of the outlet on the valley wall. However, it is the opinion of the NPCA that these concerns can be dealt with through the Clearance of Conditions stage at detailed design.

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Council. In the event of an appeal to the Ontario Land Tribunal (OLT) please send notice of any Case Management Conference.

Please send a copy of any Staff Reports to Committee and/or Council once they are available. If you have any questions, please let me know.

Thank you,



Taran Lennard  
Watershed Planner II  
(905) 788-3135 ext. 277  
[tlennard@npca.ca](mailto:tlennard@npca.ca)

cc: Sarah Mastroianni, Manager, Planning and Permits  
David Deluce, MCIP, RPP, Director, Planning and Development  
Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP, Chief Administrative Officer/Secretary Treasurer

November 8, 2024

Via Email Only

Victoria Nikoltcheva  
Planner II  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil ON, L0S 1T0

NPCA File No.: PLSUB202400256

Dear Ms. Nikoltcheva,

**Re: Niagara Peninsula Conservation Authority (NPCA) Supplementary Comments**

**Draft Plan of Subdivision**  
**Town of Niagara-on-the-Lake: 353 Townline Road**  
Municipal File No.: 26T-18-24-01

This letter is intended to supplement our previous comment letter of October 18, 2024. The NPCA has considered the applicant's response to our October 18, 2024 comments, which has resulted in updated conditions of draft plan approval. The conditions provided in this letter are intended to replace the conditions in our October 18, 2024 letter.

We previously indicated our concerns with some of the detailed design elements of the subdivision, particularly for the stormwater outfall and emergency spillway. It is our understanding from speaking with the applicant and Crozier Consulting Engineers that the detailed design of the stormwater pond outfall and spillway will include design elements that mitigate potential erosion on the valley wall by dissipating stormwater flows and slowing the velocity of the flows. Further the design will incorporate vegetation that will provide stabilization into the bank. With this additional information, we continue support this application receiving draft plan approval and it is our expectation that our concerns be addressed during the detailed design stage and through NPCA Work Permits. The conditions below are provided to ensure NPCA concerns are addressed.

### **Conditions of Draft Approval**

The NPCA requests the following conditions be incorporated into the Conditions of Draft Approval for the Subdivision application. At the time of requesting clearance of conditions, the applicant is to provide to the NPCA a summary of how the conditions have been satisfied and include all supporting materials.

1. That the Developer submit to the Niagara Peninsula Conservation Authority (NPCA) for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings. The Developer agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
2. That the Stable Top of Slope be identified on all engineering drawings submitted for detailed design. A Geotechnical Engineer shall provide confirmation that the location of the identified Stable Top of Slope on said drawings appropriately reflects the findings of the Preliminary Slope

Stability Assessment prepared by Bendigo Consulting Inc., dated February 12, 2021 and is accurate across the site.

3. That the detailed design of the stormwater pond outfall and emergency spillway include longitudinal cross-sections of the stormwater outfall and spillway, and design elements that mitigate potential erosion on the valley wall by dissipating stormwater flows and slowing the velocity of the flows. Further the design will incorporate vegetation that will provide stabilization into the valley bank and wall.
4. That a NPCA Works Permit pre-consultation meeting be held between the NPCA and Developer to confirm all permit submission requirements for any development activities within NPCA regulated areas.
5. That prior to the commencement of any works or site alterations, the Developer shall obtain Work Permit(s) from the NPCA for all works within the NPCA regulated areas or associated buffers including but not limited to the stormwater outfall and emergency spillway, restoration/enhancement plans, pre-grading/servicing, subdivision build out, etc.
6. That Block 6 & 7 be dedicated to the Town of Niagara-on-the-Lake or other public agency, to the satisfaction of the NPCA.
7. That Conditions 1 to 7 above be incorporated into the Subdivision Agreement between the Developer and the Town of Niagara-on-the-Lake, to the satisfaction of the NPCA. The Town of Niagara-on-the-Lake shall circulate the draft Subdivision Agreement to the NPCA for its review and approval.

### **Conclusion**

In summary, the NPCA is generally supportive of the Subdivision for the subject lands. It is the expectation of the NPCA that our remaining comments related to the stormwater outfall and emergency spillway be addressed through the detailed design stage and through NPCA Work Permits.

I trust the above will be of assistance to you. Should you have any further questions or require further information on this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Council. In the event of an appeal to the Ontario Land Tribunal (OLT) please send notice of any Case Management Conference.

Please send a copy of any Staff Reports and/or Council recommendations once they are available. If you have any questions, please let me know.

Thank you,



for Taran Lennard  
Watershed Planner II  
(905) 788-3135 ext. 277  
[tlennard@npca.ca](mailto:tlennard@npca.ca)

cc: Sarah Mastroianni, Manager, Planning and Permits  
David Deluce, MCIP, RPP, Director, Planning and Development  
Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP, Chief Administrative Officer/Secretary Treasurer

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**RE: 353 Townline Road - Environmental Block Ownership NPCA Condition**

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**From** Taran Lennard <tlennard@npca.ca>

**Date** Fri 1/31/2025 8:41 AM

**To** Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi Victoria,

David and I have discussed. We've no objection to the removal of the Town from the condition and leaving the wording as the following:

*6. That Block 6 & 7 be dedicated a public agency, to the satisfaction of the NPCA.*

Thank you.



**Taran Lennard**  
Watershed Planner II

**Niagara Peninsula Conservation Authority (NPCA)**  
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 ext. 277  
[www.npca.ca](http://www.npca.ca)  
[tlennard@npca.ca](mailto:tlennard@npca.ca)

For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

**Public Works Growth Management and Planning Division**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

November 29, 2024

Region File: PLSD202400041

Victoria Nikoltcheva  
Intermediate Development Planner  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Regional and Provincial Comments  
Proposed Draft Plan of Subdivision Application – Third Submission  
Town Files: 26T-18-24-01  
Owner: Kaneff Group  
Applicant: Kaneff Group (Kevin Freeman)  
353 Townline Road  
Niagara-on-the-Lake**

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Staff of the Regional Growth Management and Planning Division have reviewed the above-mentioned third submission of the Draft Plan of Subdivision (“SD”) application for 353 Townline Road in Niagara-on-the-Lake. Regional comments for the first submission were provided on March 25, 2024, and second submission on August 6, 2024 (copies attached by e-mail for reference).

The Draft Plan application proposes to create a total of 9 blocks: 4 blocks for future industrial development, 1 block for stormwater management, 1 block for natural heritage conservation, 1 block as a natural heritage conservation buffer, 1 block for a drainage channel, and 1 block to facilitate the extension of the existing public right-of-way (Northwood Court). The lands are to be developed in accordance with the as-of-right “Light Industrial (LI)” and “Prestige Industrial (PI)” zoning for the property.

The following comments for the second submission of this application are provided from a Provincial and Regional perspective to assist the Town with its consideration of the applications.

Page 1 of 13

## Summary

**Regional staff remain unable to support approval of this application at this time as confirmation that the proposal will not have significant negative impacts to the Region's Natural Environment System (NES) is outstanding (refer to Natural Heritage comments and Appendix II). Additional analysis is, therefore, required in order to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans. Staff recommends meeting with agency staff and the applicant to ensure the submission is adequate in addressing comments and fulfilling requirements.**

**As such, Regional Conditions of Draft Plan of Subdivision Approval in Appendix I are preliminary and provided for information purposes only at this time. Additional conditions related to natural environment requirements will follow pending the outstanding environmental requirements being addressed to the Region's satisfaction.**

## **Provincial and Regional Policies**

Regional comments as provided August 6, 2024, remain applicable.

## **Archaeological Potential**

Regional comments as provided March 25, 2024, regarding archaeological potential remain applicable. The previously outlined condition has been included within the attached Appendix.

## **Natural Heritage**

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of Significant Woodland, Other Woodland, Other Wetland and a permanent/intermittent watercourse. As such, consistent with NOP policies, an Environmental Impact Study ("EIS") was required in support of the proposed development to confirm the extent of NES features and demonstrate that there will be no ecological or hydrological impacts to the NES.

Staff have reviewed the following documents provided in support of this submission:

- Response to Niagara Region Natural Heritage Comments – 353 Townline Road (prepared by Colville Consulting Inc., dated November 13, 2024)
- Comment Response Matrix – Draft Plan of Subdivision - Response to 2nd Submission Comments
- Revised Draft Plan of Subdivision

Based on our review of the additional information, Growth Management and Planning staff is unable to support the application at this time from an environmental perspective. Additional information is requested to confirm that the proposal will not have negative impacts to the Region's NES as outlined in the 'Regional Natural Environment Comment Matrix' in Appendix II. A meeting between Town and agency staff (Region and NPCA) and subsequently the applicant would be helpful in ensuring the next submission is adequate in addressing comments and fulfilling requirements.

We look forward to working with the applicant and are open to meeting to further discuss our comments, if desired. Please feel free to contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca). Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## **Servicing**

Regional comments as provided August 6, 2024, remain applicable. The previously outlined conditions have been included within the attached Appendix.

## **Regional Sewer Use By-Law**

Regional comments as provided March 25, 2024, remain applicable.

## **Stormwater Management**

Regional comments as provided August 6, 2024, remain applicable. The previously outlined conditions have been included within the attached Appendix.

## **Waste Collection**

The previously outlined condition has been included within the attached Appendix. The previously outlined conditions have been included within the attached Appendix.

## **Conclusion**

In conclusion, Regional Growth Management and Planning Division staff is unable to support approval of this application at this time. As outlined above and in Appendix II, confirmation that the proposal will not have significant negative impacts to the NES is required.

As currently presented, the Region is not in a position to confirm if the subject application is consistent with the PPS and conforms to Regional policy from a Natural Environment perspective. Accordingly, Regional staff is unable to make a determination and issue an exemption for the proposed Official Plan Amendment from Regional approval at this time in accordance with Policies 7.4.1.6 and 7.4.1.7 of the NOP.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca). Regional staff is also available to discuss these comments further.

Please send a copy of the staff report and notice of the Town's decision on this application.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Valentina Escobar', with a stylized flourish at the end.

Valentina Escobar

Development Planner

cc: Diana Morreale, MCIP, RPP, Director, Growth Management and Planning  
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and  
Development, Niagara Region

## Appendix I

### Updated Preliminary Regional Conditions of Draft Plan of Subdivision Approval [For Information Only]

#### 353 Townline Road, Niagara-on-the-Lake

1. That the Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1 and Stage 2 Archaeological Assessment reports (dated March 12, 2020 and January 17, 2023, respectively) for 353 Townline Road, Niagara-on-the-Lake, prepared by Amick Consultants Limited. If the Ministry requires further archaeological work to be completed, the report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition, and a copy of the report(s) and Ministry acknowledgement letter(s) shall be provided to Niagara Region.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the subdivision agreement between the Owner and Town of Niagara-on-the-Lake include the following advisory clause:

“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C. <https://pre.niagararegion.ca/culture-and-environment/archaeology.aspx>”

3. That the Owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
4. That the Owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the Town of Niagara-on-the-Lake.

5. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development to confirm the capacity in the Regional system prior to the municipality signing off on the CLI ECA forms.
6. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Public Works Growth Management and Planning Division for review and approval:
  - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
  - b. Detailed erosion and sedimentation control plans.
7. That the subdivision agreement between the Owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the above Condition.
8. That the Owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and By-laws relating to the curbside collection of waste and recycling throughout all phases of development.
9. That the Owner/Developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.

**Appendix II**

**Regional Natural Environment Comment Matrix**

353 Townline Road, Niagara-on-the-Lake

| Regional Comments<br>(Dated May 7, 2024)   | Colville Comments (EIS<br>Addendum dated July 2024)   | Regional Comments (Dated<br>July 31, 2024)   | Colville Comments (Response Letter dated November<br>13, 2024)  | Regional Comments (dated November<br>28, 2024)   |
|--|---|--|---|--|
| <p><u>Treed Hedgerow</u><br/>Staff require more information related to the separation distance between the dripline of the Treed Hedgerow and the FOD2-2/FOD5-5 community located east, as well as the separation distance between the Treed Hedgerow and the SWD1-3 community located south. If the separation distance is less than 20 m, the status of Treed Hedgerow should be reevaluated. Based on aerial mapping, staff also note that the Treed Hedgerow appears to be larger than 20 m in width, as such if it is confirmed to be an isolated feature additional information is required to confirm it does not meet Woodland criteria. The map below illustrates in green where additional measurements are requested.</p> | <p>A subsequent assessment of this hedgerow was completed on June 13, 2024, to refine the width and proximity of this hedgerow to adjacent woodlands. The refined extent of the hedgerow is illustrated in Figure 3. Based on this delineation, the average width of the hedgerow was determined to be approximately 37 meters. The closest point of this hedgerow's dripline from the woodland associated with the valley is approximately 10 meters.<br/>Section 7.3.2 of the Natural Heritage Reference Manual (MNR 2005) provides guidance on delineating the extent of woodland patches. Because of their limited ecological functions, hedgerows less than 40m in average width are often excluded from the delineation of woodland. As the hedgerow on this property averages less than 40m in width and is distinct from the forest communities in the valley, this hedgerow has been excluded from the refined extent of the</p> | <p>The 'hedgerow' is identified as being located less than 20 m from the adjacent woodland. Consistent with the Natural Heritage Reference Manual (MNR 2005), as it relates to woodland openings, <i>a bisecting opening 20 metres or less in width between crown edges is not considered to divide a woodland into two separate woodlands. The area of the developed opening (e.g., maintained public road or rail line) is not included in the woodland area calculation.</i></p> <p>As such, staff are of the opinion that the trees within the identified 'hedgerow' are a component of the woodland associated with the valley slope.</p> <p>If Colville Consulting maintain the position that the hedgerow is a distinct feature from the adjacent FOD community, staff recommend that the entirety of the features be staked with Regional forestry staff and surveyed by an OLS to confirm widths, separation distances and policy considerations.</p> <p>Staff note that an updated policy analysis may be required as well</p> | <p>A deciduous hedgerow has been identified on the property and has been described in the EIS. This hedgerow measures approximately 37 meters in average width and approximately 0.4ha in area. This hedgerow was also determined to be located approximate 10 meters from the forest community primarily associated with the Six Mile Creek valley, which was determined to be significant woodland.</p> <p>Section 7.3.2 of the Natural Heritage Reference Manual (MNR 2005) provides guidance for delineating the extent of woodland patches. Because of their limited ecological functions, hedgerows less than 40 meters in average width are often excluded from the delineation of woodland. Because the hedgerow on this property averages less than 40 meters in width and is not consistent with woodland criteria established in the Natural Heritage Reference Manual, it is our opinion that this hedgerow should not be considered part of the significant woodland associated with the Six Mile Creek valley. The treed hedgerow is a distinct vegetation community from the significant woodland on the property and should be treated as such through this review.</p> <p>In response to comments provided by the Niagara Region, a site visit was conducted with Niagara Region staff on September 10, 2024. From our discussion during this site visit, it is understood that Niagara Region staff are considering this treed hedgerow to meet Region criteria associated with other woodland.</p> <p>Schedule L of the Niagara Region Official Plan provides criteria established by the Region for defining other woodlands. To be identified as an other woodland, a terrestrial treed area must have ≥ 25 per cent tree cover and meet one or more of the following criteria:<br/>a. an average minimum width of 40 m and is ≥ 0.3 ha, measured to crown edges; or</p> | <p>Consistent with Schedule L of the Niagara Official Plan (NOP), the deciduous woodland (referred to as a 'deciduous hedgerow' in the EIS) has ≥ 25 per cent tree cover and achieves criteria b) (any size abutting a significant woodland, wetland or permanent stream) as it is located within 10 m of a Significant Woodland. It's important to note that criteria b) states 'any size' and does not identity a <i>minimum</i> size. Further, the deciduous woodland is characterized as measuring approximately 37 metres in average width and approximately 0.4ha in area which very nearly also achieves criteria a) (40 m average width and ≥ 0.3ha in area). <b>As such, Regional staff remain of the opinion that the deciduous woodland achieves the designation criteria of 'other woodland' as outlined in the NOP.</b></p> <p>Staff note that the location of the deciduous woodland on the subject lands is mapped in the 2022 NOP as 'significant woodland'. The Township's OP and Zoning By-law have not yet been updated to conform with the NOP.</p> <p><b>Staff request that an updated impact analysis be provided in an EIS Addendum to address NOP 'other woodland' policies.</b> Staff note that revisions to the Draft Plan of Subdivision may be required.</p> |

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|--|--|--|---|---|
|  | significant woodland on the property.  | as revisions to the Draft Plan of Subdivision.   | <p>b. any size abutting a significant woodland, wetland or permanent stream.<br/>Treed areas that “abut” a significant woodland, wetland or permanent stream are considered adjacent when located within 20 m of each other.</p> <p>It should be noted that these criteria have been established by the Region and are not consistent with provincial guidance provided in the Natural Heritage Reference Manual. Although this hedgerow does not meet provincial guidance to be considered woodland, it is understood that Region staff considered this hedgerow to be other woodland, due simply to the proximity to the significant woodland associated with Six Mile Creek and the associated criteria that has no minimum size threshold for a treed area.</p> <p>This hedgerow has not been identified in any mapping schedules of the Town's Official Plan and it continues to be our conclusion that this hedgerow should not be considered as part of a significant woodland or other woodland.</p> <p>As most trees in this hedgerow are subject to Town By-Law 5139-19, it is our intention to work with Town staff to remain compliant with standards of this By-Law. It is our opinion that Niagara Region policy considerations related to this hedgerow are redundant in the application of Town By-Law 5139-19, and request that Town staff utilize tree replacement requirements of the By-Law in place of Region policies related to other woodlands.</p> |   |
| <u>Other Woodland</u><br>Based on observations, the extent of ‘other woodland’, that does not overlap with the wetland feature, appears to reflect the following map (outlined in red). This is rough approximation. Staff offer no objection to the remainder of the THDM2-6/WODM5 community being identified as thicket. It was fairly clear on-site that this complexed ELC | While there are some scattered medium sized trees within this community in the southwest corner of the property, the significant majority of this vegetation community has less than 25% canopy coverage and was therefore described as THDM2-6. | Based on staff observations on-site, there’s some discrepancy related to whether the scattered medium sized trees should have been classified as a WOD community instead of THD. Staff continue to recommend that having Regional staff delineate the extent of the dripline associated with the scattered trees will confirm if the scattered trees meet Regional criteria to be designated ‘other woodland’. | <p>Our assessment of the Subject Property indicated that a Buckthorn thicket with scattered trees occurs in the southwest corner of the property. Tree cover in this area was determined to be less than 25%, which is the minimum threshold to be considered other woodland by criteria established in the Niagara Region Official Plan.</p> <p>The site visit conducted with Niagara Region staff on September 10, 2024 confirmed that this portion of the property does not contain tree cover sufficient to be considered woodland. Accordingly, Niagara Region comments from August 6, 2024 related to this item are considered addressed.</p>   | Regional staff confirm that based on an August 6, 2024 site visit, the treed area located in the southwest corner of the property does not contain sufficient tree cover to be designated a Natural Environment System (NES) feature. |

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|---|---|---|---|---|
| unit is distinctly thicket in some areas, with a lot more tree-cover along the southern boundary of the property. Staff need to know the precise boundaries of the feature so that NOP policies can be appropriately assessed.  |   | Alternatively, a tree inventory can be provided.  |   |   |
| <p><u>Other Wetland</u></p> <p>Staff do not object to the boundaries of the ‘other wetland’ depicted in the EIS. That said, additional survey work was being completed on-site in this area. Staff request that a copy of that updated information be circulated when it’s available. As noted on-site, should the ‘other wetland’ be proposed for removal, NOP policies need to be satisfied, including demonstrating no negative impact to the ecological and hydrological functions being provided by the wetland. Any restoration proposed to address the loss of ecological/hydrological function will need to be located in an appropriate location to ensure long-term protection. As noted previously, locating wetland habitat/vernal pools adjacent to a future</p> | <p>As this wetland appears to be created by previous site alteration and is not providing any significant habitat functions, it is recommended that potential amphibian breeding habitat available in the wetland be recreated within suitable areas of the buffer adjacent to the woodland. Maintaining potential amphibian breeding habitat on the property will maintain the primary wetland habitat functions of the wetland.</p> <p>It appears from our assessment that approximately 700m2 of vernal pool within the wetland will be impacted by the construction of the roadway, as well as proposed future industrial development on the site (shown on Figure 5). It is recommended that the potential amphibian breeding habitat in this area be recreated within the Significant Woodland buffer zone. To satisfy Region staff that have voiced concerns over creating amphibian</p> | <p>Staff request that NOP Policy 3.1.9.5.6 be assessed. This policy states that if the ‘other wetland’ is a treed community with a canopy coverage greater than 25%, and the criteria for <i>other woodlands</i> are met, the <i>other woodland</i> policies of the NOP shall apply. Similarly, if the <i>other wetland</i> is a treed community with a canopy coverage greater than 60%, and the other criteria for <i>significant woodlands</i> are met, the <i>significant woodland</i> policies of the NOP shall apply.</p> <p>If neither <i>other woodland</i> or <i>significant woodland</i> criteria are achieved, then Policy 3.1.9.5.6 states that ‘no negative impact on the ecological function of the other wetland, and the maintenance of the hydrologic function of the other wetland’ must be addressed.</p> <p>Staff note that the wetland community was identified as SWD1-3 (Pin Oak Mineral Deciduous Swamp) which is identified by NHIC as a rare vegetation community (S2S3).</p> | <p>A small wetland area was identified on the southern portion of the property during our inventories. This wetland appears to have been created through historical site alteration on the property, with this portion of the property supporting fruit orchard in the 1965 air photos. This wetland area consists of a vernal pool that measures approximately 700m2 in size and is vegetated primarily with mid-aged Pin Oak trees.</p> <p>During our discussion on site August 6, 2024, it was agreed that ecological functions associated with this wetland could be relocated to other areas of the property. There was however concern by Niagara Region staff that vernal pools to be created should not be located in the woodland buffer adjacent to the proposed lots. It was agreed that we would explore possible alternate locations for vernal pools on the property.</p> <p>As illustrated in the attached undated Figure 5, vernal pools have been relocated to the northeast corner of the property, within an area of regenerating woodland. Situating the vernal pools in this area will utilize natural topography and slope towards the valley to collect surface water, as well as diversify potential ecological functions of the woodland in this area.</p> <p>These new vernal pool locations are considered to be conceptual at this point, but can be incorporated into an EIS addendum as needed. It is our opinion that these vernal pools will provide similar habitat functions to the current vernal pool on the property and ultimately satisfy Region policies related to other wetlands.</p> | <p>Staff requested that the wetland area be assessed in accordance with NOP Policy 3.1.9.5.6 to first determine if ‘significant woodland’ or ‘other woodland’ designation criteria are achieved. Following that assessment, if neither woodland types are confirmed present, then an analysis of ‘no negative impact on the ecological function of the other wetland, and the maintenance of the hydrologic function of the other wetland’ must be addressed to the satisfaction of the approval agencies.</p> <p><b>Staff note that an analysis of NOP Policy 3.1.9.5.6 (a through c) has yet to be provided. As such, it is premature for staff to comment on the full removal of the ‘other wetland’ from the subject lands, or the appropriateness of relocating vernal pools.</b></p> <p>That said, in an effort to ensure that any analysis related to vernal pool relocation provided in future Reports is sufficient, staff caution that impacting an existing woodland feature to create habitat for amphibians will be difficult to support without robust justification.</p> |

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|--|--|--|--|--|
| industrial use is not appropriate.   | breeding habitat directly adjacent to industrial land uses, pools should be constructed within the woodland buffer as far from the proposed industrial blocks as feasibly possible.  | <p>Further, it has been identified as providing amphibian breeding habitat for 2 species of amphibians. As such, the test of no ecological negative impact has not sufficiently addressed, and the full removal of this community would not be supported by Regional policy. As such, additional justification is required or alternatively the proposed Subdivision Plan should be revisited to retain at least the majority of this feature in-situ.</p> <p>In addition, staff remain concerned with the proposal to create amphibian breeding habitat within the woodland buffers located directly adjacent to the proposed industrial land use. Other alternatives should be explored as staff are not in support of creating amphibian breeding habitat in the locations recommended in the EIS Addendum.</p> |  |  |
| <u>Permanent/Intermittent Watercourse</u><br>Staff confirm that the watercourse moving stormwater from the adjacent property through the subject lands is identified as an intermittent watercourse. As such, consistent with NOP policies, staff require the EIS Addendum to recommend an appropriate buffer width to ensure no negative impact occurs to the watercourse | Our assessment indicates that Watercourse 1 on the north end of the property is functioning as a stormwater conveyance channel, conveying water from industrial lands south of the property to Queenston Road. As this watercourse has little, if any, ecological functions, it is recommended that a buffer of 5m be maintained from this watercourse, however the extent of this buffer should be reassessed as needed | Staff offer no objection to the recommended 5 m buffer from Watercourse 1. A Restoration Plan will be recommended as a condition of approval to restore the feature and buffer.  | N/A  | N/A  |

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|--|--|---|---|---|
| as a result of the proposed development.   | following detailed design on blocks adjacent to the watercourse.   |   |   |   |
| <u>Miscellaneous</u><br>Based on conditions observed on-site, it was apparent that there were likely opportunities for enhancement that would contribute to biodiversity and the ecological function of the Natural Environment System (NES) that were not sufficiently evaluated in the EIS. Further, there also appeared to be 'supporting features and areas' that would positively contribute to the long-term function of the NES that were not assessed. Consistent with NOP policies, an EIS Addendum should be prepared to detail how applicable these items are to the subject lands. | No response provided in EIS Addendum.  | <p>The EIS Addendum does not include a discussion related to <i>supporting features and areas</i> and <i>enhancement opportunities</i> are limited to restoration of natural heritage feature buffers, which will already be required to address development impacts. As such, more detail is requested to confirm the extent of both <i>supporting features and areas</i> as well as <i>enhancement opportunities</i>. Relevant policies are outlined in sections 3.1.15 and 3.1.16, of the NOP.</p> <p>Staff reiterate that based on site observations it was apparent that there were likely opportunities for enhancement that would contribute to biodiversity and the ecological function of the Natural Environment System (NES). The property is currently naturalized with a thicket community and scattered trees that are presumably supporting the ecological functions of adjacent <i>key natural heritage features and key hydrologic features (i.e., the adjacent valleyland associated with Six Mile Creek)</i>. Additional policy analysis is requested.</p> | <p><i>Supporting Features</i><br/>Niagara Region staff raised a concern in comments that potential supporting features on the property were not assessed as part of the EIS. The Niagara Region Official Plan defines supporting features and areas to mean lands that have been restored or have the potential of being restored. Supporting features and areas include grasslands, meadows, and thickets, other valleylands, other wildlife habitat and enhancement areas where they are determined to contribute to the biodiversity and ecological function of the natural environment system.</p> <p>Areas of the property considered by Niagara Region staff to meet the criteria as supporting features correspond to the meadow and thicket communities identified in the EIS. These vegetation communities have established on lands that were formerly in agricultural production and have resulted from a lack of maintenance due to the lands being considered for industrial use.</p> <p>An assessment of potential supporting features can be included in an updated EIS as needed, however it should be noted that supporting features as defined by the Niagara Region Official Plan are not consistent with any provincially established criteria and are not included within the Town Official Plan. It is our opinion that these lands have been designated and zoned for industrial uses, and the contention that these lands should be considered for protection or enhancement is not consistent with the intended land uses.</p> | <p>Staff note that development applications requiring Planning Act approval (e.g, Site Plans, Draft Plan of Subdivision, etc.) are circulated for Regional review and therefore shall be consistent with NOP policies. As noted, the Township's OP has not yet been updated to conform with the policies of the 2022 NOP, but regardless NOP policies are still applicable. <b>As such, staff continue to request that an analysis of NOP policies 3.1.15 and 3.1.16 be provided.</b></p> <p>Staff note that conformity with NOP policies is required for all properties requiring Planning Act approval, including lands designated and zoned for industrial purposes.</p> |
| As it relates to the proposed buffer/setback widths, staff require additional information to justify why a minimal 10 m setback is appropriate to buffer the NES from a future industrial use.   | To protect the functions of this woodland, it is recommended that an average buffer of approximately 10m be considered when designing future development blocks and envelopes on the | Based on the characterization of the woodland associated with the valleyland, and the proposed industrial land use adjacent, staff are of the opinion that a 10 m buffer is not adequate. Further, conceptual development blocks are illustrated to overlap with the  | Our EIS recommended that an average buffer of approximately 10 meter be considered when designing future development blocks and envelopes on the property. This 10 meter buffer is intended to be a minimum design standard, with the appropriateness of the buffer to be reassessed as part of site specific EIS's as necessary after detailed designs on each development block have been finalized. At this time the extent of development on each lot is not known and  | As outlined in the most recent EIS submission, consistent with NOP policy 3.1.9.9.1, the ecologically appropriate width of buffers in settlement areas are to be established through an EIS at the time of application for development or site alteration. The width of the buffer would be based on the sensitivity of the   |

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|--|--|---|---|---|
| Buffers should be reflective of the change in land use being proposed.   | property. For illustration purposes, a 10m woodland buffer has been included in Figure 5, as well as conceptual development envelopes. It is recommended that the appropriateness of this 10m buffer be reassessed as part of site specific EIS's as necessary after detailed designs on each development block have been finalized. | recommended feature buffers. Staff recommend that a minimum 20 m buffer be considered for the plan of subdivision application once the extent of KNHF/KHFs is confirmed. As noted in the EIS Addendum, the appropriateness of this buffer width can be reassessed in the future as part of site specific EIS's when detailed designs are available. | <p>therefore actual required buffers cannot be accurately assessed.</p> <p>In comments from August 6, 2024, Niagara Region staff provided an opinion that the recommended 10 meter buffer is not is not adequate, due to the characterization of the woodland associated with the valley and the proposed industrial land use on the property. Although the final land uses in proximity to the woodland are not known, Region staff recommended that a minimum 20 meter buffer be considered for the plan of subdivision, with the appropriateness of a 20 meter buffer to be reassessed in the future as part of site specific EIS's.</p> <p>It continues to be our opinion that a 10 meter buffer is appropriate as an initial design standard, with this buffer to be modified as needed based on site specific land uses and potential impacts. This approach is consistent with Region Official Plan policy 3.1.9.9.1, which indicates that the ecologically appropriate width of buffers in settlement areas are to be established through an EIS at the time of application for development or site alteration.</p> | <p>ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions <i>as a result of the proposed change in land use.</i></p> <p><b>Staff remain of the opinion that a minimal 10 m buffer is not sufficient based on the characterization of the subject lands provided by Colville Consulting Inc.</b> As noted in previous correspondence with the applicant, with the final land use in proximity to the NES not yet known, the precautionary principle should be applied to ensure the NES is not impacted. <b>As such, a buffer assessment should be completed based on the list of uses permitted in the Town's Zoning By-law.</b></p> <p>Additionally, consistent with NOP Policy 3.1.4.8, where development or stie alteration is proposed within or adjacent to the NES, <i>new lots shall not be created which would fragment an NES feature or any required buffer or vegetation protection zone.</i> As such, the Draft Plan of Subdivision stage is the appropriate time to address NES buffers.</p> |
| <p><u>Summary</u></p> <p>In an effort to address some of the items outlined above, staff recommend that the Region's Forestry team visit the site to confirm the precise locations of the woodland features and measure separation distances, etc. Please let us know if the property owner is agreeable to this approach and we can coordinate a date/time to</p> |  | <p>Staff continue to recommend that the Region's Forestry team visit the site to confirm the precise locations of NES features, measure separation distances, etc. Please contact Adam Boudens, Senior Environmental Planner, <a href="mailto:adam.boudens@niagararegion.ca">adam.boudens@niagararegion.ca</a> to coordinate a site visit.</p>      |   |   |

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|---|---|--|--|--|
| complete this work. An<br>EIS Addendum should be<br>prepared to address the<br>other items. |   |  |  |  |

**From:** Krista Kemp  
**Sent:** Monday, March 18, 2024 2:30 PM  
**To:** Clerks <clerks@notl.com>  
**Subject:** File 26T-18-24-01 - 353 Townline Rd. NOTL Application

Greetings,

I am the homeowner located at 523 Queenston Rd and this application of a Draft Plan for a subdivision concerns me greatly!

The suggested development plans list this space directly attached to my backyard, as zoned for industrial use. I'm seeking clarification on what this entails, ie., what type of industry, how tall and close to my property will these structures be, and what level of noise as well as bright parking lights shining in my backyard and how this will all greatly impact my right to enjoyment of my own personal space.

As well I would like to see the assessment I assumed has been completed on the impact this will have on the nature and wildlife that depend on this space. Namely, I'm concerned about the fish (koi), the turtles, the birds (herring, ducks,

waterfowl), frogs, coyotes, and deer to name just a few!! We also have bee hives on our property that depend on this space in order to thrive.

Additionally, I'm concerned about the level of noise this will bring. Not only once this industrial space is finished but the **years** of hearing the heavy machines doing this construction will bring!! Not to mention the amount of dust and debris this will blow onto my property! What parameters are being put into place to address all the impact this development will have on myself and my neighbours!

I would also like to mention that as a 10 year+ resident here, I have noticed that the building at the corner of Westwood Court continues to be up for lease. I would like to know what is the purpose of this proposed industrial use since there is a structure that has been vacant in all the years I have lived here and now you are going to build more when this has clearly never been used? There was recently another huge build across the street from the new Central Church on York Rd which is also advertising "for lease". Are we going to continue to fill in space just to have them be vacant?

I know my voice will fall on deaf ears and I know that big development/money talks, but I'd like to be a voice for the ones that don't, mostly nature and the animals that need this environment as well as my neighbours. I realize also that the enjoyment of my own space is of no relevance but I would just like my concerns addressed so that I may consider my future options regarding my property. I have always loved where I live and enjoy Niagara On The Lake but I am saddened that beautiful spaces get sacrificed for dollar bills.

I thank you for your time and I look forward to further correspondence and tuning into the Open House on Wednesday, March 20.

Cordially,  
Rev. Krista Kemp



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-25-023

**COMMITTEE DATE:** 2025-03-18

**DUE IN COUNCIL:** 2025-03-25

**REPORT TO:** COTW-Planning

**SUBJECT:** Unaddressed Parcel Located on the East Side of Elden Street, South of Penner Street, North of Field Road, West of Niagara Stone Road – Official Plan Amendment (OPA-03-2024), Zoning By-law Amendment (ZBA-09-2024), and Draft Plan of Vacant Land Condominium

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Official Plan Amendment (File No. OPA-03-2024) for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, **BE APPROVED**, and that the draft Official Plan Amendment, attached as **Appendix IV**, be forwarded to Council for adoption;
- 1.2 The Application for Zoning By-law Amendment (File No. ZBA-09-2024) for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, **BE APPROVED**, and that the draft Zoning By-law Amendment, attached as **Appendix V**, be forwarded to Council for adoption;
- 1.3 The Application for Draft Plan of Vacant Land Condominium (26CD-18-24-03) for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, attached as **Appendix I** to this report, **BE APPROVED** subject to the conditions contained in **Appendix VI** to this report; and
- 1.4 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Vacant Land Condominium entitled “Cornerstone Condominium” for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, as approved, 20 days after notice of Council’s decision has been given, provided that no appeals have been received.

### 2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium for the development of eight (8) one-storey townhouse dwellings and a four-storey apartment building containing twenty-four (24) apartment

dwelling units, for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road.

- The Official Plan Amendment Application proposes to redesignate the subject lands from “Service Commercial” and “Low Density Residential” to “Medium Density Residential” with a site-specific exception to permit a maximum residential net density of 80 units per hectare, as well as a four-storey apartment building with twenty-four (24) apartment units.
- The Zoning By-law Amendment Application proposes to rezone the subject lands from “Village Commercial Holding (VC-H-42) Zone” and “Residential Holding (R1-H-42) Zone” to “Residential Multiple (RM1) - Site Specific Zone” and “Residential Multiple (RM2) – Site Specific Zone.” Site-specific provisions are included to regulate the location and height of buildings on the site in alignment with the proposed Draft Plan of Vacant Land Condominium.
- The Draft Plan of Vacant Land Condominium proposes the creation of eight (8) block townhouse dwelling units to be accessed via a private road connecting to Elden Street, in addition to one (1) condominium block for a four-storey apartment building consisting of twenty-four (24) apartment units, with common elements for landscaping, a private road, servicing, and visitor parking.
- Staff recommend approval of the Applications, as detailed in this report, as the proposal is consistent with the Provincial Planning Statement, and conforms with Provincial, Regional and Town planning policies.

### **3. PURPOSE**

This report provides a recommendation to the Committee and Council regarding Applications under the *Planning Act* for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium for the proposed residential development comprised of block townhouses and an apartment building for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road.

The Applications would permit the development of twenty-four (24) apartment dwelling units within a four (4) storey residential apartment building fronting onto Elden Street, in addition to eight (8) block townhouses to be accessed via a private road. All of the required parking for the apartment is proposed internal to the building on the ground floor, with nine (9) visitor parking spaces located to the north side of the building. A future application for Site Plan Approval is required to facilitate the proposed development.

The Official Plan Amendment proposes to redesignate the subject lands from “Service Commercial” and “Low Density Residential” to “Medium Density Residential,” with a site-specific exception to recognize an increased residential net density of 80 units per hectare and an apartment building being four (4) storeys in height to accommodate the proposed development, and to permit parking at the north side of the apartment building in addition to allowing an apartment building on a local street.

The Zoning By-law Amendment proposes to rezone the subject lands from “Village Commercial Holding (VC-H-42) Zone” and “Residential Holding (R1-H-42) Zone” to “Residential Multiple 1 (RM1) Zone” and “Residential Multiple (RM2) Zone” with site-specific provisions for lot frontage, lot area, lot coverage, front yard setbacks to the property line and a

private road, interior side yard setbacks, rear yard setbacks, setbacks from the rear of a dwelling unit, setbacks to a private street, driveway or parking area, visitor parking, distance between buildings on the same lot, total width of garage doors, building height, and encroachments into the side yard and front yard. The Holding (H) symbol was included to ensure that the development of any new buildings, building additions, or new structures would not be permitted until such time as there is an amendment to the Zoning By-law.

The Draft Plan of Vacant Land Condominium, attached as **Appendix I** to this report, proposes to facilitate eight (8) block townhouse dwelling units which will be accessed via a private road which connects to Elden Street, and one (1) block for the proposed apartment building.

The lands were previously subject to a severance application to separate this property from the lands occupied by the Cornerstone Church building. The severance was approved by the Town's Committee of Adjustment in May 2023.

The Applications were deemed complete by Town Staff on July 4, 2024.

#### **4. BACKGROUND**

##### **4.1 Site Description and Surrounding Lands**

The subject lands do not have a municipal address and are located south of Penner Street, north of Field Road, west of Niagara Stone Road, fronting onto the east side of Elden Street, in the Urban Area of Virgil. The location of the subject lands is shown on **Map 1 of Appendix II**.

The subject lands have an area of 0.47 hectares, with a total of 59 metres of frontage on Elden Street and a maximum lot depth of 92.3 metres. The subject lands currently contain a surface parking lot, one (1) single detached residential dwelling, and one (1) accessory building (detached garage).

The surrounding lands include residential, institutional, and commercial uses.

##### **4.2 Proposal Revisions**

Since the Applications were initially submitted, in response to comments from Town departments, external agencies, and the public, the applicant has made several changes to the proposal related to height, massing, rooftop amenities, number of townhouse dwellings, front yard setbacks, parking, encroachments for patios and balconies, and distance between buildings.

The initial proposal included fourteen (14) two-storey townhouse dwellings on the northern portion of the site. The number of townhouse dwellings proposed has been reduced to eight (8), and the applicant has proposed to limit the townhouse dwellings to be one-storey at a maximum height of 8.5 metres as opposed to 10.0 metres (standard "Residential Multiple (RM1) Zone" provision). The front yard setback for the townhouse dwellings from Elden Street has been increased from 2.0 metres to 4.5 metres, and the distance between the townhouse dwelling blocks has been increased from 2.4 metres to 3.6 metres. The setbacks from the rear of the townhouse dwellings have been reduced from 5.0 metres to 3.5 metres, with no

encroachment provisions proposed for the terraces, whereas the initial proposal included encroachments of 2.0 metres for terraces into the interior side yard.

With respect to the proposed apartment building, the indoor and outdoor rooftop amenity areas have been removed, which has reduced the building from five storeys to four storeys, decreasing the height from 15.85 metres to 13.0 metres. To minimize potential privacy and overlook concerns, the revised concept also reduces the number of windows in the building, and the balconies are recessed into the building. A ground level children's amenity area has been incorporated for the apartment building, whereas the initial proposal sought the removal of the requirement for a children's amenity area. The number of visitor parking spaces has been reduced from 12 to 9 spaces to accommodate the inclusion of two (2) accessible parking spaces nearest to the building's main entrance.

Items specific to landscaping, detailed engineering, amenity areas, and building design are to be addressed and implemented during the future Site Plan Application stage.

## **5. DISCUSSION / ANALYSIS**

The Applications have been evaluated for consistency and conformity with relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix III**.

### 5.1.1 Planning Act, R.S.O. 1990, c. P.13

The Applications support the matters of provincial interest, are consistent with policy statements, and conform to provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

### 5.1.2 Provincial, Regional, and Town Planning Policies

The subject lands are designated as being within a "Settlement Area" according to the Provincial Planning Statement, 2024 (the "PPS"), and the Niagara Official Plan, 2022 (the "NOP") designates the subject lands as "Delineated Built-up Area."

The subject lands are designated "Low Density Residential" and "Service Commercial" on Schedule C and "Built-up Areas" on Schedule I-2 of the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the "Town OP"), within the Urban Area of Virgil. The Town OP designations on the subject lands are shown on **Map 2 of Appendix II**.

#### 5.1.2.1 Summary of Proposed Official Plan Amendment

The Official Plan Amendment proposes to redesignate the subject lands from "Service Commercial" and "Low Density Residential" to "Medium Density Residential," with a site-specific exception to permit a residential net density of 80 units per hectare across the entirety of the subject lands, as well as a four (4) storey apartment building (limited to a maximum height of 13.0 metres through the Zoning By-law Amendment) containing a maximum of 24 apartment units. While the required parking for the apartment is proposed to be within a parking lot on the ground floor internal to the building, the site-specific exception would also allow for visitor parking spaces on the north side of the building internal to the site abutting the proposed private road, in addition to acknowledging that the subject lands front onto a local

road. The proposed apartment building, as well as the townhouse dwellings, are considered as “Medium Density Residential” uses in the Town OP.

#### 5.1.2.2 Archaeology

Provincial, Regional and Town policies provide direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

The subject lands are not located within an area of archaeological potential under the NOP or the Town OP. As such, an Archaeological Assessment was not required.

#### 5.1.2.3 Intensification and Infill

Provincial and Regional policies direct growth to Settlement Areas to optimize the use of existing infrastructure and public service facilities. Regional policies place a focus on promoting intensification of the Delineated Built-up Area to achieve efficient, compact land use patterns, a mix of diverse land uses, and a range of housing options to support complete communities. The NOP requires that a minimum of 25% of all residential development occurring annually within the Town will be within the Delineated Built-up Area.

Like Provincial and Regional policies, the growth management objectives of the Town OP support accommodating future growth within the urban boundary, directing growth and development to the Town’s urban areas. A minimum of 15% of all residential development is to be directed to Built-up Areas. The Town OP directs that medium density residential development is permitted within the “Low Density Residential” designation, subject to meeting criteria focused on design, compatibility and location.

The Applications support the Town in achieving its minimum intensification target by directing growth to the Built-up Areas and optimizing and making efficient use of existing infrastructure. The proposal will optimize the use of the subject lands as the lands currently contain a surface parking lot and buildings (single-detached dwelling and accessory structure) that are no longer in use. The Applications are in alignment with the direction to develop compact, vibrant, and complete communities as the subject lands are located within walking distance to Niagara Stone Road, which is a prominent commercial corridor in the Town consisting of uses that serve the needs of residents, tourists and the surrounding agricultural community. The area of the proposed development does not contain heritage value or resources as there are no designated or listed heritage properties on or surrounding the lands.

The proposed development conforms with the applicable policies for intensification within the Built-up Area.

#### 5.1.2.4 Housing and Density

Provincial, Regional, and Town planning documents encourage efficient development patterns that provide a variety of housing options, optimize the use of land, resources, and public investment in infrastructure and public service facilities. The policy direction focuses on supporting the development of compact, vibrant, sustainable, and complete communities.

The General Residential Policies in the Town OP direct that density is a function of service capacity and typography. The Town OP directs that medium density residential developments will not exceed a net density of 30 units per hectare unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods, which will be subject to a public review process. The Applications propose the development of a four-storey apartment building containing 24 residential units and eight (8) one-storey block townhouse dwellings, which results in a net density of 80 units per hectare across the entire site.

The proposed development will assist in diversifying the housing stock to address current housing need and affordability. The existing housing stock in Virgil is primarily comprised of single-detached dwellings. The proposed townhouse and apartment dwellings would cater to residents of different age groups, lifestyles, incomes, and household sizes. The Applications also align with the direction for compact, vibrant, and complete communities as the lands are located along a commercial corridor along Niagara Stone Road, providing direct access to local stores and services within convenient walking distance.

Town Staff is of the position that the proposed housing typology and density are appropriate for the lands.

#### 5.1.2.5 Height and Massing

The Town OP requires that the bulk, mass, and scale of new development shall fit the context within which it is located. As noted, the proposed townhouse dwellings are a maximum of 8.5 metres in height, while the four-storey apartment building is proposed at 13.0 metres in height, excluding the height of parapets. The surrounding residential properties to the north and west are permitted to have a maximum building height of 10.0 metres, with the commercial properties to the east and south being permitted a maximum height of 10.5 metres.

The surrounding community includes one and two-storey single detached dwellings, a church, and a retirement/Long Term Care home, in addition to several commercial uses along the Niagara Stone Road corridor. The proposal has been revised to provide for an increased front yard setback for the townhouse dwelling units from Elden Street, and the townhouse dwelling units have been reduced in height from two-storeys to one-storey at a maximum height of 8.5 metres. The reduced height and reduction in the number of townhouse dwellings provides a built-form that is compatible with the single-detached dwellings along Elden Street and Penner Street and will minimize potential shadowing and overlook impacts to abutting residential properties fronting onto Penner Street.

A Planning Justification Report ("PJR"), prepared by A.J Clarke and Associates Ltd., was submitted in support of the proposal. The PJR provides an analysis that reviews the surrounding built form in addition to Town OP policies regarding potential impacts to the surrounding area. The PJR demonstrates that the proposed built form of the townhouse units being a single-storey with a peaked roof and gables is consistent within the neighbourhood and across Virgil, and that the proposed townhouses are consistent with the existing mass and scale of the neighbourhood. Town Staff agree with the findings of the PJR with respect to the

height and general built form design of the townhouse dwelling units and the surrounding community.

The townhouse dwellings provide for a gradual transition in density from the low-rise residential area, comprised of one-storey and two-storey single-detached dwellings to the north and west to the four-storey apartment building at the southern end of the property. The apartment building has been located on the southern portion of the property, to locate the bulk and mass of the building closer to commercial uses to minimize potential shadowing and overlook impacts to surrounding residential amenity areas. The existing zoning permits a maximum height of 10.0 metres in the surrounding residential community, whereas the proposed maximum height of the apartment building is 13.0 metres.

The height of the townhouse dwellings has been reduced to minimize potential overlook impacts and provide a gradual transition in height and density from the surrounding residential neighbourhood to the four-storey apartment building proposed on the southern portion of the lands. The apartment building has been redesigned to reduce the height from 15.85 metres to 13.0 metres, excluding parapets, in addition to the removal of the rooftop amenity areas and the use of inset balconies. These architectural changes reduce the massing of the apartment building and minimize overlook impacts to adjacent properties.

As part of the review of the Applications, Town Staff considered potential shadow impacts on adjacent properties resulting from the proposed apartment building. The table below identifies the seasons and times during which shadows will be cast onto adjacent properties:

| Season           | Time    | Address   |
|------------------|---------|---|
| Spring (April)   | 2:00 pm | 1570 Niagara Stone Road (Institutional)   |
|                  | 3:00 pm |   |
|                  | 4:00 pm |   |
|                  | 5:00 pm |   |
|                  | 6:00 pm | 1570 Niagara Stone Road (Institutional)<br>1578 Niagara Stone Road (Commercial)   |
| Summer (June)    | 2:00 pm | 1570 Niagara Stone Road (Institutional)   |
|                  | 3:00 pm |   |
|                  | 4:00 pm |   |
|                  | 5:00 pm |   |
|                  | 6:00 pm |   |
| Fall (September) | 2:00 pm | 1570 Niagara Stone Road (Institutional)   |
|                  | 3:00 pm | 1570 Niagara Stone Road (Institutional)<br>1588 Niagara Stone Road (Commercial)   |
|                  | 4:00 pm |   |
|                  | 5:00 pm | 1570 Niagara Stone Road (Institutional)<br>1588 Niagara Stone Road (Commercial)<br>1582 Niagara Stone Road (Commercial) |
|                  |         | 1578 Niagara Stone Road (Commercial)  |
|                  | 6:00 pm | 1570 Niagara Stone Road (Institutional)<br>1588 Niagara Stone Road (Commercial)   |

| Season | Time | Address                              |
|--------|------|--------------------------------------|
|        |      | 1578 Niagara Stone Road (Commercial) |

While the Town OP contains policies regarding compatibility which reference shadowing, it does not contain specific policies regarding the evaluation of shadow impacts.

The Town currently does not have specific local guidelines to evaluate shadow impacts. Staff has utilized the Shadow Study Terms of Reference (the “TOR”) prepared by Niagara Region to evaluate the shadow impacts of this proposal. Staff note that the Region’s TOR requires the submission of a Shadow Study for buildings that are greater than six (6) storeys in height. Buildings lower than six (6) storeys may require the submission of such Study where a site-specific basis is identified. Regardless, the requirement for a Shadow Study must conform with local Official Plan policies and relevant local guidelines. While the proposed building is four (4) storeys in height, the Regional TOR provides guidance to consider the shadowing resulting from the proposed building on adjacent properties and amenity areas. To minimize the impact of shadow on existing adjacent properties from new development, the TOR advises that adjacent residential amenity areas should receive a minimum of 6 hours of sunlight between 10:00 a.m. and 6:00 p.m. from April 21 to September 21.

Based on the proposed building locations and heights, all of the surrounding residential properties located on Penner Street and Elden Street and associated amenity areas will receive a minimum of 6 hours of sunlight between 10 am and 6 pm, from April 21 to September 21. All of the shadowing impacts from April to September are anticipated to affect, largely, the rear yards of the commercial uses along Niagara Stone Road.

Town Staff are of the position that the shadowing impacts anticipated from the proposed development are acceptable and that the height and massing of the proposal are appropriate.

#### 5.1.2.6 Servicing, Transportation, and Pedestrian Connectivity

The policies of the Official Plan require that all urban development shall be serviced with full municipal services, including sanitary sewers, watermain, and storm sewers. A Functional Servicing Report (“FSR”) has been completed in support of the Applications. The FSR concludes that the existing 150 mm diameter municipal watermain on Elden Street can adequately provide fire flow and domestic water supply to the proposed development, and that the existing receiving 250 mm diameter municipal sanitary sewer on Elden Street and Penner Street have adequate capacity for the proposed development. Town Operations Staff offered no objection to the water and sanitary servicing findings of the FSR.

The FSR indicates that the existing stormwater flows of the site are conveyed to both Elden Street and Field Road, with flows being captured by road catch basins and ultimately directed down Field Road to the Four Mile Creek outlet. The applicant has proposed to direct the stormwater flows to Elden Street. Town Operations Staff has noted that a storm sewer extension of approximately 38 metres will be required to provide the subject lands with the minimum 3.0 metre storm sewer frontage as per Town policy, which is proposed as part of the Applications. Further information will be required at the Site Plan Approval stage related to stormwater management to determine the specific stormwater management controls required.

With respect to pedestrian connectivity, Town Operations Staff will require that the Owner install a new sidewalk being 1.5 metres in width across the subject lands' Elden Street frontage for which the Owner will be responsible for 100% of the associated costs. Additionally, Town Operations Staff will require that the Owner install a new widened sidewalk from the south limit of the subject lands Elden Street frontage extending to the Elden Street and Field Road intersection, also at a 1.5 metre width for which the Owner will be responsible for 50% of the associated costs.

A Transportation Impact Brief was submitted with the Applications to address the potential traffic generated from the proposed development and impacts to the Town and Regional Road network to determine whether roadway infrastructure or traffic control improvements are required. Town Operations Staff and Regional Staff offered no concerns regarding potential traffic generated from the proposed development.

Staff have included Conditions of Draft Plan Approval to require the submission and approval of detailed servicing plans to meet Town standards to ensure the appropriate construction and maintenance of infrastructure, and to ensure that the condominium corporation is responsible for the costs associated with ongoing site servicing internal to the subject lands. Conditions have also been included for the sidewalk installations and responsibility of associated costs noted above.

#### 5.1.2.7 Land Use Compatibility

Provincial planning documents require that major facilities (including manufacturing and commercial uses and industries) and sensitive land uses are to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants and minimize risk to public health and safety. The subject lands are located north of Niagara Orchard and Vinyard Corp., which provides several loading docks, as well as rooftop HVAC units for the commercial uses along Niagara Stone Road (east of the subject lands) that are considered stationary noise sources.

A Noise Feasibility Study ("NFS") was completed to evaluate potential impacts from the commercial uses noted above and from traffic on Niagara Stone Road, Line 1 Road, and Four Mile Creek Road to the proposed sensitive (residential) land uses and to determine whether mitigation measures are required to address potential impacts. The NFS determined that future traffic levels and noise from stationary noise sources will not exceed the Ministry of the Environment, Conservation and Parks (the "MECP") guidelines for the proposed development. Accordingly, the NFS recommended that noise mitigation measures are not required for the proposed development. Niagara Region has included Conditions of Draft Plan Approval, which require that a Detailed Noise Study is completed at the Site Plan Approval stage to confirm potential noise mitigation measures, as applicable, once final building design and floor plans are available.

The Town OP acknowledges that neighbourhoods are stable but not static and that there is a degree of change that occurs within neighbourhoods over time. Policies within the Town OP provide direction for this change to establish that development is appropriate and compatible

within the Town's existing neighbourhoods. The Town OP recognizes that it is important to have a range and mix of built form within a neighbourhood to provide a range of housing options, subject to appropriateness and compatibility.

In the Town OP, the subject lands are currently designated "Service Commercial" which permits a range of retail commercial uses, and "Low Density Residential" which permits single-detached, semi-detached, and duplex dwellings, as well as medium-density residential uses, subject to a site-specific Zoning By-law Amendment.

The proposed apartment building is considered a medium-density residential use in the Town OP. As per the policies of the "Medium Density Residential" designation, the design and location of medium-density residential development is to achieve several provisions:

- a) The height, bulk, and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.

The townhouse dwellings have been redesigned to be one-storey with a maximum height of 8.5 metres, which reduces the bulk and massing of the buildings and provides a built form that is consistent with the existing surrounding residential area. The townhouse dwellings are proposed at the north end of the property and provide a transition in density from the existing surrounding residential neighbourhood to the proposed apartment building. The proposed apartment building has been redesigned to have a reduction in height, inset balconies, and the removal of the rooftop amenity area. These design changes allow the proposed development to integrate with the surrounding area and no negative impacts are anticipated from a parking, overlook or shadowing perspective, as discussed in Sections 5.1.2.4, 5.1.2.5, 5.1.2.6, 5.1.2.7 and 5.2.

- b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.

The draft Zoning By-law Amendment is not seeking relief from the "Residential Multiple (RM1) Zone" or "Residential Multiple (RM2) Zone" standards regarding landscaped open space, which requires that 30% of the subject lands are comprised of landscaped open space. Each of the townhouse dwellings will have rear yards that are 3.5 metres deep by 10 metres wide, with a covered terrace to provide sufficient rear yard amenity space. A preliminary Landscape Plan and Planting Plan has been provided to establish that there are trees planted within the rear yards of the townhouse dwellings. Conditions of Draft Plan Approval have been included to require the installation of a wooden board on board fence to provide a buffer from surrounding land uses. Plantings are also proposed around the perimeter of the property and surrounding the apartment building, and a children's amenity area is required at the ground level for the apartment building, with design details to be determined at the Site Plan Approval stage.

- c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and

properly related to buildings and landscaped areas.

The proposal provides 16 parking spaces for the townhouse dwellings (one garage space and one driveway space), in addition to twenty-four (24) parking spaces for the apartment building and nine (9) visitor parking spaces, for a total of forty-nine (49) parking spaces. This exceeds the minimum number of required parking spaces in the applicable zoning by-law by nine (9) spaces. There are a limited number of outdoor parking spaces that will be visible from Elden Street at the side of the apartment building, given that the majority of the parking spaces for the apartment will be contained within the building on the ground level. The parking spaces visible from Elden Street are to be visually screened in part by tree and shrub plantings. There are no anticipated impacts to adjacent properties resulting from parking. Parking area and landscape details will be addressed and implemented during the future Site Plan Approval stage.

- d) Service areas shall be required on the site of each development (e.g., garbage storage, recycling containers).

The plans submitted with the Applications did not indicate the intention for waste collection. Waste collection will be addressed as part of the Site Plan Approval stage, in consultation with Niagara Region. The building design drawings submitted with the Applications identify refuse storage at the rear north side of the apartment building.

- e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.

The design of the private road, driveways, parking areas, pedestrian walkways, children's amenity area and open space landscaped areas are required to meet the provisions of the Town's Zoning By-law. Amenity space will be provided on-site through rear yards for the townhouse dwellings, terraces, children's play area and balconies. All vehicular, pedestrian and amenity areas will be provided in alignment with Town requirements.

- f) Adequate municipal services can be provided to accommodate the needs of the development.

Adequate municipal services will be provided to accommodate the needs of this proposal, as discussed in Section 5.1.2.6 of this report. Detailed servicing design will be submitted and implemented through the future Site Plan Approval process as required through the Conditions of Draft Plan Approval.

- g) Traffic to and from the location will not be directed towards local streets, and the site should be within easy, convenient access of a collector or arterial roadway.

The entrance to the proposed development is on Elden Street, which is a local road. However, the site is located less than 200 metres from Niagara Stone Road which is an arterial road, and is within 100 metres from Penner Street / Line 1 Road, which is a collector road, according to Schedule G of the Town OP. Traffic to and from the development will have easy, convenient

access to collector and arterial roadways. Town Operations and Regional Staff offered no concerns regarding potential traffic generated from the proposed development, as discussed in Section 5.1.2.6.

- h) Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size, and parking.

The Zoning By-law Amendment seeks to place the subject lands within a “Residential Multiple (RM1) Site Specific Zone” and a “Residential Multiple (RM2) Site Specific Zone,” as discussed throughout this report.

Lastly, with respect to the compatibility policies, intensification and/or redevelopment shall integrate with the established character and heritage of the area, and have regard to:

- a) Street and block patterns
- b) Lot frontages lot area, depth
- c) Building setbacks
- d) Privacy and overview
- e) Lot grading and drainage
- f) Parking
- g) Servicing

The proposal is not seeking to create a new public street or new blocks given that the entire parcel will be a vacant land condominium managed by a Condominium Corporation. The private street proposed for access to the townhouse dwellings meets the Town’s requirements and is approximately 90 metres in length. The townhouse blocks that are internal to the site are approximately 41 metres in length. The length of the internal road and townhouse blocks meet the general design direction in the Town OP respecting block lengths.

The subject lands have a lot frontage along Elden Street of approximately 59 metres, a lot area of 4,960 square metres, and a depth of 92.8 metres. The lands are located in an area that contains a low-density residential neighbourhood immediately to the north and the west, and commercially designated and zoned lands to the south and east along Field Road and Niagara Stone Road. The commercial uses generally have larger frontages, areas, and depths when compared to the low-density residential uses, providing a varied community character given the mix of uses in this area of Virgil. The existing lot frontage, area, and depth of the subject lands is not proposed to change.

The proposal provides a front yard setback onto Elden Street for the apartment building of 6.0 metres, and a front yard setback of 4.5 metres for the townhouse dwellings. The PJR submitted with the Applications provides an analysis of setbacks of existing residential uses in the surrounding neighbourhood situated along Penner Street, Elden Street, and Field Road. The analysis demonstrates that the average residential setbacks to Elden Street range from 5.5 metres to 10 metres in the surrounding area, which include exterior side yards and front yards. Staff are of the position that the front yard setback of 4.5 metres for the townhouse

dwelling is appropriate, given that this setback will function like an exterior side yard as the end wall of the dwelling will be facing Elden Street, with the townhouse facing internally to the site. Town Staff will encourage an enhanced building façade for the end wall of the townhouse dwelling nearest to the Elden Street frontage during the Site Plan Approval stage. There are several tree and shrub plantings proposed along the end wall of the unit nearest Elden Street to assist in visually screening the townhouse dwellings and beautifying the streetscape.

The proposed front yard setback to the apartment building of 6.0 metres. Town Staff opine that the front yard setback for the apartment building is acceptable as it allows the apartment building to have greater street presence and helps to define the streetscape and support an active pedestrian environment by providing connectivity of the main entrance to sidewalks, which all contribute to an urban streetscape character. A variety of front yard setbacks helps to achieve a diverse streetscape. The 6.0 metre front yard setback provides sufficient room for the driveway into the parking area internal to the building and associated landscaping around the garage door on either side of the building to help visually screen the visitor parking at the north side of the building. There are also no shadow impacts anticipated from a reduced front yard setback according to the Shadow Study submitted with the Applications, as discussed in Section 5.1.2.5.

With respect to privacy and overview, the apartment building has been located at the southern end of the property where the properties to the south and east are designated and zoned primarily for commercial uses. Town Staff acknowledge that there is an existing legal non-conforming single detached dwelling south of the subject lands. Given that the rooftop amenity area has been removed from the development proposal and the balconies are recessed into the building, in addition to a board-on-board fence and landscaping proposed for visual screening to the south of the apartment building, Town Staff are of the position that privacy and overview impacts are sufficiently mitigated. The setbacks from the rear yards of the townhouse dwellings are 3.5 metres to the northern property line. Staff are of the position that this setback is appropriate as the height of the townhouse dwellings have been reduced to one-storey (maximum height of 8.5 metres), which minimizes impacts related to privacy and overlook. Further, the Landscape Plan identifies mature tree plantings in the rear yards of each townhouse dwelling, and a Condition of Draft Plan Approval has been included to require a board-on-board wooden fence around the perimeter of the property to assist in mitigating privacy and overlook impacts.

#### 5.1.2.7.1 Residential Infill and Intensification Policies (OPA 78)

Through the approval of Official Plan Amendment No. 78, the Town implemented residential infill and intensification policies for Old Town and Virgil, which are focused on compatibility.

The following development criteria are applicable to the Applications:

- a) The lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located.

A new lot is not being proposed.

- b) The proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street.

As noted, the revisions made to the proposed development include a reduction in height, removal of the rooftop amenity area, and recessed balconies and terraces, which reduce massing and provide an appropriate transition in density and height to adjacent residential properties. The character of this area is not uniform, given the surrounding mix of commercial and residential uses. The height, massing, and scale is considered appropriate for the site as the height of the proposed townhouse dwelling units is lesser than that of the surrounding existing residential development, consisting of one-storey and two-storey single-detached dwellings, and the apartment building provides a transition in built form to the commercial area.

- c) Front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street.

The proposed front and rear yard setbacks are reduced when compared to the existing low density residential uses in the surrounding area. Staff do not anticipate negative impacts to the streetscape and consider the proposed front and rear yard setbacks to be acceptable, as discussed in Sections 5.1.2.4, 5.1.2.5 and 5.1.2.7.

- d) The setback between new building(s) and the interior side lot line shall increase as the lot frontage increases.

The proposal contains reduced setbacks to the interior side lot lines, with a setback of 3.5 metres to the northern lot line and 1.5 metres to the southern lot line. Given that the townhouse dwellings will only be one-storey in height, Staff do not anticipate negative impacts to the residential neighbourhood to the north and west regarding privacy and overlook, or negative impacts to the character of the community. The proposed apartment building is abutting uses to the south which are designated and zoned for commercial use, and there is no shadowing impacts anticipated to surrounding residential uses as discussed in Sections 5.1.2.4, 5.1.2.5, and 5.1.2.7. Town Staff are of the position that privacy and overview impacts are sufficiently mitigated

- e) The new buildings shall have a complimentary relationship with existing buildings while accommodating a diversity of building styles, materials and colors.

The proposed development will help to diversify the buildings along Elden Street and will benefit public realm by integrating new landscaping and a sidewalk along Elden Street, in addition to providing a variety of front yard setbacks to help achieve a diverse streetscape. The apartment building will provide a compact design that provides connectivity to new pedestrian infrastructure along Elden Street. The proposed townhouse dwellings being a single storey with a peaked roof and gables is consistent with the existing mass and scale of the neighbourhood, and the broader Virgil community. The townhouse dwellings provide for a transition in height and density from the existing surrounding low-density neighbourhood to the proposed apartment building. A variety of building styles, materials, and colours will be utilized.

- f) Existing trees and vegetation shall be retained and enhanced through a new street tree planting and additional on-site landscaping.

A Tree Protection Plan and Landscape Concept Plan have been prepared in support of the proposed development that recommends removal of forty-one (41) trees, with the remaining five (5) trees on the subject lands identified for protection. All the boundary trees on neighbouring properties are also proposed to be protected. This is discussed in more detail in Section 5.1.2.8 of this report. The applicant is proposing to plant twenty-six (26) deciduous trees and a number of shrubs and perennials. Given that the Landscape Plan is conceptual at this point in time, further details will be determined and implemented at the Site Plan Approval stage.

- g) The width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways.

The width of the apartment garage to the internal parking area on the ground floor is limited to the extent that it provide two-way traffic. Plantings are proposed on either side of the garage to the apartment building to help visually screen the garage door to the extent possible while ensuring safe sightlines. The Zoning By-law restricts the garages for the townhouse dwellings to be a maximum of 50% of the total width of the front face of the dwelling, and the townhouse dwellings are facing internally to the parcel. As such, land use controls have been built into the Zoning By-law Amendment to establish that the streetscape will not be dominated by garages and driveways. Landscaping details and visual buffering from the apartment garage doors will be addressed at the future Site Plan Approval stage.

- h) New driveways and service connections shall be sited to minimize tree loss.

Substantial excavation will be required to accommodate the proposed apartment building and townhouse dwellings, which will require the removal of trees. Replacement plantings of trees and shrubs are proposed to mitigate the loss of trees on the subject lands.

- i) Impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy, and microclimatic conditions such as shadowing.

The buildings have been redesigned to sufficiently address privacy, overlook and shadowing. These matters are discussed in Sections 5.1.2.4, 5.1.2.5, 5.1.2.7 of this report.

- j) The orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighborhood.

No new lots are being proposed.

- k) Proposals to extend the public street network should be designed to improve neighborhood connectivity, improve local traffic circulation, and enhance conditions for pedestrians and cyclists.

The public street network is not being extended.

- l) Road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services, and fire protection.

Adequate servicing is available to support the proposed development, as discussed in Section 5.1.2.6 of this report.

Town Staff consider the proposed development to be compatible with the surrounding community.

#### 5.1.2.8 Tree Protection and Preservation

A Tree Protection Plan (“TPP”) and Landscape Concept Plan (“LCP”) have been prepared in support of the Applications. The tree preservation analysis was completed on each tree individually considering the impacts from the proposed development and other factors such as tree condition, species, and the existing site conditions.

The results of the TPP indicate that there are forty-one (41) trees that require removal to accommodate the proposed development, with the remaining five (5) trees on the subject lands identified for protection. All the boundary trees on neighbouring properties are also proposed to be protected, totalling thirteen (13) trees. Conditions of Draft Plan Approval have been included to ensure that the Tree Protection Plan is implemented and that the potential injuring of boundary trees is carried out by or under the supervision of a Certified Arborist.

The LCP includes various plantings that will occur on the subject lands, which will replace several trees that are recommended for removal to accommodate the proposed development. The LCP is conceptual and will be refined and implemented through the future Site Plan Approval application. The recommendations of the TPP will be implemented during the future Site Plan stage, and Conditions of Draft Plan Approval are included to this effect.

#### 5.1.2.9 Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council’s intent. The subject lands are designated “Residential” and “Commercial.” An Official Plan Amendment would be required to permit the proposal under the proposed Official Plan.

### **5.2 Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended**

The subject lands are zoned “Village Commercial Holding (VC-H-42) Zone” and “Residential Holding (R1-H-42) Zone” in the Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended, per a rezoning in 2023, which facilitated the severance of the property. The Holding (H) symbol was included to ensure that the development of any new buildings, building additions or new structures would not be permitted until such time as there is an amendment to the Zoning By-law given that there was not a clear development proposal at that point in time. The existing zoning on the lands is shown on **Map 3 of Appendix II**.

The Zoning By-law Amendment proposes to rezone the subject lands to “Residential Multiple 1 (RM1) Zone” and “Residential Multiple (RM2) Zone” with site-specific provisions to facilitate the development of townhouse dwellings and the proposed apartment building. Relief from the standard RM1 and RM2 provisions is requested to facilitate the proposal, as detailed below. Staff recommend two different zones on the property to regulate the detail and placement of the townhouses separate from the apartment building.

The following chart illustrates the Residential Multiple (RM1) Zone standards, in comparison to the site-specific zoning provisions recommended by Staff respecting the block townhouse dwellings (refer to **Appendix I** for the proposed development layout):

| Zone Requirement                   | RM1 Zone<br>(Block Townhouses) | Site Specific RM1 Zone<br>(Block Townhouses)   |
|------------------------------------|--------------------------------|--|
| Minimum Lot Frontage               | 30.0 metres                    | 59 metres measured over the entire lot   |
| Minimum Lot Area                   | 285 square metres per unit     | 4,650 square metres measured over the entire lot   |
| Maximum Lot Coverage               | 35%                            | 50% measured over the entire lot   |
| Minimum Landscaped Open Space      | 30%                            | 30% measured over the entire lot   |
| Minimum Front Yard Setback         | 7.5 metres                     | <p>4.5 m from the western property line</p> <p>4.5 m from a private lane to the front wall of a dwelling unit</p> <p>6.0 m from a private lane to the front face of a garage</p> <p>An attached garage shall be setback a minimum of 1 metre behind the front wall of a dwelling unit on the ground floor</p> <p>The front wall of a dwelling unit shall be interpreted to be the outside wall of a building, facing the location where access is provided from a private lane, excluding the front face of a garage</p> |
| Minimum Interior Side Yard Setback | 7.5 metres                     | <p>3.5 m from the rear wall of a dwelling unit to the northern property line</p> <p>The rear wall of a dwelling unit</p>   |

| <b>Zone Requirement</b>  | <b>RM1 Zone<br/>(Block Townhouses)</b>  | <b>Site Specific RM1 Zone<br/>(Block Townhouses)</b>  |
|--|---|---|
|  |   | shall be interpreted to be the outside wall opposite to and farthest from the front wall of a dwelling unit |
| Minimum Rear Yard Setback  | 7.5 metres  | 1.8 m from an end wall of a dwelling unit to the eastern property line                                      |
| Minimum distance between buildings located on the same lot                             | 3.0 m (9.84 ft) between walls not containing windows to a habitable room, 9.0 m (29.53 ft) between walls where one wall contains a window to a habitable room and 15.0 m between walls where both walls contain a window to a habitable room. | 3.5 m from end wall to end wall   |
| Minimum distance between any townhouse dwelling and a private roadway and parking area | 6.0 metres  | 11.0 metres to a parking area   |
| Maximum Building Height  | 10.0 metres   | One (1) storey being a maximum of 8.5 m   |
| Maximum total width of garage doors  | Not applicable  | 50% of the front face of a dwelling unit  |

Additional site-specific general provisions are requested as follows for the block townhouse dwellings:

| <b>Provision</b>                             | <b>Zone Requirement</b>  | <b>Site-Specific RM1 Zone<br/>(Block Townhouses)</b>   |
|--|--|--|
| Permitted Yard Projections and Encroachments | Unenclosed and uncovered porches, decks, balconies, and patios or steps may encroach or project into the front, rear, or side yard, as follows:<br><br>Front or Rear Yard – 1.5 metres<br><br>Side Yard – 0.6 metres | An unenclosed and uncovered or covered porch, deck, balcony, or patio shall not project into a required front yard, side yard or rear yard.<br><br>Unenclosed and uncovered steps may project 1.0 metres into a front yard or side yard. |

The RM1 site-specific zone provisions for the townhouse units will allow for a reduced front yard setback, interior side yard setback, rear yard setback, and building height to implement

the development concept. Staff are supportive of these site-specific provisions as the height of the townhouse dwellings has been reduced from two-storeys to one-storey (from 10.0 metres to 8.5 metres), in addition to the requested encroachments for patio, terraces, and decks into the setbacks being removed. The applicant has agreed to construct a 1.8-metre-high privacy wood fence on the northern, eastern, and southern property lines. Fencing will assist in addressing and minimizing privacy and overlook concerns. Further, the Shadow Study submitted with the Applications demonstrates there will be no negative impacts to the rear or side yards of the dwellings located along Elden Street and Penner Street which abut the subject lands to the north.

The reduced front yard setback to Elden Street functions as an exterior side yard and is considered acceptable given that impacts mitigated to the streetscape as there are several tree and shrub plantings to buffer the townhouses from the street, in addition to Town Staff encouraging an enhanced building façade for this end wall. Given that this is a proposed condominium development, additional provisions clarify applicable front yard setbacks to the property line and private lane for the units along the private roadway. Setbacks to the private lane allow space for one parking space in the driveway of each townhouse dwelling, in addition to a parking space within the garage, and establish that the dwellings have a uniform street presence. A provision has been added to establish that the maximum total width of the garage doors will not exceed 50% of the front face of the dwelling unit, to align with urban design guidance in the Town OP. The maximum lot coverage has been increased to 50%. Staff are supportive of the increase in lot coverage given that sufficient landscaping will be provided on site and there is sufficient space for the private road and visitor parking while optimizing the use of the lands and existing infrastructure in alignment with Provincial, Regional, and Town planning policies. The remaining RM1 zone requirements will apply.

The following chart illustrates the Residential Multiple (RM2) Zone standards in comparison to the site-specific zoning provisions recommended by Staff respecting the proposed apartment building:

| <b>Zone Requirement</b>       | <b>RM2 Zone<br/>(Apartment)</b> | <b>Site Specific RM2 Zone<br/>(Apartment)</b>  |
|-------------------------------|---------------------------------|--|
| Minimum Lot Frontage          | 30.0 metres                     | 59 metres measured over the entire lot   |
| Minimum Lot Area              | 135 square metres per unit      | 4,650 square metres measured over the entire lot   |
| Maximum Lot Coverage          | 35%                             | 50% measured over the entire lot   |
| Minimum Landscaped Open Space | 30%                             | 30% measured over the entire lot   |
| Minimum Front Yard Setback    | 7.5 metres                      | 6.0 metres<br>4.75 m for a roof overhang projecting from the fourth storey occupying no more than 40% of the width of the front face of the apartment building |
| Minimum Interior Side Yard    | 6.0 metres                      | 1.5 metres to the southern property  |

| <b>Zone Requirement</b>   | <b>RM2 Zone<br/>(Apartment)</b> | <b>Site Specific RM2 Zone<br/>(Apartment)</b>  |
|---------------------------|---------------------------------|--|
| Setback                   |                                 | line<br><br>5.5 m to a private lane<br><br>0.5 m to a parking space<br><br>4.2 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 30% of the width of the northern face of the apartment building |
| Minimum Rear Yard Setback | 7.5 metres                      | 1.5 metres<br><br>0.3 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 40% of the width of the rear face of the apartment building  |
| Maximum Building Height   | 10.5 metres                     | 13.0 metres  |

Additional site-specific general provisions are requested as follows for the apartment building:

| <b>Provision</b>                             | <b>RM2 Zone<br/>(Apartment)</b>   | <b>Site Specific RM2 Zone<br/>(Apartment)</b>  |
|--|---|--|
| Visitor Parking                              | Not applicable  | A minimum of nine (9) visitor parking spaces shall be provided   |
| Permitted Yard Projections and Encroachments | Unenclosed and uncovered porches, decks, balconies, and patios or steps may encroach or project into the front, rear, or side yard as follows:<br><br>Front or Rear Yard – 1.5 metres<br><br>Side Yard – 0.6 metres | An unenclosed and uncovered or covered porch, deck, terrace, balcony, patio or steps shall not project into a required front yard, side yard or rear yard. |

The RM2 site-specific zone provisions allow for a reduced front yard setback, interior side yard setbacks, and rear yard setback. Provisions have also been included to allow for a roof overhang limited in width to project from the fourth storey of the apartment on the front, rear, and northern faces of the building. Staff are supportive of these site-specific provisions given

that the properties located to the south and east of the subject lands are designated and zoned for commercial use, with one (1) legal non-conforming single-detached dwelling at the corner of Elden Street and Field Road, and there is no compatibility impacts anticipated from a shadowing or overlook perspective, as discussed in detail in Section 5.1.2.7 of this report. The townhouse dwellings at the north end of the property provide for a gradual transition in built form from the existing residential neighbourhood to the apartment building at the south end of the site. The apartment building is proposed to be set back 6.0 metres from the front property line, and the redesign of the building has relocated the balconies from the front of the building to mitigate overlook impacts, in addition to balconies being recessed into the building generally to provide for visual screening. There are several tree and shrub plantings planned for this area to provide a visual buffer. Town Staff are of the opinion that the front yard setback for the apartment building is acceptable as it allows the apartment building to have a street presence and helps to define the streetscape and supports an active pedestrian environment by providing connectivity of the main entrance to new sidewalks and a landscaped frontage, which all contribute to an urban character. The additional parking spaces will be available to the residents of the apartment building and townhouse dwellings to help accommodate visitors. The remaining standard RM2 zone requirements will apply.

Staff support the site-specific provisions contained in the draft Zoning By-law Amendment. A draft Zoning By-law Amendment is attached as **Appendix V** to this report.

### **5.3 Consultation**

The Applications were circulated to Town departments and external Agencies. Notice of the Applications were provided as required by the *Planning Act*. Comments received from external Agencies are attached as **Appendix VII** with overall comments summarized below.

#### 5.3.1 Town Comments

Building – No objections.

Finance – No objections.

Fire and Emergency Services – No objections.

Operations – No objections. Conditions of Draft Plan Approval included to ensure that detailed servicing designs are submitted for review and approval, and that sidewalks along Elden Street are constructed by the applicant.

Urban Forestry – No objections. A detailed Landscape Plan signed Tree Protection Declaration Form and tree permits will be required at the Site Plan stage. Conditions of Draft Plan Approval included.

Heritage – No objections.

#### 5.3.2 Agency Comments

Enbridge – No objections. Standard Conditions of Draft Plan Approval provided.

Bell Canada - No objections. Standard Conditions of Draft Plan Approval provided related to easements.

Hydro One – No objections.

Niagara Region – No objections. Conditions of Draft Plan Approval provided related to noise, archaeological warning clauses and waste collection.

Canada Post – No objections. Conditions of Draft Plan Approval provided related to the location of community mailboxes.

Niagara Catholic District Schoolboard – No objections.

District School Board of Niagara – No objections. The District School Board of Niagara is satisfied that future students from the proposed development can be accommodated at the schools serving this area.

**5.3.3 Public Comments**

An electronic Open House was held on July 31, 2024, which was attended by two (2) members of the public to provide comments and ask questions.

The statutory public meeting was held on September 10, 2024, during which four (4) members of the public stated their opposition to the proposal. In addition to the verbal comments received during the Public Meeting, Staff has received approximately five (5) letters or items of correspondence with all the correspondence in opposition to the proposal. The concerns raised at the Public Meeting and through the written correspondence are summarized and addressed in the table below:

| <b>Public Comment</b>  | <b>Response</b>  |
|--|--|
| Concerns related to whether an adequate amount of parking is being provided for the residents of the development and visitors. | The applicant is exceeding the minimum parking requirement set out in the Town’s Zoning By-law, as discussed in Section 5.2 of this report.  |
| Concerns regarding potential traffic congestion and safety for pedestrians.  | Niagara Stone Road, Four Mile Creek Road and Line 1 Road are near the proposed development and are designed to carry higher volumes of traffic. Town Operations Staff and Regional Staff offered no concerns regarding potential traffic generated from the proposed development, as supported by the submitted Traffic Impact Study. There are existing sidewalks in the area available to the proposed development which are to be improved through reconstruction. Further comments related to traffic and pedestrian safety are provided in Section 5.1.2.6. |

| Public Comment  | Response  |
|---|---|
| Impacts related to the height of the proposed apartment building in comparison to the surrounding community. The height of the apartment building will dominate the Village core and will impact privacy. The apartment will be towering over the existing residential homes in the area, negatively impacting the residents who live here. | The height of the proposed apartment building and density for the overall site have been addressed in Sections 5.1.2.5 and 5.1.2.7. The proposed height of the apartment building has been reduced from the initial submission of the Applications.   |
| Stormwater impacts, such as flooding, to adjacent properties and sidewalks in the area.   | <p>Stormwater management and the ability to service the development have been addressed in Section 5.1.2.6.</p> <p>Additional information will be required at the time of site plan application and will be reviewed by Town Operations, as well as peer reviewed by the Town's engineer.</p>   |
| The proposed density is too high for Virgil.  | The height of the proposed apartment building and density for the overall site have been addressed in Sections 5.1.2.5 and 5.1.2.7.   |
| During the process to sever the lands from the Cornerstone Church property, resident was of the understanding that the proposal was for single-detached homes, but now the proposal is for townhouses and apartments.   | At the time of the severance, no details were provided regarding future development on these lands. Town Staff and external agencies have reviewed the Applications submitted against applicable policy requirements and supporting information submitted.  |
| Requested confirmation on the height of the townhouses and locations of balconies for the apartment building.   | The height of the proposed townhouse dwellings has been reduced from 10.0 metres to 8.5 metres. The deck or balconies are not permitted to encroach into the side yards to the rear of the townhouse dwellings. The balconies for the apartment building are not permitted to encroach into the side, rear or front yard and have been inset into the building. |
| Can we have assurances that the 5 evergreen trees at the east end of the northern property boundary will not be cut down? They provide invaluable natural privacy.  | The Tree Protection Plan sets out the trees that are required to be removed to accommodate the proposed development and the trees that will be retained, which is discussed in more detail in Section 5.1.2.8. All trees identified on neighbouring properties are proposed to be saved.  |

| <b>Public Comment</b>  | <b>Response</b>   |
|--|---|
| Can the Tree Protection Plan be updated to include the trees on adjacent properties? Neighbouring property owners do not want their private trees to get removed by the applicant. | The Tree Protection Plan was updated to voluntarily include the trees identified on surrounding lands. The trees were not initially included in the assessment as those trees did not meet the minimum requirements for identification. All trees on neighbouring properties are proposed to be saved.  |
| Issues regarding the number of trees that will require removal to accommodate the proposed development.  | The Tree Protection Plan sets out the trees that are required to be removed to accommodate the proposed development and the trees that will be retained, which is discussed in more detail in Section 5.1.2.8. Several trees will be replaced through the detailed Landscape Plan, which is to be finalized through the Site Plan Approval process. |
| Issues with setbacks to adjacent properties and the number of variances from the Zoning By-law.  | Setbacks and compatibility with the surrounding area have been addressed through Sections 5.1.2.7 and 5.2.  |

#### **5.4 Future Site Plan Requirements**

As noted throughout the report, there are several site plan requirements to be addressed as part of a future Site Plan Approval application, including but not limited to:

- Detailed Landscape Plan and Planting Plan
- Detailed Noise Study
- Streetscape Plan
- Children's amenity area details
- Site Servicing Report, including water and sanitary, and stormwater management specifics
- Final building design
- Matters such as sidewalks, waste management, and all other site works

### **6. STRATEGIC PLAN**

The content of this report supports the following Strategic Plan initiatives:

#### **Pillar**

1. Vibrant & Complete Community

#### **Priority**

1.1 Planning for Progress

#### **Action**

1.1 b) Planning for Progress Initiatives

## **7. OPTIONS**

The Committee may approve, refuse, or modify the proposed Official Plan Amendment, Zoning By-law Amendment, and/or Draft Plan of Vacant Land Condominium and associated conditions.

## **8. FINANCIAL IMPLICATIONS**

The applicant is responsible for all costs associated with this development, as well as a portion the new sidewalk works. The Town will collect Development Charges at the time of building permit issuance. The Town will also hold securities as part of a future Condominium Agreement and Site Plan Agreement.

## **9. ENVIRONMENTAL IMPLICATIONS**

There are no protected environmental features on the subject lands.

As noted, the results of the TPP indicate that there are forty-one (41) trees that require removal to accommodate the proposed development, with the remaining five (5) trees on the subject lands identified for protection. All the boundary trees identified on neighbouring properties are proposed to be protected, totalling thirteen (13) trees.

The LCP includes several plantings that will occur on the subject lands, which will replace several trees that are recommended for removal to accommodate the proposed development. The LCP is conceptual and will be refined and implemented through a future Site Plan application. The recommendations of the TPP will be implemented during the future Site Plan Approval stage, and Conditions of Draft Plan Approval are included to this effect.

## **10. COMMUNICATIONS**

Once Council has made decisions on the Applications, notice of the decisions will be given as required under the *Planning Act*. The decisions of Council are subject to a 20-day appeal period. If no appeals are received during the appeal period, the decisions of Council are final.

## **11. CONCLUSION**

Community and Development Services Staff recommend approval of the Official Plan Amendment Application (OPA-03-2024), the Zoning By-law Amendment Application (ZBA-09-2024), and the Draft Plan of Vacant Land Condominium Application (26CD-18-24-03) subject to conditions, as detailed in this report, as the Applications meet *Planning Act* requirements, are consistent with the Provincial Planning Statement, and conform with the Regional Official Plan and Town Official Plan.

## **12. PREVIOUS REPORTS**

- **CDS-24-146** – Public Meeting – 1570 Niagara Stone Road, Information Report – September 10, 2024.

## **13. APPENDICES**

- **Appendix I** – Draft Plan of Condominium
- **Appendix II** – Maps
- **Appendix III** – Planning Legislation and Policies
- **Appendix IV** – Draft Official Plan Amendment

- **Appendix V** – Draft Zoning By-law Amendment
- **Appendix VI** – Conditions of Draft Plan Approval
- **Appendix VII** – Agency Comments
- **Appendix VIII** – Public Comments

Respectfully submitted:

**Prepared by:**



**John Federici, MCIP, RPP  
Senior Planner**

**Recommended by:**



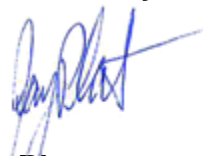
**Aimee Alderman, MCIP, RPP  
Manager of Development Planning  
Community and Development Services**

**Recommended by:**



**Kirsten McCauley, MCIP, RPP  
Director, Community and Development  
Services**

**Submitted by:**

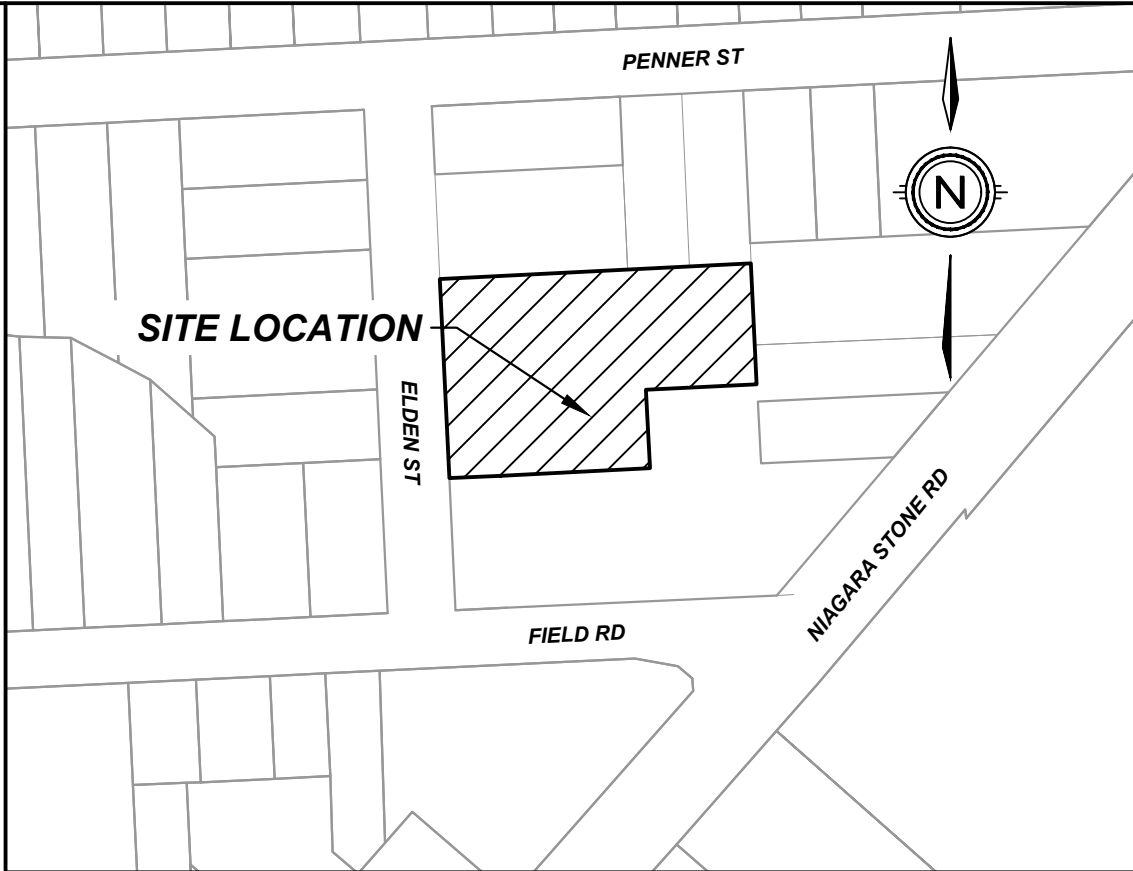
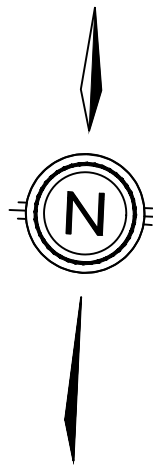


**Jay Plato  
Chief Administrative Officer (Acting)**

| UNIT No.        | UNIT AREA |         | EXCL. USE AREA |  |
|-----------------|-----------|---------|----------------|--|
|                 | SQ. M     |         | SQ. M          |  |
| 1               | 236.26    |         | 14.91          |  |
| 2               | 211.38    |         | 14.91          |  |
| 3               | 211.72    |         | 14.91          |  |
| 4               | 237.42    |         | 14.91          |  |
| 5               | 237.89    |         | 14.91          |  |
| 6               | 212.85    |         | 14.91          |  |
| 7               | 213.17    |         | 14.91          |  |
| 8               | 239.05    |         | 14.91          |  |
| 9               | 1394.10   |         |                |  |
| TOTAL UNIT AREA |           | 3193.84 |                |  |
| TOTAL EXCL. USE |           | 119.28  |                |  |
| TOTAL LANDSCAPE |           | 1378.51 |                |  |
| TOTAL LOT AREA  |           | 4691.63 |                |  |

# CORNERSTONE CONDOMINIUM

## NIAGARA-ON-THE-LAKE



### KEY PLAN

N.T.S.


### DRAFT PLAN OF VACANT LAND CONDOMINIUM

#### LEGAL DESCRIPTION

PART OF LOTS 34, 35, 38, 40 AND ALL OF LOT 39, PLAN 304, AND PART OF BLOCK 9, PLAN TP85, IN THE TOWN OF NIAGARA-ON-THE-LAKE REGIONAL MUNICIPALITY OF NIAGARA

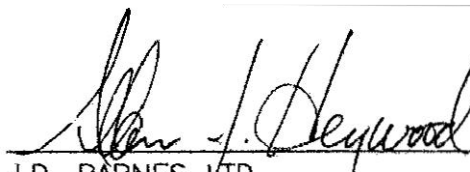
#### OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF VACANT LAND CONDOMINIUM TO THE TOWN OF NIAGARA-ON-THE-LAKE FOR APPROVAL.

  
2559165 ONTARIO INC. MAY 27, 2024  
DATE

#### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

  
J.D. BARNES LTD. Jan 17, 2024  
22-16-386 DATE

#### REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- |             |                    |                 |
|-------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN        | i) SILTY SAND   |
| b) SEE PLAN | f) SEE PLAN        | j) SEE PLAN     |
| c) SEE PLAN | g) SEE PLAN        | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN     |

#### SITE STATISTICS

|                        | ha        | %     |
|------------------------|-----------|-------|
| BLOCK TOWNHOUSE (8 UN) | 0.134     | 28.57 |
| APARTMENT (24 UN)      | 0.095     | 20.25 |
| DRIVEWAY/PARKING       | 0.100     | 21.32 |
| LANDSCAPING            | 0.140     | 29.86 |
| TOTAL                  | 0.469     | 100.0 |
| UNITS                  | 32        |       |
| DENSITY                | 68.23u/Ha |       |

|   |                     |            |      |
|---|---------------------|------------|------|
| . | .                   | .          | .    |
| 0 | ISSUED FOR APPROVAL | 2024-10-29 | TA   |
| # | REVISION            | DATE       | INIT |



UPPER CANADA  
CONSULTANTS  
ENGINEERS / PLANNERS

DRAWING TITLE

DRAFT PLAN OF  
VACANT LAND  
CONDOMINIUM

DRAFTING TA

DATE OCTOBER 29, 2024

PRINTED OCTOBER 29, 2024

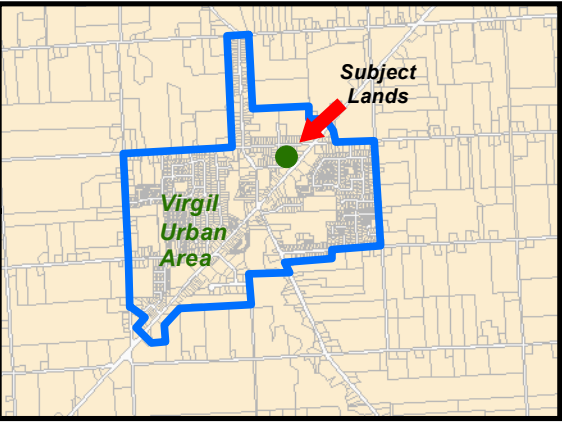
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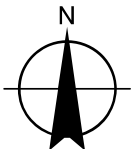
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22115-DP

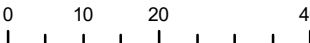
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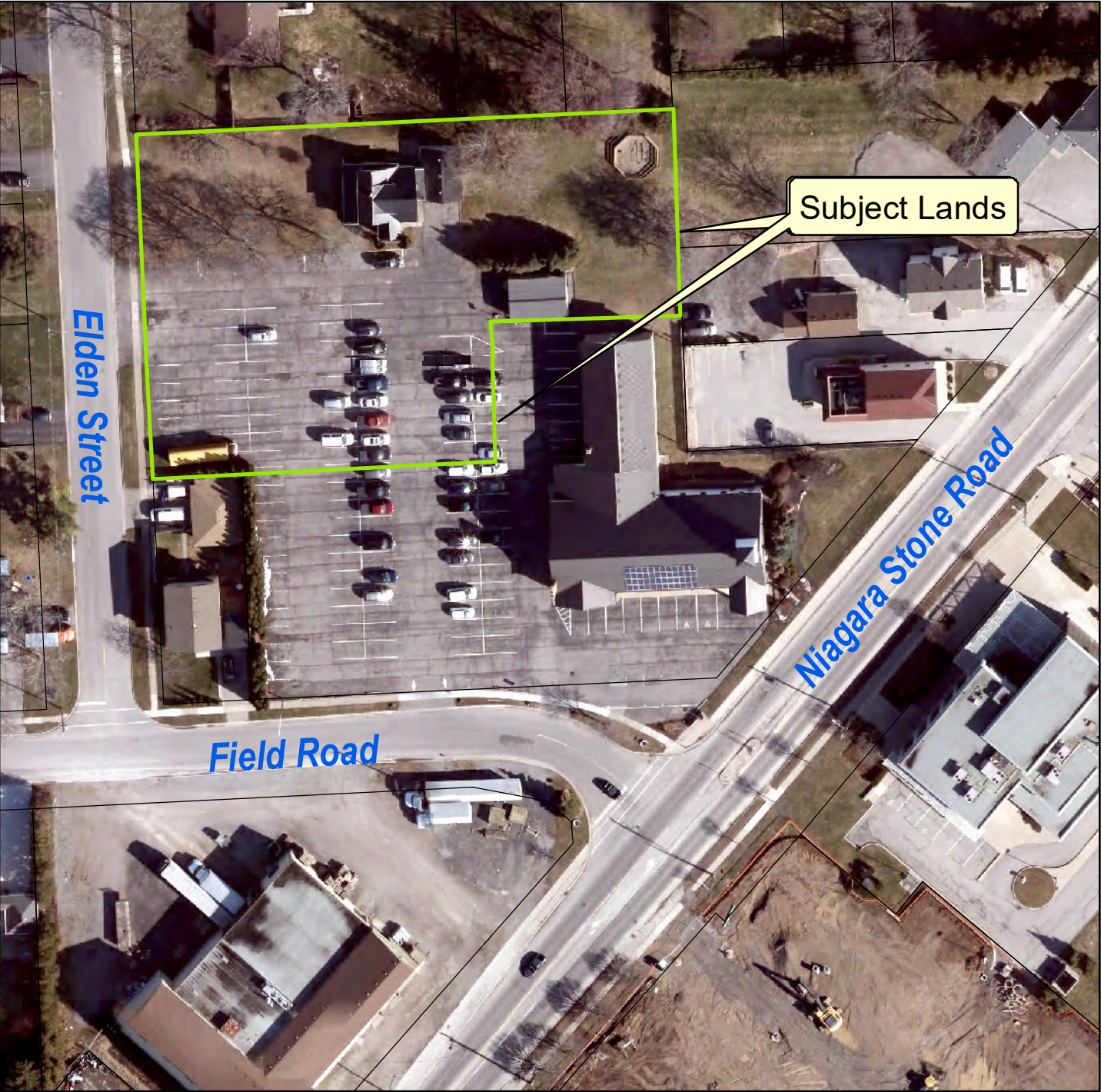
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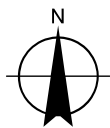


### MAP 1 - LOCATION MAP

Unaddressed Parcel  
File No: OPA-03-2024  
& ZBA-09-2024 & 26CD-18-24-03





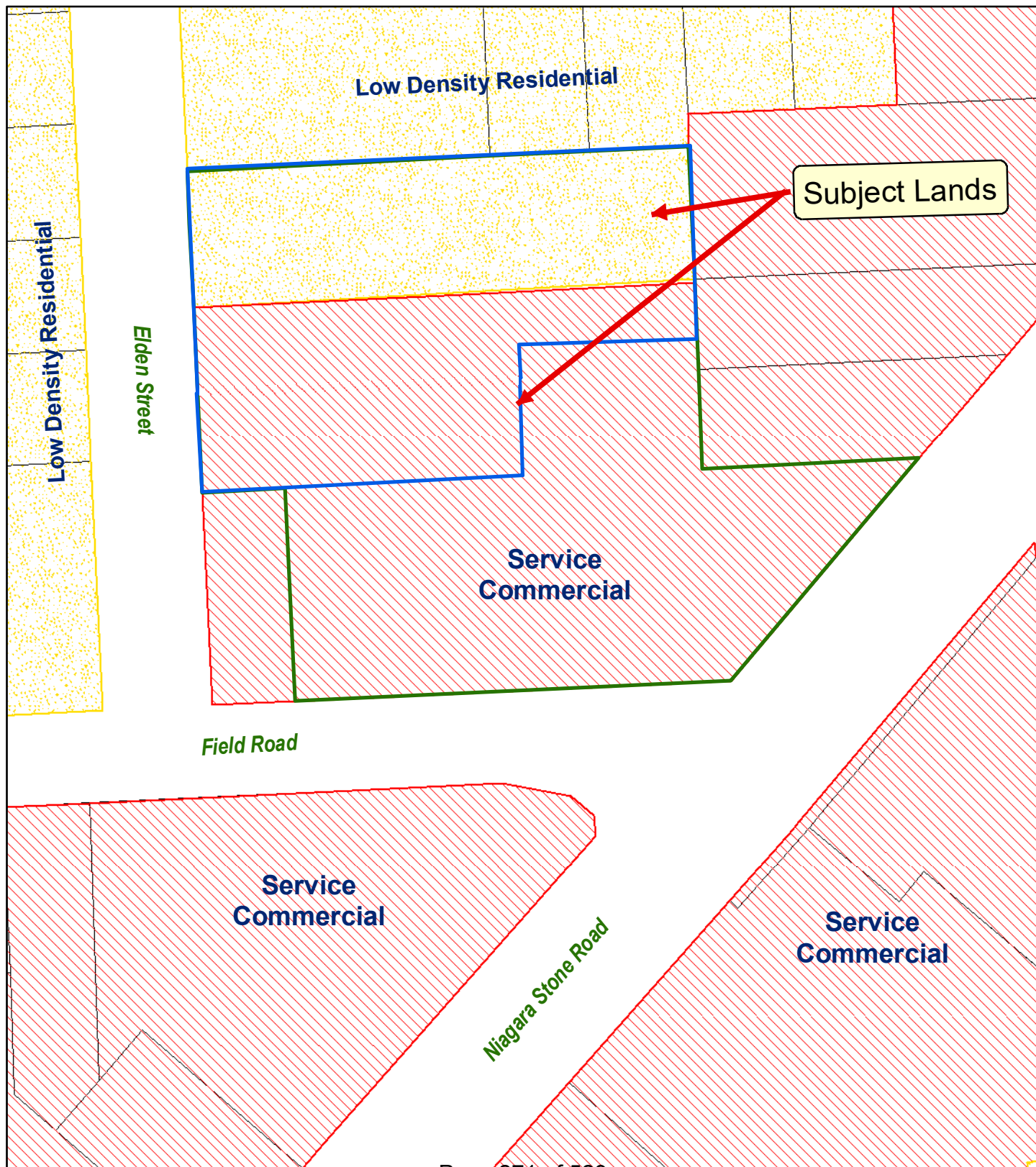


## MAP 2 - OFFICIAL PLAN

*Land Use Designations*

Unaddressed Parcel

File No: OPA-03-2024,  
ZBA-09-2024 & 26CD-18-24-03



1:1,000

0 10 20 40 Meters

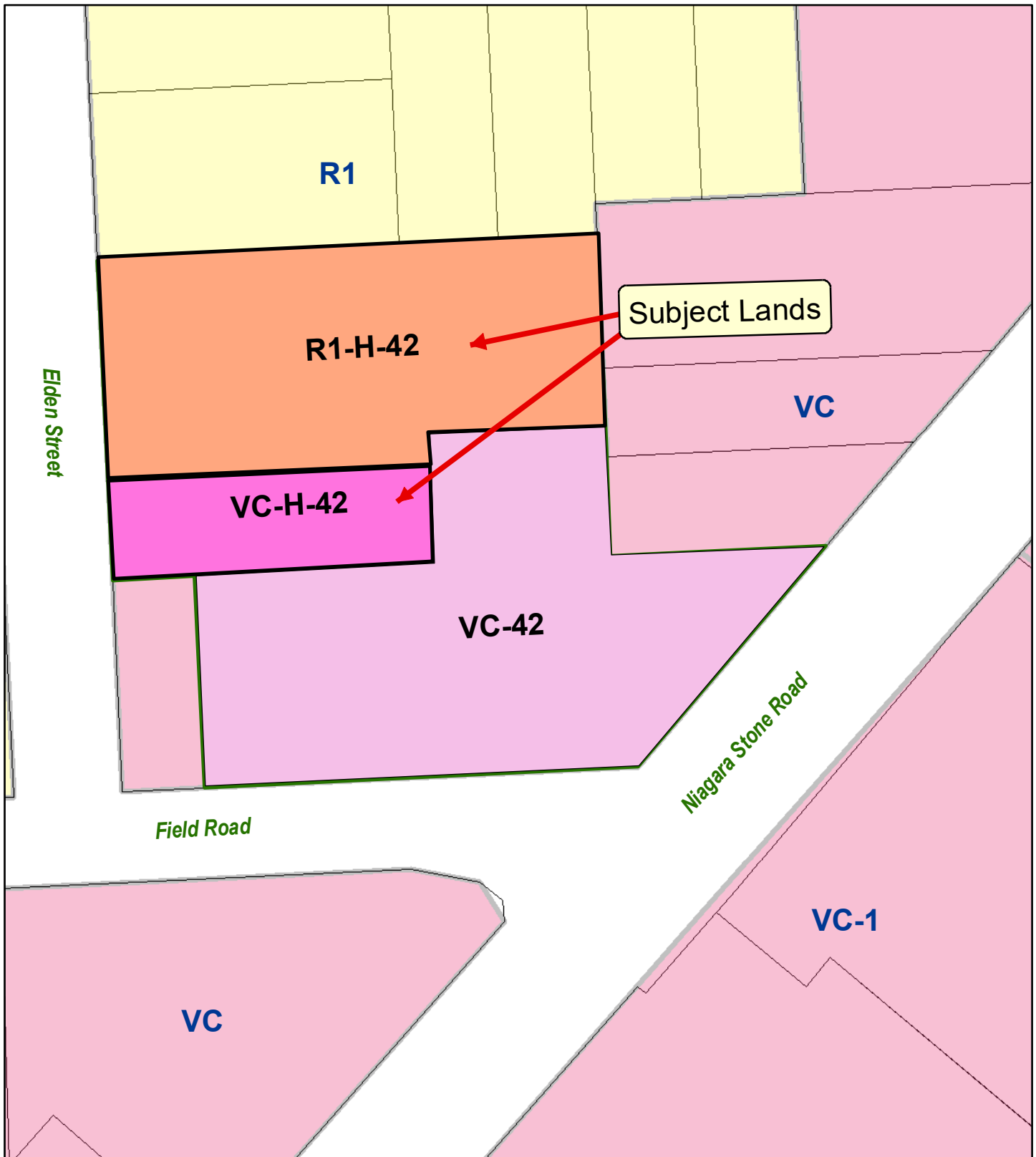


# MAP 3: ZONING

As per Zoning By-law 4316-09, as amended

Unaddressed Parcel

File No: OPA-03-2024, ZBA-09-2024 & 26CD-18-24-03



## PLANNING LEGISLATION AND POLICIES

### **Condominium Act, 1998, S.O. 1998, c. 19**

#### ***Planning Act***

#### ***Approvals of descriptions***

**9 (2)** *Subject to this section, the provisions of sections 51, 51.1 and 51.2 of the Planning Act that apply to a plan of subdivision apply with necessary modifications to a description or an amendment to a description. 1998, c. 19, s. 9 (2).*

#### ***Registration***

**9 (3)** *A description or an amendment to a description shall not be registered unless,*

- (a) the approval authority has approved it; or*
- (b) the approval authority has exempted it from those provisions of sections 51 and 51.1 of the Planning Act that would normally apply to it under subsection (2) and it is accompanied by a certificate of exemption issued by the approval authority. 1998, c. 19, s. 9 (3).*

#### ***Additional Conditions***

**9 (5)** *In addition to the conditions that it may impose under subsection 51 (25) of the Planning Act, the approval authority that receives an application described in subsection (4) may impose the conditions that it considers are reasonable in light of the report mentioned in subsection (4). 1998, c. 19, s. 9 (5).*

#### ***s. 52 of Planning Act***

**9 (12)** *Section 52 of the Planning Act applies in respect of a description of a vacant land condominium corporation but does not apply in respect of a description of any other corporation. 1998, c. 19, s. 9 (12).*

### **Planning Act, R.S.O. 1990, c. P.13**

#### ***Provincial interest***

**2** *The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,*

- (a) the protection of ecological systems, including natural areas, features and functions;*
- (b) the protection of the agricultural resources of the Province;*
- (c) the conservation and management of natural resources and the mineral resource base;*
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- (e) the supply, efficient use and conservation of energy and water;*
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (g) the minimization of waste;*

- (h) *the orderly development of safe and healthy communities;*
- (h.1) *the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- (j) *the adequate provision of a full range of housing, including affordable housing;*
- (k) *the adequate provision of employment opportunities;*
- (l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) *the co-ordination of planning activities of public bodies;*
- (n) *the resolution of planning conflicts involving public and private interests;*
- (o) *the protection of public health and safety;*
- (p) *the appropriate location of growth and development;*
- (q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) *the promotion of built form that,*
  - (i) *is well-designed,*
  - (ii) *encourages a sense of place, and*
  - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

## **Policy statements**

### **Policy statements and provincial plans**

**3 (5)** *A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,*

- (a) *shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and*
- (b) *shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.*

## **Official Plans**

**17 (13)** *A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of a prescribed municipality.*

## **22 Request for amendment**

**(11)** *Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2). 2019, c. 9, Sched. 12, s. 4 (5).*

## **24 Public works and by-laws to conform with plan**

*(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.*

## **Zoning by-laws**

**34** *(1) Zoning by-laws may be passed by the councils of local municipalities:*

### **Restricting use of land**

- 1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.*

### **Restricting erecting, locating or using of buildings**

- 2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.*

### **Construction of buildings or structures**

- 4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.*

### **Area, density and height**

*(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).*

## **Plan of subdivision approvals**

### **Application**

**51(16)** *An owner of land or the owner's agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it. 1994, c. 23, s. 30.*

### **Criteria**

*(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

### **Conditions**

*(25) The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,*

- (a) that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;*
- (b) that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;*
- (b.1) that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;*
- (c) when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to*

*provide for the widening of the highway to such width as the approval authority considers necessary;*

- (d) that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services; and*
- (e) in the case of an application for approval of a description or an amendment to a description, as referred to in subsection 9 (2) of the Condominium Act, 1998, if the condominium will contain affordable housing units and if a shared facilities agreement will be entered into with respect to the condominium, whether under section 21.1 of that Act or otherwise, that the shared facilities agreement be satisfactory to the approval authority. 1994, c. 23, s. 30; 2005, c. 26, Sched. B, s. 1; 2006, c. 23, s. 22 (5); 2016, c. 25, Sched. 4, s. 8 (3).*

### **Agreements**

*(26) A municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land. 1994, c. 23, s. 30.*

### **Lapse of approval**

*(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period, but if there is an appeal under subsection (39) the time period specified for the lapsing of approval does not begin until the date the Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51). 2017, c. 23, Sched. 5, s. 99 (1).*

### **Extension**

*(33) The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1). 2022, c. 12, Sched. 5, s. 9 (2).*

### **Parkland**

#### **Land conveyed or dedicated for parkland**

**51.1(1)** *The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes. 1994, c. 23, s. 31.*

### **Payment in lieu**

*(3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) does not apply, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 32 (2).*

## **Provincial Planning Statement, 2024**

### **2.1 Planning for People and Homes**

*2.1.4 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.*

*2.1.6 Planning authorities should support the achievement of complete communities by:*

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

### **2.2 Housing**

*2.2.1 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by: ...*

*b) permitting and facilitating:*

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*

*c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and ....*

## **2.3 Settlement Areas and Settlement Area Boundary Expansions**

### **2.3.1 General Policies for Settlement Areas**

*2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

*2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate; and*
- e) are freight-supportive.*

*2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

*2.3.1.4 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*

*2.3.1.5 Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.*

## **2.9 Energy Conservation, Air Quality and Climate Change**

*2.9.1 Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:*

- a) support the achievement of compact, transit-supportive, and complete communities;*
- b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;*
- c) support energy conservation and efficiency;*
- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and....*

## **Chapter 3: Infrastructure and Facilities**

### **3.1 General Policies for Infrastructure and Public Service Facilities**

3.1.1 *Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:*

- a) are financially viable over their life cycle, which may be demonstrated through asset management planning;*
- b) leverage the capacity of development proponents, where appropriate; and*
- c) are available to meet current and projected needs.*

### **3.5 Land Use Compatibility**

3.5.1 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

3.5.2 *Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse effects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*

### **3.6 Sewage, Water and Stormwater**

3.6.1 *Planning for sewage and water services shall:*

- a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;*
- b) ensure that these services are provided in a manner that:*
  - 1. can be sustained by the water resources upon which such services rely;*
  - 2. is feasible and financially viable over their life cycle;*
  - 3. protects human health and safety, and the natural environment, including the quality and quantity of water; and*
  - 4. aligns with comprehensive municipal planning for these services, where applicable.*
- c) promote water and energy conservation and efficiency; d) integrate servicing and land use considerations at all stages of the planning process;*
- d) integrate servicing and land use considerations at all stages of the planning process;....*

3.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and*

*municipal water services include both centralized servicing systems and decentralized servicing systems.*

**3.6.8 Planning for stormwater management shall:**

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;*
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;*
- c) minimize erosion and changes in water balance including through the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces;*
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and*
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.*

### **3.9 Public Spaces, Recreation, Parks, Trails and Open Space**

**3.9.1 Healthy, active, and inclusive communities should be promoted by:**

- a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; ...*

### **4.6 Cultural Heritage and Archaeology**

**4.6.2 Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.**

### **6.1 General Policies for Implementation and Interpretation**

**6.1.1 The Provincial Planning Statement shall be read in its entirety and all relevant policies are to be applied to each situation.**

**6.1.5 Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas.**

***In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the Provincial Planning Statement. The policies of the***

*Provincial Planning Statement continue to apply after adoption and approval of an official plan.*

*6.1.6 Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.*

*6.1.7 Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.*

## **6.2 Coordination**

*6.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including:*

- a) managing and/or promoting growth and development that is integrated with planning for infrastructure and public service facilities, including schools and associated child care facilities;*
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- d) infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
- g) population, housing and employment projections, based on regional market areas, as appropriate; and*
- h) addressing housing needs in accordance with provincial housing policies and plans, including those that address homelessness.*

*6.2.3 Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement the Provincial Planning Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.*

## **Niagara Official Plan, 2022**

### **2.1 Forecasted Growth**

*The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051. This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Effective and proactive growth management is needed to ensure there is appropriate housing, employment, and infrastructure available to support Niagara's growth. Land use, housing, and servicing is planned using the forecasts set out in Table 2-1. The Region will monitor these forecasts to ensure growth is planned for and managed based on reliable data. The objective of this section is as follows:*

- a) *coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.*

### **2.1.1 Regional Growth Forecasts**

*2.1.1.1 Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.*

*2.1.1.3 Forecasts in Table 2-1 are used to determine the location and capacity of infrastructure, public service facilities, and the delivery of related programs and services required to meet the needs of Niagara's current and future residents.*

*2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051...*

**Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality**

| <b>Municipality</b> | <b>Population</b> | <b>Employment</b> |
|---------------------|-------------------|-------------------|
| Niagara-on-the-Lake | 28,900            | 17,610            |

*2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051.*

## **2.2 Regional Structure**

*The objectives of this section are as follows:*

- a) *manage growth within urban areas;*
- b) *accommodate growth through strategic intensification and higher densities;*
- c) *protect and enhance the character of rural settlements;*
- d) *plan for the orderly implementation of infrastructure and public service facilities;*  
*...and*
- e) *promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

### **2.2.1 Managing Urban Growth**

*2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- a) *the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) *a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*

- c) *a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) *social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
  - i. *a range of transportation options, including public transit and active transportation;*
  - ii. *affordable, locally grown food and other sources of urban agriculture;*
  - iii. *co-located public service facilities; and iv. the public realm, including open spaces, parks, trails, and other recreational facilities;*
- e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
- g) *opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h) *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i) *the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
- j) *conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
- k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) *mitigation and adaptation to the impacts of climate change by:*
  - i. *protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;*
  - ii. *where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
  - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

**Table 2-2**

| <b>Municipality</b> | <b>Units</b> | <b>Rate</b> |
|---------------------|--------------|-------------|
| Niagara-on-the-Lake | 1,150        | 25%         |

## **2.3 Housing**

*The objectives of this section are as follows:*

- a) *provide a mix of housing options to address current and future needs;*
- b) *provide more affordable and attainable housing options within our communities;*
- and*

- c) *plan to achieve affordable housing targets through land use and financial incentive tools.*

### **2.3.1 Provide a Mix of Housing Options**

*2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*

*2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*

- a) facilitating compact built form; ...*

## **Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended**

### **SECTION 6: GENERAL DEVELOPMENT POLICIES**

#### **6.17 LOT SIZES**

*The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.*

#### **6.22 PARKS AND DEDICATION**

*...the Town of Niagara-on-the-Lake shall, as a condition of approval, require that up to five per cent of such lands be conveyed to the municipality for park or other public recreational purposes...*

*The municipality, in the alternative, may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be equal to the required amount of land dedication and will be determined by an appraisal authorized by the municipality. The value of the lands shall be determined as of the day before the day of the issuance of the building permit as outlined in Section 41 of the Planning Act, 1983. For plans for subdivision, the value of the land is determined as of the day before the day of the Draft Plan is approved, as outlined in Subsections 51(8) and (9) of the Planning Act, 1983.*

#### **6.30 SERVICING POLICIES**

##### **(1) GENERAL POLICIES**

- a) New development will be limited by the available capacities of services. Where within any Urban Boundary full municipal services are not available it is a policy of this Plan that development may be restricted.*

##### **(4) DRAINAGE**

- a) No development shall occur without appropriate regard for storm run-off, on-site collection and channeling of storm water to an adequate outlet. Drainage shall be to a storm sewer outlet satisfactory to the Town.*

### **6.33 TREE PRESERVATION AND REFORESTATION**

*It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following policies shall apply.*

- (1) As a condition of any development or redevelopment where it is unavoidable that trees must be removed, the proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arborist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

## **Section 6A: Growth Management Policies**

### **3.4 Housing Mix**

*The Official Plan's land use policies are based on providing an appropriate mix of housing to meet the needs of the Town and its long term land needs and housing growth. While a majority of the lands are designated for low density residential development medium density development is also a permitted form of housing in low density residential and established residential designations subject to specific design and locational criteria as provided in the residential policies of the Official Plan.*

*A number of parcels in the municipality are designated for medium density residential development which includes multi-unit residential housing such as townhouses, apartments, seniors' homes, etc. The policies of the Official Plan provide that while low density residential uses are permitted they are not encouraged in Medium Density Residential designations as the potential loss of residential units over medium density needs to be carefully considered.*

*Given the small-Town character and heritage of Niagara-on-the-Lake, high density development will be limited especially within established residential areas where high density development may adversely impact heritage resources and the character of the area in terms of scale, mass or height.*

### **4.2 Intensification Target**

#### *Intensification Target*

*By the year 2015 and for each year thereafter the Town shall target for a minimum of 15% of all new dwelling units occurring annually to occur within the Built-up Area identified on Schedules "I-1" and "I-2".*

### **4.4 Intensification Objectives**

#### *Objectives*

*The objectives of the intensification policies of this Plan are to: ...*

- b) Provide land use policy directions for accommodating additional growth within the Built-up Areas;*

- e) *Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area...*

#### *Built-Up Area Intensification Policies*

*The Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The following policies apply:*

- a) *The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031...*
- b) *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.*
- c) *The provision of affordable housing in intensification areas will be encouraged through the application of the policies in Section 9 of the Official Plan.*
- d) *Mixed use development is also encouraged within the commercial areas of the Built-Up Area. The preferred built form for mixed use development is a minimum of 2 storeys with commercial and office uses on the ground floor, with residential units or office uses located above. The 2 storey height will ensure mix use developments are not underdeveloped.*
- e) *The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment...*
- f) *Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.*
- g) *The Region and the Town will ensure that an adequate supply of sanitary and water services are made available to accommodate the unit target for the Built-up Area and for the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewater can support the increased load.*
- h) *The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area...*
- m) *Intensification Areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes providing for employment, commercial, recreation, institutional and other compatible land uses.*

#### *Urban Design*

*...the following urban design guidelines apply to intensification proposals in Virgil and the Old Town...*

- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face...*
- b) *Parking for... apartment buildings should be located at the rear of the building, with a secondary entrance at the side or back of the building. The main entrance to the building should front onto the street.*

- c) *Where appropriate, the design of the commercial, mixed use and apartment buildings development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) *Bulk, mass and scale of new development shall fit the context within which it is located.*
- e) *Garages for single, semi and townhouse units shall not exceed 50% of the building façade and shall be setback from the front face of these units.*
- f) *The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

#### **4.6 Land Use Compatibility Policies**

*Intensification and/or redevelopment should be consistent with:*

- a) *The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) *The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) *The existing and/or planned densities of the surrounding neighbourhood; and,*  
 d) *The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) *Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
- f) *Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to: ...*
  - *Lot frontages lot area, depth*
  - *Building Setbacks*
  - *Privacy and overview*
  - *Lot grading and drainage*
  - *Parking*
  - *Servicing*

#### **Official Plan Amendment No. 78**

*Subsection 4.6 Land Use Compatibility Policies under Section 6A of the Official Plan for the Town of Niagara-on-the-Lake is hereby amended by adding the following policy section after the policy section entitled “Compatibility and Appropriate Infrastructure”:*

##### ***Development criteria – Residential Infill and Intensification in Old Town and Virgil***

*In considering an application for development approval on lands designated ‘Low Density Residential’, ‘Medium Density Residential’ and ‘Established Residential’, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a heritage conservation district plan:*

- a) *The lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is*

*located.*

- b) The proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street.*
- c) Front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street.*
- d) The setback between new building(s) and the interior side lot line shall increase as the lot frontage increases.*
- e) The new buildings shall have a complimentary relationship with existing buildings while accommodating a diversity of building styles, materials and colors.*
- f) Existing trees and vegetation shall be retained and enhanced through a new street tree planting and additional on-site landscaping.*
- g) The width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways.*
- h) New driveways and service connections shall be sited to minimize tree loss.*
- i) Impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing.*
- j) The orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighborhood.*
- k) Proposals to extend the public street network should be designed to improve neighborhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists.*
- l) Road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

## **SECTION 9: RESIDENTIAL**

### **9.2 GOALS AND OBJECTIVES**

- (1) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- (3) To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design... and uses land in an efficient manner...*
- (4) To encourage the development of economical housing in a suitable environment.*
- (7) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*

- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities and non-residential uses.*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

### **9.3 LAND USE DESIGNATIONS**

#### **9.3.2 MEDIUM DENSITY RESIDENTIAL**

- (1) *In the Medium Density Residential designation the following uses shall be permitted:*

**Main Uses:**

*Multi-unit Residential housing such as townhouses, apartments...*

**Secondary Uses:**

*Uses permitted with a Main Use:*

- *roomers and boarders*
- *bed and breakfasts*
- *accessory apartments*
- *group homes*
- *home occupations*
- *accessory buildings and structures*

- (2) *Low density residential uses are permitted but not encouraged in the Medium density residential designation. The potential loss of residential units over Medium density will be carefully considered.*
- (3) *The design and location considerations for Medium Density Residential development shall include provisions of the following:*
  - a) *The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.*
  - b) *Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.*
  - c) *Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas..*
  - e) *The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.*
  - f) *Adequate municipal services can be provided...*
  - g) *Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.*
  - h) *Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.*

### **9.4 GENERAL RESIDENTIAL POLICIES**

The following policies shall apply to all residential designations shown on the land use schedules.

#### **(4) RESIDENTIAL DENSITY**

*The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the typography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally, ...medium density residential developments will not exceed 12 units per acre (30 units per hectare) unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.*

*Special care will be taken in the Old Town of Niagara and Established Residential designations to maintain the low-density character. Therefore, new residential development in these areas consisting of more than two units will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development.*

### **SECTION 10: COMMERCIAL**

#### **10.2 GOALS AND OBJECTIVES**

- (1) To provide for an orderly distribution of commercial areas within the Urban Boundaries of the Town to meet the shopping and service needs of residents and tourists.*
- (2) To adequately provide for local-serving commercial areas and, where necessary, to prevent their use for tourist serving uses...*
- (5) To encourage controlled and orderly growth within designated commercial areas...*
- (9) To promote compact forms of commercial development, and to discourage scattered forms of development.*

#### **10.4 COMMERCIAL POLICIES**

- (3) The character of each individual commercial area, and the character of its surrounding uses, shall be considered in determining the zoning regulations to apply to that area, so that a cohesive character may be promoted which will be in keeping with adjoining areas. Zoning regulations will also take into consideration limiting the use of land at the fringe of a commercial area designation.*

### **Town of Niagara-on-the-Lake Proposed Official Plan, 2019**

#### **2.6 Complete Communities**

##### **2.6.1 Sustainability**

- 2.6.1.1** *The concept of a sustainable community is one that directs growth to well-planned built-up areas and protects the integrity of the agricultural sector. Compact development within settlement areas is key to growth management in the Town. In managing growth for the next 20 to 30 years, the Town will continue*

*to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.*

**2.6.1.3** *Sustainability is achieved through a variety of initiatives that can include: ...*

- d) providing choices and opportunities for housing, employment, transportation, social, recreational and cultural amenities;*
- e) building on the existing employment strengths within the Town to generate economic prosperity;*
- g) making efficient use of public infrastructure by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;*
- h) having vibrant downtowns and attractive public spaces;*
- i) maintaining a commitment to low profile development; ...*

## **2.6.2 Healthy Neighbourhoods**

**2.6.2.1** *Healthy neighbourhoods and communities are essential to the quality of everyday life in Niagara-on-the-Lake, from housing to community services, arts and culture and heritage. Components of healthy communities in the Town include:*

- a) Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other;*
- b) retention of schools and family supportive institutions including pre-schools, elementary schools and post-secondary schools;*
- c) a range of quality housing choices to meet the needs of people in all stages of life;*
- d) Community Design and heritage guidelines to ensure growth will conserve and, where possible, enhance the cultural heritage resources of the Town;*
- g) measures to protect the Town's scenic beauty, tree cover and landscaping;*

**2.6.2.2** *Development applications will be required to identify how the development will contribute to the health of the community.*

## **2.6.3 Housing**

**2.6.3.1** *A diversity of housing types and tenure and affordable housing options contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.*

**2.6.3.2** *Within settlement areas, a greater diversity of housing stock, including townhouses and small apartment buildings, and increased opportunities for more affordable housing choices will be provided through infilling, intensification*

*...*  
**2.6.3.3** *Multi-unit residential developments may be required to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

- 2.6.3.4 *New housing will be directed to the Settlement Areas.*
- 2.6.3.5 *The Town will maintain a minimum three-year supply of residential units as well as the infrastructure to support that supply.*

## **Section 4 Settlement Areas**

### **4.4 Greenfield Areas**

#### **4.2.2 Objectives**

- 4.4.2.1 *The objectives of the Greenfield development strategy are to:*
  - a) *Promote compact, mixed use, walkable and transit supportive development on Greenfield lands;*
  - b) *Promote appropriate densities with a mix of housing types on Greenfield lands;*
  - c) *Improve connections between Greenfield Areas and the Built-up Area...*

#### **4.4.3 Policies**

- 4.4.3.1 *The Town supports the overall Region-wide Greenfield density target of 50 people and jobs combined per gross hectare by:*
  - b) *Permitting a mix of dwelling types and low and medium density development within the Greenfield Areas...*
- 4.4.3.2 *Although the Town's Greenfield density target is 50 jobs and people per hectare as per Places to Grow, not every site is able to achieve that target. The Town has limited flexibility on a site-by-site basis to adapt to local context and conditions, however the Town has and will continue to monitor its Greenfield developments to ensure that its overall Greenfield target is achieved.*

## **4.8 Community Design**

### **4.8.1 Design Policies**

4.8.1.9. *In addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in **Virgil** and **Old Town** until more detailed Community Design Guidelines are approved by the Town:*

- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face; ...*
- c) *Where appropriate, the design of the commercial, mixed use and multi-unit residential development should provide linkages and connections to existing and proposed pedestrian and bicycle networks;*
- d) *Height, mass and scale of new development will fit the context within which it is located;*
- e) *Garages for... townhouse units will not exceed 50% of the building facade and will be setback from the front face of these units; and*
- f) *The design of infill and intensification development will be consistent with the Land Use Compatibility criteria of this Plan.*

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. ####-24**

Official Plan Amendment No. 100  
Unaddressed Parcel Located South of Penner Street, East of Elden Street, North of  
Field Road, and West of Niagara Stone Road  
Roll 262702001313304

“Lots 39 and 40, Part of Lots 34, 35 and 38, Plan 304, Part of Block 9, Township Plan 85,  
Niagara, Parts 1 & 2 30R16153”; Town of Niagara-on-the-Lake

**A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO PLANNING ACT  
TO AMEND THE TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN**

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law  
by virtue of the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P.13, as  
*amended*;

The Council of The Corporation of the Town of Niagara-on-the-Lake, in accordance with  
the provisions of Section 17 of the *Planning Act* hereby enacts as follows:

1. Amendment No. 100 to the Official Plan for the Town of Niagara-on-the-Lake  
consisting of the attached explanatory text and schedule is hereby adopted.
2. Amendment No. 100 to the Official Plan for the Town of Niagara-on-the-Lake is  
exempt from the approval of the Regional Municipality of Niagara and will come into  
force and take effect on the day of the final passing thereof.

Enacted and passed this 25th day of March, 2025.

|                        |                        |
|------------------------|------------------------|
| <hr/>                  | <hr/>                  |
| LORD MAYOR GARY ZALEPA | TOWN CLERK GRANT BIVOL |

**Amendment No. 100 to the Official Plan  
for the Town of Niagara-on-the-Lake**

**PART A – THE PREAMBLE**

Part A does not constitute part of this amendment. Part A describes the purpose and basis for this amendment.

**PART B – THE AMENDMENT**

Part B constitutes Amendment No. 100 to the Official Plan for the Town of Niagara-on-the-Lake.

**PART C – ADDITIONAL  
INFORMATION**

Part C does not constitute part of this amendment but outlines additional information available upon request.

## **PART A - THE PREAMBLE**

The preamble does not constitute part of this amendment.

### **PURPOSE**

The purpose of this amendment is to redesignate the subject lands from “Service Commercial” and “Low Density Residential” to a residential exception designation “EX-RES-18” with site-specific exceptions to permit a medium density residential development (being a 4-storey apartment building and eight (8) one-storey townhouse dwellings) with a maximum residential net density of 80 units per hectare, with parking located to the north side of the apartment building, and that the lot is located on a local street.

### **BASIS**

The basis of the amendment is as follows:

1. The subject lands do not have a municipal address and are located in the Urban Area of Virgil, located south of Penner Street, east of Elden Street, west of Niagara Stone Road and north of Field Road.
2. The Official Plan directs that medium density residential developments will generally not exceed a residential net density of 12 units per acre (30 units per hectare) unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighborhoods. The proposal would result in a residential net density of 80 units per hectare. Analysis provided with the requested amendment demonstrates that the proposed development is not anticipated to have a significant adverse impact on the surrounding area.
3. The proposed residential apartment building and townhouse dwellings are compatible with existing and planned development in this area of Virgil and represent an appropriate and compatible form of intensification by making efficient use of existing services and optimizing the use of land that is currently used as a surface parking lot.
4. The proposal would provide more housing and a more diverse housing stock, to address current housing needs.
5. The Amendment is consistent with the Provincial Planning Statement (2024) and conforms with the Niagara Official Plan (2022) and the Town’s Official Plan (2017 Consolidation, as amended).
6. A future application for Site Plan Approval is required to facilitate the development of the apartment building and townhouse dwelling units.

## PART B - THE AMENDMENT

Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. 100 to the Official Plan for the Town of Niagara-on-the-Lake.

### DETAILS OF THE AMENDMENT

1. That Schedule C to the Official Plan, as amended, is further amended by redesignating the subject lands from “Service Commercial” and “Low Density Residential” to “EX-RES-18,” as shown on Schedule 1 attached hereto.
2. That the following is added to Part 3 – Land Use Policies, Section 9: Residential under section “9.5 EXCEPTIONS”:

“EX-RES-18      The lands identified as “EX-RES-18” on Schedule C, with no municipal address located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, shall be subject to all requirements of the “Medium Density Residential” designation and any other general requirements of this Plan, except the following shall apply:

In addition to the uses identified under Subsection 9.3.2 (1) of the Official Plan, an apartment building being four (4) storeys in height containing a maximum of twenty-four (24) apartment dwelling units shall be permitted. A maximum *residential net density* of 80 units per hectare, measured across the entirety of the subject lands, shall be permitted.

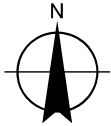
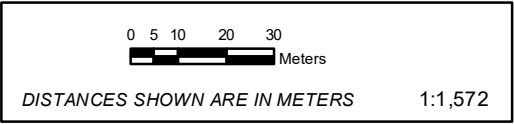
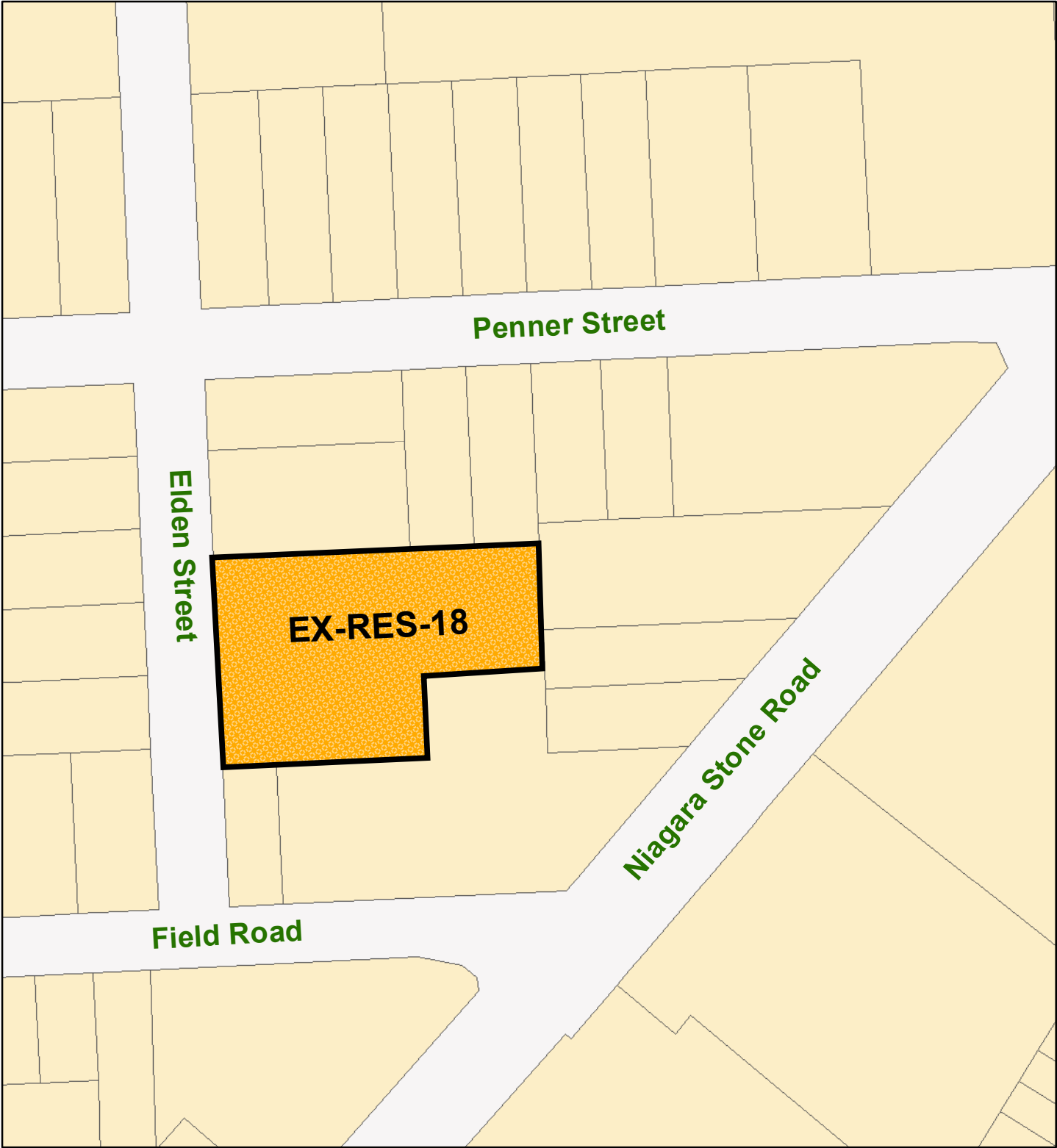
Notwithstanding Policy 9.3.2.3 g) of the Official Plan, the lands are located on a local street.

Notwithstanding Subsection 6A.4.4 f) (Built-Up Area Intensification Policies) and 6A.4.4 b) (Urban Design) of the Official Plan, visitor parking for the apartment building is permitted at the north side of the building.”

## **PART C – ADDITIONAL INFORMATION**

The following additional information is available upon request:

1. Information Report to Council – Public Meeting, 1570 Niagara Stone Road (CDS-24-146)
2. Community and Development Services Report CDS-25-023
3. Council Meeting Minutes dated March 25, 2025



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT #100  
BEING AN AMENDMENT TO SCHEDULE "C" OF THE OFFICIAL  
PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE**

LORD MAYOR  
GARY ZALEPA

TOWN CLERK  
GRANT BIVOL

Explanation of the Purpose and Effect of  
By-law 4316FV - 25

The subject lands are unaddressed and are located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road. The subject lands are legally described as “Lots 39 and 40, Part of Lots 34, 35 and 38, Plan 304, Part of Block 9, Township Plan 85, Niagara, Parts 1 & 2 30R16153” in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone the subject lands to permit the development of eight (8) townhouse dwelling units and a four-storey apartment building consisting of a maximum of 24 dwelling units, in addition to implementing site-specific provisions, with common elements for a private road, visitor parking, servicing and landscaping.

Effect

The effect of this By-law is to rezone the subject lands from “Virgil Community Zoning District – Village Commercial Holding (VC-H-42) Zone” and “Virgil Community Zoning District – Residential Holding (R1-H-42) Zone” to “Residential Multiple (RM1-48) – Site Specific Zone” and “Residential Multiple (RM2-48) – Site Specific Zone,” with site-specific provisions for lot frontage, lot area, lot coverage, front yard setbacks to the property line and a private road, interior side yard setbacks, rear yard setbacks, setbacks from the rear of a dwelling unit, setbacks to a private street, driveway or parking area, distance between buildings on the same lot, total width of garage doors, building height, and encroachments into rear yard and front yard.

|                                |                                      |
|--------------------------------|--------------------------------------|
| <i>Applicant:</i>              | 2559165 Ontario Inc. (John Bufalino) |
| <i>File Number:</i>            | ZBA-09-2024                          |
| <i>Report Number:</i>          | CDS-25-023                           |
| <i>Assessment Roll Number:</i> | 262702001313304                      |

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 4316FV - 25**

Unaddressed Parcel Located South of Penner Street, East of Elden Street, North  
of Field Road, and West of Niagara Stone Road  
Roll # 262702001313304

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

**WHEREAS** the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, c.P.13*, as amended.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE** enacts as follows:

1. Schedule "A-14" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map 'A' attached to and forming part of this By-law from "Virgil Community Zoning District – Village Commercial Holding (VC-H-42) Zone" and "Virgil Community Zoning District – Residential Holding (R1-H-42) Zone" to "Virgil Community Zoning District - Residential Multiple (RM1-48) – Site Specific Zone" and "Virgil Community Zoning District - Residential Multiple (RM2-48) – Site Specific Zone"
2. That Subsection 10.12.42B and Subsection 10.12.42C of By-law 4316-09, as amended, are hereby repealed.

3. That Subsection 10.12, Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following:

**10.12.48 - Unaddressed Parcel Located South of Penner Street, East of Elden Street, North of Field Road, and West of Niagara Stone Road [RM1-48 and RM2-48]**

10.12.48.1 RM1-48 Permitted Uses

In lieu of the permitted uses contained in Subsection 10.4.1 of Zoning By-law 4316-09, as amended, only the following uses are permitted on lands identified as RM1-48 on Schedule 'A-14':

- a) *townhouse dwelling*

10.12.48.2 RM1-48 Zone Requirements

In lieu of the corresponding provisions of Subsection 10.4.2.3, and in addition to such provisions, the following provisions shall apply on the lands identified as RM1-48 on Schedule 'A-14':

|     |                               |  |
|-----|-------------------------------|--|
| (a) | Minimum lot frontage          | 59 m measured over the entire lot  |
| (b) | Minimum lot area              | 4,650 m <sup>2</sup> measured over the entire lot  |
| (c) | Maximum lot coverage          | 50% measured over the entire lot   |
| (d) | Minimum landscaped open space | 30% measured over the entire lot   |
| (e) | Minimum front yard setback    | 4.5 m from the western property line<br>4.5 m from a private lane to the front wall of a dwelling unit<br>6.0 m from a private lane to the front face of a garage<br>An attached garage shall be setback a minimum of 1 metre behind the front wall of a |

|     |  |   |
|-----|--|---|
|     |  | <p>dwelling unit on the ground floor</p> <p>The front wall of a dwelling unit shall be interpreted to be the outside wall of a building, facing the location where access is provided from a private lane, excluding the front face of a garage</p> |
| (f) | Minimum interior side yard setback                               | <p>3.5 m from the rear wall of a dwelling unit to the northern property line</p> <p>The rear wall of a dwelling unit shall be interpreted to be the outside wall opposite to and farthest from the front wall of a dwelling unit</p>                |
| (h) | Minimum rear yard setback  | 1.8 m from an end wall of a dwelling unit to the eastern property line  |
| (i) | Minimum distance between buildings located on the same lot       | 3.5 m from end wall to end wall   |
| (j) | Minimum distance between a townhouse dwelling and a parking area | 11.0 m  |
| (l) | Maximum building height  | One (1) <i>storey</i> being a maximum of 8.5 m  |
| (p) | Maximum total width of garage doors                              | 50% of the front face of a dwelling unit  |

10.12.48.3 In lieu of the corresponding provisions of Section 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections

and Encroachments, on lands identified as RM1-48 on Schedule “A-14”, the following provisions shall apply:

- a) an unenclosed and uncovered or covered porch, deck, balcony, or patio shall not project into a required front yard, side yard or rear yard
- b) unenclosed and uncovered steps may project 1.0 metres into a front yard or side yard

#### 10.12.48.4 RM1-48 Parking Space Requirements, Additional Provisions

In lieu of the provisions of Subsection 6.40 (i) and (j), the minimum interior side yard setback for a driveway shall be 0.0 metres from an abutting condominium unit line, and the minimum setback for a driveway from the western property line shall be 7.0 metres.

#### 10.12.48.5 RM2-48 Permitted Uses

In lieu of the permitted uses contained in Subsection 10.5.1 of Zoning By-law 4316-09, as amended, only the following uses are permitted on lands identified as RM2-48 on Schedule ‘A-14’:

- a) *apartment building* with a maximum of twenty-four (24) apartment dwelling units.
- b) *accessory building and structures* in accordance with Section 6.1.

#### 10.12.48.6 RM2-48 Zone Requirements

In lieu of the corresponding provisions of Subsection 10.5.2.1 of Zoning By-law 4316-09, as amended, the following provisions shall apply on the lands identified as RM2-48 on Schedule ‘A-14’:

|     |                      |   |
|-----|----------------------|---|
| (a) | Minimum lot frontage | 59 m measured over the entire lot                 |
| (b) | Minimum lot area     | 4,650 m <sup>2</sup> measured over the entire lot |

|     |                                    |   |
|-----|------------------------------------|---|
| (c) | Maximum lot coverage               | 50% measured over the entire lot  |
| (d) | Minimum landscaped open space      | 30% measured over the entire lot  |
| (e) | Minimum front yard setback         | 6.0 m<br>4.75 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 40% of the width of the front face of the apartment building  |
| (f) | Minimum interior side yard setback | 1.5 m to the southern property line<br>5.5 m to a private lane<br>0.5 m to a parking space<br>4.2 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 30% of the width of the northern face of the apartment building |
| (h) | Minimum rear yard setback          | 1.5 m<br>0.3 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 40% of the width of the rear face of the apartment building  |
| (k) | Maximum building height            | 13.0 m  |

#### 10.12.48.7 RM2-48 Parking Space Requirements

In addition to the provisions of Subsection 6.39 of Zoning By-law 4316-09, as amended, a minimum of nine (9) visitor parking spaces shall be provided on lands zoned RM2-48.

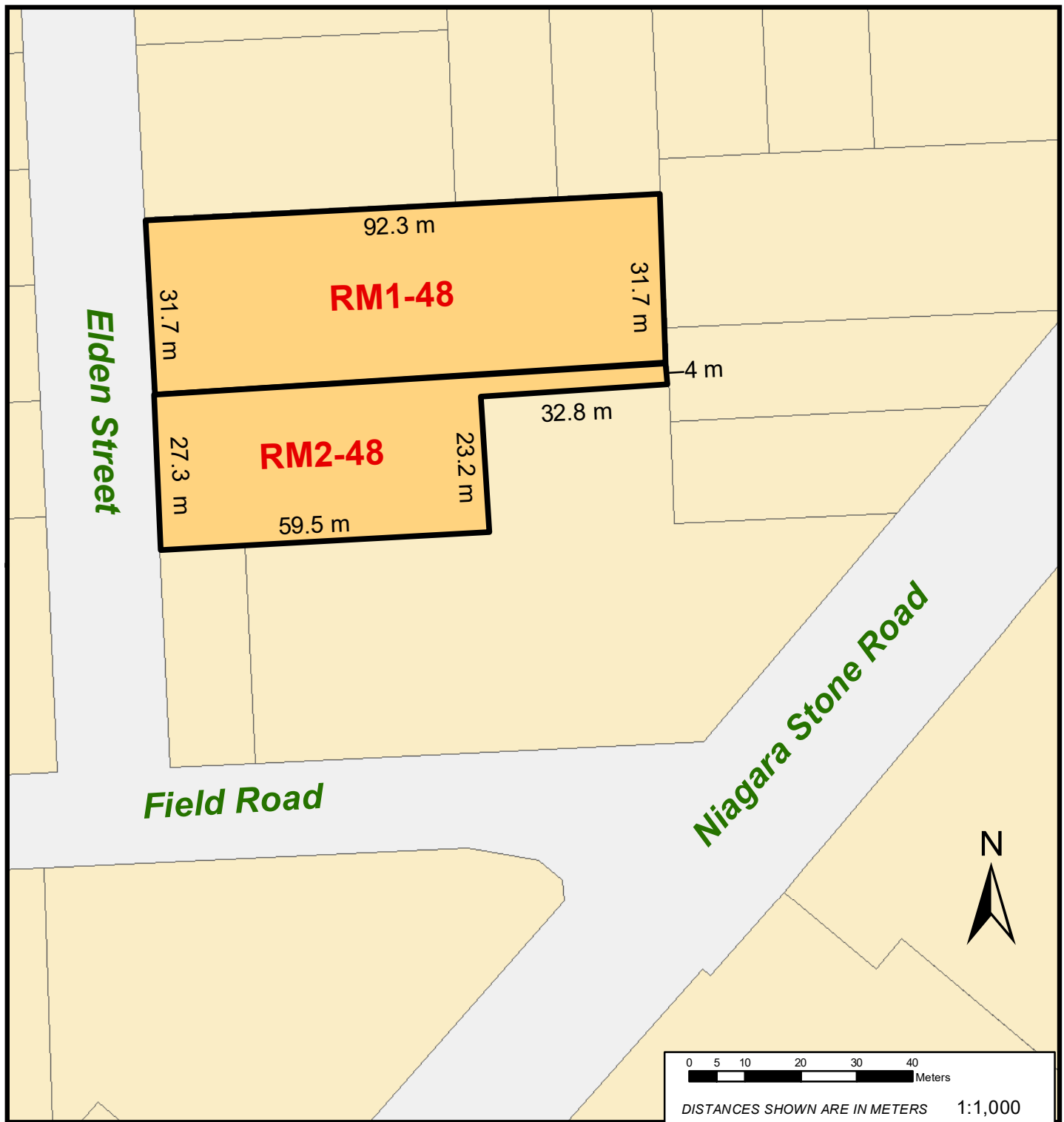
10.12.48.8 In lieu of the corresponding provisions of Section 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as RM2-48 on Schedule "A-14", the following provisions shall apply:

- a) an unenclosed and uncovered or covered porch, deck, terrace, balcony, patio or steps shall not project into a required front yard, side yard or rear yard.
- 4. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.
- 5. That this By-law shall become effective upon final approval of the related Amendment No. 100 to the Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS 25<sup>th</sup> DAY OF MARCH 2025.

\_\_\_\_\_  
LORD MAYOR GARY ZALEPA

\_\_\_\_\_  
TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316FV-25, BEING AN AMENDMENT TO SCHEDULE "A-14" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 25th DAY OF MARCH, 2025.

LORD MAYOR  
GARY ZALEPA

TOWN CLERK  
GRANT BIVOL

File: 26CD-18-24-03  
 Draft Approval Date: \_\_\_\_\_  
 Lapse Date: \_\_\_\_\_

**Town of Niagara-on-the-Lake**  
**Conditions of Draft Plan Approval of Vacant Land Condominium**

The conditions of Draft Plan Approval and Registration of the “Cornerstone Condominium” for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, File 26CD-18-24-03 are as follows:

**TOWN COMMUNITY AND DEVELOPMENT SERVICES**

1. That approval applies to the “Cornerstone Condominium” Draft Plan of Vacant Land Condominium prepared by Upper Canada Consultants, dated October 29, 2024, and printed October 29, 2024, identified as Drawing Number 22115-DP, for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, and legally described as “Lots 39 and 40, Part of Lots 34, 35 and 38, Plan 304, Part of Block 9, Township Plan 85, Niagara, Parts 1 & 2 30R16153” Town of Niagara-on-the-Lake, Regional Municipality of Niagara, showing eight (8) vacant land units for townhouse dwellings and one (1) vacant land unit for an apartment building, in addition to common elements for a private lane, servicing, landscaping and visitor parking.
  
2. That the Owner enters into one or more agreements with the Corporation of the Town of Niagara-on-the-Lake (the “Town”) agreeing to satisfy all requirements, financial and otherwise, of the Town including but not limited to the provision of services, roads, signage, grading, drainage, trees, streetlighting and sidewalks. The agreement shall also specifically prohibit development on the lands, until such time as grading and services are adequately provided, to the satisfaction of the Town.

3. That if final approval is not given to this plan within three (3) years of the draft approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake with regard to the subject lands be registered by the Town against the lands to which it applies, pursuant to the provisions of the *Planning Act*, hereinafter referred to as the "Condominium Agreement".
5. That the Owner agrees in the Condominium Agreement that any outstanding taxes will be paid prior to the registration of the final Plan of Condominium.
6. That the Owner provides a preliminary Condominium Description, in accordance with Ontario Regulation 49/01 under the *Condominium Act, 1998, S.O. 1998, c. 19*, and a letter to the Director of Community and Development Services stating how all conditions of Draft Plan Approval have been satisfied at the time of request for condition clearance.
7. That the Owner receives final approval to an Official Plan Amendment to permit an increased density for the development of the subject lands.
8. That the Owner receives final approval to a Zoning By-law Amendment to provide land use regulations for the development of the subject lands in accordance with the Draft Plan of Condominium.
9. That the Owner pays 5% cash-in-lieu of parkland dedication to the Town pursuant to the provisions of the *Planning Act* based on the total value of the subject lands as determined by

an appraisal prepared by a qualified person and approved by the Town. All costs associated with obtaining an appraisal are the responsibility of the Owner.

10. That the Owner receives final approval from the Director of Community and Development Services for a Site Plan to implement the requirements of the Draft Plan of Vacant Land Condominium.
11. That the Owner submits a detailed Landscape Plan and Planting Plan, inclusive of species and sizes of all trees proposed to be planted on the subject lands and within the Town road allowance, to identify locations for mature plantings including landscaping and trees, in addition to a Streetscape Plan for the private road internal to the development and along the subject lands Elden Street frontage within the Town road allowance, and proposed elevations for the future Site Plan Application, all to the satisfaction of the Director of Community and Development Services and the Director of Operations.
12. That the Owner agrees in the Condominium Agreement to grant to the Town any required easements for services or utilities free and clear of any mortgages, liens or encumbrances.
13. The Owner agrees to include wording in the Condominium Agreement stating that fences shall not be permitted within the common element areas located between all property lines and each of the rear condominium unit lines, as shown on the Draft Plan of Vacant Land Condominium prepared by Upper Canada Consultants, identified as Drawing Number 22115-DP. Fences shall be permitted within the exclusive use areas of the Condominium, provided that such fences comply with all in effect Town By-laws.
14. That the Owner agrees to include wording in the Condominium Agreement to install, at its own expense, a board-on-board wooden fence that spans the entire length of the northern, eastern, and southern property lines, in accordance with the Town's Fence By-law.

15. That the Owner agrees to include wording in the Condominium Agreement to obtain demolition permits from the Town for the existing structures on the subject lands, and further agrees to ensure that the existing structures are fully demolished and the lands are cleared of any debris in advance of any site preparation or construction, all at the Owners expense.
16. That the Condominium Agreement include the following clauses:
- (a) *Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism ("MCM") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*
  - (b) *In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.*
17. That the private road within the development be named to the satisfaction of the Town, in accordance with the Town's Municipal Street Naming Policy.

### **TOWN URBAN FORESTRY**

18. That the Owner agrees to include wording in the Condominium Agreement to implement the "Tree Protection Plan" completed by adesso design inc., dated November 18, 2024, as approved by Town Staff, which specifies proper precautions and protection measures

for implementation in advance of site preparation and construction.

19. That the Owner provides a replanting and replacement plan to replace trees required to be removed to facilitate development. The number of trees to be replaced, and amount of security fees will be determined by Town Staff once final tree removal requirements have been finalized. That the Owner agrees to pay any required fees set out by the Town's Urban Forestry By-law Enforcement Officer for the replacement of any trees removed from the subject lands but not replaced, in advance of any site preparation or construction occurring.
20. The Owner acknowledges that the injuring of any boundary tree is subject to an application to the Town for a permit to injure a private tree. The injuring must be carried out by, or under the supervision of, a Certified Arborist following approved industry standards. An Arborist Report must be received by the Town prior to the permit being issued, that clearly outlines the process, and that states that the tree can be safely retained following the injuring of the tree.

## **TOWN OPERATIONS**

21. That detailed design drawings with calculations for the watermain system, including required fire flows and existing system flows, be submitted to the Town's Operations Department for review and approval.
22. That detailed design drawings with calculations for the sanitary sewer system and stormwater drainage systems required to service this proposal be submitted to the Town's Operations Department for review and approval.
23. That prior to the approval of the final plan the Owner submits detailed construction plans

showing the entrance and internal road design to the Town's Operations Department for review and approval.

24. That the owner agrees to consult with Canada Post and the Town's Operations Department to determine suitable permanent locations for the community mailboxes (if required), which shall be included on the appropriate servicing plans.
25. That the Owner agrees to be responsible for 100% of the costs for the installation of a 1.5-metre wide sidewalk spanning across the entirety of the subject land's Elden Street frontage. The Owner shall provide the Town with a cost breakdown detailing the cost and quantities for this sidewalk as part of the comprehensive cost estimate being submitted for the entirety of the subject lands.
26. That the Owner agrees to be responsible for 100% of the costs for the installation of (approximately 41m according to submitted documents) storm sewer on Elden Street in order to provide the subject property with a minimum storm sewer frontage of 3 metres. The Owner shall provide the Town with a cost breakdown detailing the cost and quantities for this work as part of the comprehensive cost estimate being submitted for the entirety of the subject lands.
27. That the Owner agrees to be responsible for 50% of the costs for the improvement of existing sidewalk from the south limit of the subject property's Elden Street frontage extending to the Elden Street and Field Road intersection, which shall also be installed at a 1.5 metre width. The Owner shall provide the Town with a cost breakdown detailing the cost and quantities for this sidewalk as part of the comprehensive cost estimate being submitted for the entirety of the subject lands.
28. That the Owner agrees to the following in the Condominium Agreement:

- a) That on-street parking shall be prohibited for the proposed private road internal to the subject lands, and that the Owner be responsible for the purchase and installation of all required regulatory and street signage.
- b) That the Condominium Agreement includes a clause that the Town's Operations Department will not provide any snow plowing and/or sanding within the Condominium Corporation lands, and that the Owner must provide sufficient space to accommodate snow storage within the development lands.
- c) That the Condominium Agreement includes a statement that the private sanitary and stormwater management systems may be subject to periodic inspections by the Town's Operations Department and shall be maintained by the Condominium Corporation and if not maintained, after receiving written notice, the Town's Operations Department has the authority to enter the private lands, carry out the required repairs and charge the Condominium Corporation accordingly.
- d) That the Owner will be required to post the standard securities and cash deposits relating to primary and secondary services for both on-site and off-site works, plan reviews, site inspections (based on working days), signs and barricades, and road clean up prior to commencing the installation of any services.
- e) That all infrastructure works will be constructed to current Town specifications.
- f) That all construction plans and supporting reports will be subject to a peer review at the Owner's cost.
- g) That all proposed infrastructure will be subject to the Town's inspection at the Owner's expense including qualitative and quantitative tests made of any materials used in the

construction of any works.

- h) That the Owner agrees in the Condominium Agreement to grant to the Town any required easements for services or utilities.
- i) That a Street Lighting Design and Plan is submitted to the Town's Operations Department for review and approval.
- j) That a Streetscape Plan of the internal streets illustrating the location of on-street parking, street trees, pavement markings, community mailbox(s) locations, hydrants, regulatory and no parking signs and street lighting is submitted to the Town's Operations Department for review and approval.
- k) That all sanitary sewer, watermain and storm sewer construction will be in accordance with current Town Specifications and subject to approval by the Town's Operations Department.
- l) That a comprehensive Stormwater Management Report be submitted to the Town's Operations Department for review and approval.
- m) That a Site Alteration and Sediment Control Plan is submitted to the Town's Operations Department for review and approval.
- n) That the Owner will be required to submit an overall Lot Grading Plan to be reviewed and approved by the Town's Operation Department noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
- o) That the private internal water system shall be subject to annual inspections and maintenance by the Operations Department and that the costs associated with those

inspections and maintenance will be borne by the Condominium Corporation.

- p) That any future proposed works and/or maintenance on the private internal water system proposed to be completed by the Condominium Corporation shall be subject to review and approval by the Town's Operations Department prior to any such works taking place.
- q) That the internal private watermain system be metered in a chamber at the property line before entering the Condominium Corporation lands. The Condominium Corporation will be billed for the total amount of water read at the meter entering the development. The installation of individual water meters for each unit and/or a meter for irrigation purposes is optional.
- r) That prior to the issuance of a building permit, the Owner will verify, to the satisfaction of the Fire Chief and the Chief Building Official, the fire flow requirements for the proposed buildings, having a qualified engineer confirm that the required flows are acceptable, as well as mark all proposed hydrants with the appropriate colour flow rate identification disc.
- s) That the Owner agrees that during the construction of the development that the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).

#### **REGIONAL MUNICIPALITY OF NIAGARA**

29. That the applicant submit a Detailed Noise Study to Niagara Region and the Town of Niagara-on-the-Lake for review and approval.

30. That the Condominium Agreement between the applicant and the Town contain provisions whereby the applicant agrees to implement the recommendations of the approved Detailed Noise Study, as required in the condition above, to the satisfaction of the Town and Niagara Region.
31. That the applicant be required to modify the plan to conform to the Niagara Regional Waste Collection Policy and the Owner shall enter into an Indemnity Agreement with Niagara Region for this service. Should the owner fail to conform with this policy, the Owner shall provide a written undertaking to Niagara Region acknowledging that because the site design does not meet the Region's Waste Policy, waste collection for the development will not be provided by Niagara Region. A similar clause shall be inserted in the Condominium Agreement between the applicant and the municipality. In addition, the following warning clause shall be included in the agreement and inserted in all Agreements of Purchase and Sale or Lease for each unit:
- "Purchasers/Tenants are advised that due to the site layout, garbage pick-up for the development will be provided by the condominium corporation through a private contractor and not Niagara Region."*

### **BELL CANADA**

32. That the Condominium Agreement include the following clauses:
- (a) *"That the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada."*
- (b) *"That the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."*

- (c) *That the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development."*

### **CANADA POST**

33. The Owner shall complete to the satisfaction of the Director of Operations of the Town of Niagara on the Lake and Canada Post:

- (a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
- i. that the home/business mail delivery will be from a designated Centralized Mail Box.
  - ii. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- (b) The Owner further agrees to:
- i. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- ii. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision or condominium.
  - iv. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- (c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

**ENBRIDGE GAS INC.**

34. That the Condominium Agreement include the following clauses:

- (a) *"That the applicant shall use the Enbridge Gas Get Connected tool to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.*
- (b) *In the event that easement(s) are required to service this development, and any future adjacent developments, the Owner agrees to provide Enbridge Gas Inc. (Enbridge Gas)*

*the necessary easements at no cost and/or agreements required by Enbridge Gas for the provision of local gas services for this project, in a form satisfactory to Enbridge Gas.*

- (c) *The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.”*

**Niagara-on-the-Lake Hydro Inc.**

35. The Owner agrees to engage with Niagara-on-the-Lake Hydro Inc. regarding the electrical requirements for the proposed development.

**Clearance of Conditions**

Prior to granting final approval for the condominium plan, the Town of Niagara-on-the-Lake Community and Development Services Department requires **written notification** from the following agencies that their respective conditions have been met satisfactorily.

| <b>Department or Agency</b>           | <b>Conditions</b> |
|---------------------------------------|-------------------|
| Town Community & Development Services | 1 - 17            |
| Town Urban Forestry                   | 18 - 20           |
| Town Operations                       | 21 - 28           |
| Niagara Region                        | 29 - 31           |
| Bell Canada                           | 32                |
| Canada Post                           | 33                |
| Enbridge Gas                          | 34                |
| Niagara-on-the-Lake Hydro             | 35                |

Clearance of the conditions of final approval should be coordinated with the following contacts:

| <b>Department or Agency</b>             | <b>Contact Name</b>  | <b>Address</b>   | <b>Phone</b>   | <b>Email</b>              |
|---|--|--|----------------|---------------------------|
| Town Community and Development Services | Kirsten McCauley,<br>Director of<br>Community &<br>Development<br>Services | 1593 Four Mile Creek<br>Road, P.O. Box 100,<br>Virgil, ON, L0S 1T0 | (905) 468-3266 | kirsten.mccauley@notl.com |

|                                    |   |   |                |                                |
|------------------------------------|---|---|----------------|--------------------------------|
| Town Operations Department         | Darren MacKenzie, Director of Public Works                | 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0  | (905) 468-3266 | darren.mackenzie@notl.com      |
| Town Fire and Emergency Services   | Jay Plato, Fire Chief                                     | 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0  | (905) 468-3266 | jay.plato@notl.com             |
| Town Corporate Services Department | Grant Bivol, Town Clerk                                   | 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0  | (905) 468-3266 | clerks@notl.com                |
| Town Urban Forestry                | Harry Althorpe, Urban Forestry By-law Enforcement Officer | 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0  | (905) 468-3266 | Harry.Althorpe@notl.com        |
| Niagara Region                     | Amy Shanks, Senior Planner                                | 1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7 | (905) 980-6000 | amy.shanks@niagararegion.ca    |
| Enbridge Gas                       | Willie Cornelio, Sr Analyst Municipal Planning            | 500 Consumers Road, North York, ON M2J 1P8                    | (416)-495-6411 | municipalplanning@enbridge.com |
| Bell Canada                        | Juan Corvalan, Senior Manager, Municipal Liaison          |   | (416) 570-6726 | planninganddevelopment@bell.ca |
| Niagara-on-the-Lake Hydro          | Kevin Sidey, Senior Engineering Technologist              | 8 Henegan Road, PO Box 460, Virgil, ON, L0S 1T0               | (905) 468-7343 | ksidey@notlhydro.com           |

### Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.

## Public Works, Growth Management and Planning

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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### Via Email Only

January 24, 2025

File Number: PLOPA202400845  
PLZBA202400844  
PLCD202400843

John Federici, MCIP, RPP  
Senior Planner  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100, Virgil, ON L0S 1T0

Dear Mr. Federici:

**Re: Regional and Provincial Comments  
Official Plan Amendment, Zoning By-law Amendment and Draft Plan of  
Vacant Land Condominium Applications  
Town File Number: OPA-03-2024, ZBA-09-2024, and 26CD-18-24-03  
Applicant: 2559165 Ontario Inc. (John Bufalino)  
Agent: J. Vida Consulting Ltd. (Jennifer Vida)  
Address: 1570 Niagara Stone Road  
Town of Niagara-on-the-Lake**

---

Regional Growth Management and Planning staff have reviewed the information circulated with the revised applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for lands municipally known as 1570 Niagara Stone Road in the Town of Niagara-on-the-Lake.

The revised applications are proposed to facilitate the development of 8 townhouse dwellings and a four-storey apartment building with 24 units on the subject lands.

The subject lands are currently designated Service Commercial and Low Density Residential in the Town's Official Plan. The revised Official Plan Amendment proposes to re-designate the subject lands to Medium Density Residential, with site-specific provisions permitting up a density of up to 80 units per hectare, and visitor parking to be within the interior yard, to allow for the the proposed development.

The subject lands are currently zoned site-specific Residential 1 (R1) and site-specific Village Commercial (VC). The revised Zoning By-law Amendment proposes to rezone

the subject lands to a Residential Multiple 2 (RM2) zone, with site-specific provisions which would permit block townhouse dwellings, as well as various other modified zoning standards, on the subject lands.

The Draft Plan of Vacant Land Condominium, prepared by Upper Canada Consultants (dated October 29, 2024), proposes to create 8 townhouse blocks (Blocks 1-8), one block (Block 15) for the apartment building, and a common element block that will contain a private roadway, landscaped areas, and exclusive use areas for the townhouse driveways.

A pre-consultation meeting for this proposal was held on June 15, 2023. Previous Regional comments regarding the applications were provided in a letter dated July 25, 2024. The applications have since been revised to address initial comments provided by Town and Regional staff.

The following Provincial and Regional comments are provided to assist the Town in considering the revised applications from a Provincial and Regional perspective.

## **Provincial and Regional Policies**

The subject lands are located within a Settlement Area under the Provincial Planning Statement (PPS) and designated Delineated Built-Up Area under the Niagara Official Plan (NOP).

The PPS directs growth to Settlement Areas, which are to be the focus of growth and development and encourages land use patterns based on densities and a mix of land uses that efficiently use land and resources, optimize existing and planned infrastructure and public service facilities, and support active transportation.

The NOP identifies that forecasted population growth will be primarily accommodated through intensification this area. To support the achievement of forecasted growth for Niagara Region as a whole, the NOP directs municipalities to develop strategy and policies for managing population and employment growth, including those designed to achieve minimum residential intensification targets specified for each municipality. The proposed development, which will result in the creation of 8 townhouse dwellings and 24 apartment units, will contribute to the Town of Niagara-on-the-Lake's minimum residential intensification target of 25% allocated in the NOP, as well as the overall mix of housing types and densities within the Town of Niagara-on-the-Lake's Urban Area.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and design interface with neighbouring land uses are local planning matters and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff.

## Noise Impacts

The subject lands are located in close proximity to Regional Road 55 (Niagara Stone Road), as well existing commercial/industrial uses and commercially-zoned lands. The applications propose to redesignate and rezone the subject lands to permit sensitive, residential land uses). Policy 3.5.1 of the PPS and Policy 4.2.4.2 of the NOP require that major facilities and sensitive land uses “be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities...”. Further, the Regional Road Traffic Noise Control Policy (PW5.NO1.0) requires that all development applications for sensitive uses along existing Regional Roads be considered for noise abatement features. To implement these policies, the MECP’s Environmental Noise Guidelines (NPC-300 guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems.

At the pre-consultation meeting, Regional staff required the submission of a noise study to evaluate impacts from nearby transportation and stationary noise sources. A Noise Impact Study, prepared by dBA Acoustical Consultants (dated September 2023) was included with the initial application submissions. At that time, Regional staff had identified that updates were required to ensure potential nearby stationary noise impacts from proximate industrial and commercial facilities were adequately addressed.

In this regard, a revised Noise Impact Study, prepared by dBA Acoustical Consultants (dated November 2024) was provided with the current application submissions. The study includes an assessment of noise impacts from nearby transportation sources (Niagara Stone Road, Four Mile Creek Road, and Line 1 Road), determining that specific noise mitigation is not required and standard Ontario Building Code (OBC) requirements for window, door and wall construction will suffice.

For stationary noise, the study assesses potential noise impacts from nearby commercial uses (Niagara Orchard & Vineyard Corp. 1550 Niagara Stone Road; Cornerstone Community Church, 1570 Niagara Stone Road; Meridian Credit Union, 1567 Niagara Stone Road; LCBO, 1561 Niagara Stone Road). Based on computer modeling, the study concludes that noise levels from these facilities will comply with NPC-300 guideline limits.

Regional staff note that a more detailed noise study will be required at the site plan stage and/or condominium approval stage, once final building and floor plans are available, to confirm the noise mitigation measures needed to address adverse noise impacts, if applicable. Conditions to implement this requirement through the future condominium agreement are included in Appendix 1.

## **Archaeological Potential**

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Section 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The subject lands are not mapped as having archaeological potential in the NOP (Schedule K). Accordingly, Regional staff did not require archaeological assessments at the pre-consultation stage.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of a standard warning clause in the condominium agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition to implement this clause in the final condominium agreement is included in Appendix 1.

The Town of Niagara-on-the-Lake also has an interest in archaeology under their Archaeological Management Plan and associated Official Plan policies. Regional staff defer to Town staff on any additional archaeological requirements they may require.

## **Stormwater Management**

The submitted revised Functional Servicing Report, prepared by Upper Canada Consultants (dated November 2024), confirms that stormwater for the development will discharge to a storm sewer on Elden Street. Accordingly, there is no Regional interest in the proposed stormwater management plan. Town staff should be satisfied that all local storm infrastructure requirements are adequately addressed.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject lands are eligible to receive Regional curbside waste and recycling collection, provided the owner brings the waste and recycling to the curbside on the designated pick-up day, and that the following limits are met:

Townhomes:

- Green – no limit (collected weekly); and
- Waste – 2 bag/can limit (collected bi-weekly).

Apartments:

- Green – no limit (collected weekly); and
- Waste – 2 bag/can limit per unit to a maximum of 24 (collected bi-weekly).

Regional staff note that there was no indication of waste/recycling collection on the plans submitted and there was no turn-around proposed on-site for the townhouse blocks.

Curbside collection would not be possible to all units, as the units at the end of the site are located further than the maximum 100 metres limit the Region requires for residents to travel to deposit their waste. Additionally, there is limited frontage along Elden Street for the placement of containers for all units. Accordingly, waste collection for the proposed development will be required to be provided by the owner through a private contractor and not Niagara Region.

A conditions of draft plan approval to address the requirement for private waste collection is included in Appendix 1.

Regional staff note that Circular Materials Ontario are responsible for the delivery of residential Blue/Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link:  
<https://www.circularmaterials.ca/resident-communities/niagara-region/>

## Conclusion

In conclusion, Regional staff have no objection to the proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium applications from a Provincial and Regional perspective, subject to the conditions outlined in Appendix 1, and any local considerations.

Subject to the conditions in Appendix 1, the proposal is consistent with the Provincial Planning Statement (PPS) and conforms to the Niagara Official Plan (NOP).

Accordingly, the Official Plan Amendment is exempt from Regional Council approval, in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Please send notice of Council's decision on these applications. If you have any questions related to the above comments, please contact me at  
[amy.shanks@niagararegion.ca](mailto:amy.shanks@niagararegion.ca).

Kind regards,

PLOPA202400845

PLZBA202400844

PLCD202400843

January 24, 2025

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A handwritten signature in black ink, appearing to read "Amy Shanks". The signature is fluid and cursive, with the first name "Amy" written in a larger, more prominent script than the last name "Shanks".

Amy Shanks, MCIP, RPP  
Senior Development Planner

cc: Phillipe Biba, Development Engineering Technologist, Niagara Region  
Maggie Ding, Stormwater Management Engineer, Niagara Region

## **Appendix 1**

### **Regional Conditions of Draft Plan of Vacant Land Condominium Approval**

#### **1570 Niagara Stone Road, Niagara-on-the-Lake**

1. That the applicant submit a Detailed Noise Study to Niagara Region and the Town of Niagara-on-the-Lake for review and approval.
2. That the condominium agreement between the applicant and the Town contain provisions whereby the applicant agrees to implement the recommendations of the approved Detailed Noise Study, as required in the condition above, to the satisfaction of the Town and Niagara Region.

3. That the following clause be included in the condominium agreement:

*“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C”.*

4. That the following clause be included in the condominium agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling:

*“Purchasers/Tenants are advised that due to the site layout, garbage pick-up for the development will be provided by the condominium corporation through a private contractor and not Niagara Region.”*

#### **Clearance of Conditions**

Prior to granting final approval, the Town of Niagara-on-the-Lake must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

#### **Condominium Agreement**

Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town.

January 7, 2025

John Federici, MCIP, RPP  
Senior Planner  
The Town of Niagara-on-the-Lake  
Community & Development Services  
1593 Four Mile Creek Road – PO Box 100  
Virgil, ON L0S 1T0

Dear John,

Re: Draft Plan of Condominium, Official Plan Amendment,  
Zoning By-law Amendment - Resubmission  
2559165 Ontario Inc.  
1570 Niagara Stone Road  
Town of Niagara-on-the-Lake  
File No.: 26CD-18-24-03, OPA-03-2024, ZBA-09-2024

Enbridge Gas does not have changes to the previously identified conditions for this revised application(s).

Please always call before you dig, see web link for additional details  
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Sincerely,



**Willie Cornelio** CET  
Sr Analyst Municipal Planning  
Engineering

ENBRIDGE  
TEL: 416-495-6411  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](http://enbridge.com)  
Safety. Integrity. Respect. Inclusion.



## DISTRICT SCHOOL BOARD OF NIAGARA

191 CARLTON ST. ▪ ST. CATHARINES, ON ▪ L2R 7P4 ▪ 905-641-1550 ▪ DSBN.ORG

August 22, 2024

John Federici, MCIP, RPP  
Senior Planner  
Community & Development Services  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100  
Virgil, ON L0S 1T0

Dear Mr. Federici,

**Re: Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium**  
**File Nos. OPA-03-2024, ZBA-09-2024, 26CD-18-24-03 - 1570 Niagara Stone Road**

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for lands located at 1570 Niagara Stone Road. We understand the applications would permit the condominium development of 14 townhouse dwellings, in addition to a four (4) storey apartment building consisting of 24 dwelling units. The Official Plan and Zoning Bylaw Amendments proposed will redesignate and rezone the lands accordingly to facilitate the development.

DSBN Planning staff has completed its review and we are satisfied that future students from this proposed development can be accommodated at the schools serving this area. Therefore, we have no objections to the applications. Future students would attend Crossroads PS (Gr. JK-8), and Laura Secord SS (Gr. 9-12).

If you have any questions, please feel free to contact Michelle McPhee, Planning Services at 905-641-2929 Ext 54228.

Stacy Veld  
Associate Director of Education, Corporate Services

## John Federici, MCIP, RPP

---

**From:** Watson & Associates Economists Ltd. <Vw@watsonecon.ca>  
**Sent:** August 14, 2024 12:43 AM  
**To:** John Federici, MCIP, RPP  
**Cc:** Clark Euale  
**Subject:** RE: New Applications - OPA-03-2024, ZBA-09-2024, 26CD-18-24-03 - 1570 Niagara Stone Road

You don't often get email from vw@watsonecon.ca. [Learn why this is important](#)

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi John,

Thank you for reaching out again. I apologise for not getting to you earlier. On review of the application and its location, I have determined that the impact to St Michael CES outside Virgil would be minor. We do not have comments to provide on behalf of Niagara Catholic DSB.

I hope this helps.

Respectfully,  
**Jordan Cook**  
Consultant

**Watson & Associates Economists Ltd.**  
[vw@watsonecon.ca](mailto:vw@watsonecon.ca)  
2233 Argentia Road, Suite 301  
Mississauga, Ontario,  
Canada L5N 2X7  
**Office:** 905-272-3600  
**Fax:** 905-272-3602

[watsonecon.ca](http://watsonecon.ca)



*My work hours may look different from your work hours. Please do not feel obligated to respond outside your normal working hours and I look forward to your response later in the week. Thank you.*

*Disclaimer: This message is for the use of the intended recipient(s) only and may contain information that is privileged, proprietary, confidential, and/or exempt from disclosure under any relevant privacy legislation. If you are not the intended recipient or authorized agent thereof, you are hereby notified that any review, retransmission, dissemination, distribution, copying, conversion to hard copy, taking of action in reliance on or other use of this communication is strictly prohibited. If you are not the intended recipient and have received this message in error, please notify the sender by return e-mail and delete or destroy all copies of this message. Warning: Although Watson & Associates Economists Ltd. has taken reasonable precautions to ensure no viruses are present in this email, the company cannot accept responsibility for any loss or damage arising from the use of this email or attachments.*

JOHN FEDERICI  
TOWN OF NIAGARA ON THE LAKE  
1593 FOUR MILE CREEK ROAD  
P.O BOX 100, VIRGIL, ON

Re: **26CD-18-24-03 - 1570 Niagara Stone Road**

Dear John,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the Town of Niagara on the Lake and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
  - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
  - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

*A. Carrigan*

Andrew Carrigan  
Delivery Planning Officer  
[Andrew.Carrigan@canadapost.ca](mailto:Andrew.Carrigan@canadapost.ca)

## **Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

---

### **Via Email Only**

July 25, 2024

File Number: PLOPA202400845

PLZBA202400844

PLCD202400843

John Federici, MCIP, RPP

Senior Planner

Town of Niagara-on-the-Lake

1593 Four Mile Creek Road

PO Box 100, Virgil, ON L0S 1T0

Dear Mr. Federici:

**Re: Regional and Provincial Comments**

**Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium Applications**

**Town File Number: OPA-03-2024, ZBA-09-2024, and 26CD-18-24-03**

**Applicant: 2559165 Ontario Inc. (John Bufalino)**

**Agent: J. Vida Consulting Ltd. (Jennifer Vida)**

**Address: 1570 Niagara Stone Road**

**Town of Niagara-on-the-Lake**

---

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the information circulated with the applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for lands municipally known as 1570 Niagara Stone Road in the Town of Niagara-on-the-Lake.

The applications are proposed to facilitate the development of 14 townhouse dwellings and a four-storey apartment building with 24 units on the subject lands.

The subject lands are currently designated Service Commercial and Low Density Residential in the Town's Official Plan. The Official Plan Amendment proposes to re-designate the subject lands to Medium Density Residential to permit the proposed development.

The subject lands are currently zoned site-specific Residential 1 (R1) and site-specific Village Commercial (VC). The Zoning By-law Amendment proposes to rezone the subject lands to a Residential Multiple 1 (RM1) zone, with site-specific provisions which

would permit an apartment building, as well as various other modified zoning standards, on the subject lands.

The Draft Plan of Vacant Land Condominium, prepared by Upper Canada Consultants (dated May 27, 2024), proposes to create 14 townhouse blocks (Blocks 1-14), one block (Block 15) for the apartment building, and a common element block that will contain a private roadway, landscaped areas, and exclusive use areas for the townhouse driveways.

A pre-consultation meeting for this proposal was held on June 15, 2023. The following Provincial and Regional comments are provided to assist the Town in considering the applications from a Provincial and Regional perspective.

**As outlined in these comments, Regional staff are currently unable to support the applications, as proposed, from a Provincial and Regional perspective. An updated noise study addressing stationary noise impacts is required to determine whether the proposed applications are consistent with, and conform to, Provincial and Regional policies guiding land use compatibility and adverse noise impacts.**

## **Provincial and Regional Policies**

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population. The proposed development is considered infill development and will result in residential intensification within the Built-Up Area. To support the achievement of forecasted growth for Niagara Region as a whole required under the Growth Plan, the NOP directs municipalities to develop strategy and policies for managing population and employment growth, including those designed to achieve minimum residential intensification targets specified for each municipality. The proposed development, which will result in the creation of 14 townhouse dwellings and 24 apartment units, will contribute to the Town of Niagara-on-the-Lake's minimum residential intensification target of 25% allocated in the NOP, as well as the overall mix of housing types and densities within the Town of Niagara-on-the-Lake's Urban Area.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local

compatibility considerations and design interface with neighbouring land uses are local planning matters and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff.

## Noise Impacts

The subject lands are located in close proximity to Regional Road 55 (Niagara Stone Road), as well existing commercial/industrial uses and commercially-zoned lands. The applications propose to redesignate and rezone the subject lands to permit sensitive, residential land uses. Policy 1.2.6.1 of the PPS and Policy 4.2.4.2 of the NOP require that major facilities and sensitive land uses “be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities...”. Further, the Regional Road Traffic Noise Control Policy (PW5.NO1.0) requires that all development applications for sensitive uses along existing Regional Roads be considered for noise abatement features. To implement these policies, the MECP’s Environmental Noise Guidelines (NPC-300 guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems.

At the pre-consultation meeting, Regional staff required the submission of a noise study to evaluate impacts from nearby transportation and stationary noise sources. In this regard, a Noise Impact Study, prepared by dBA Acoustical Consultants (dated September 2023) was submitted with the applications. The study only includes an assessment of noise impacts from nearby transportation sources (Niagara Stone Road, Four Mile Creek Road, and Line 1 Road), determining that specific noise mitigation is not required and standard Ontario Building Code (OBC) requirements for window, door and wall construction will suffice.

Regarding noise impacts from nearby stationary sources, the report states: “To the east and south are small commercial buildings. These commercial properties are considered stationary noise sources and they will not have an acoustical impact on the proposed development”. The report does not include any further assessment or discussion to indicate how this conclusion was derived.

Regional staff note that an existing agricultural warehousing/distribution facility (Niagara Orchard & Vineyard Corp.) is located at 1550 Niagara Stone Road. This facility includes several loading docks which border Field Road and are only separated from the subject lands by the parking lot of the adjacent church. Given the proximity to the subject lands, and lack of intervening development, it is reasonable to conclude that noise impacts to the subject lands from this facility may occur. NPC-300 guidelines specifically identify routine loading and unloading facilities as stationary noise sources which require assessment. Staff note that there are other existing commercial facilities located along

Niagara Stone Road which may have HVAC or other external equipment and/or activities that may impact the subject lands as well.

Regional staff are unable to confirm the proposed redesignation/rezoning to permit sensitive residential land uses on the subject lands will conform to Provincial and Regional policies guiding land use compatibility and noise impacts until an updated noise study is submitted, which includes a detailed assessment of all nearby stationary noise sources. This will be required prior to the approval of the Official Plan and Zoning By-law Amendments, as changes to the overall site design may need to be implemented through these instruments to address adverse noise impacts arising from the nearby stationary noise sources.

Town staff have identified that the property located at 10 Field Road, which borders the subject lands, is zoned Village Commercial (VC), which would allow for a variety of commercial uses, including, but not limited to, automobile sales and service establishment, automobile service station, building supply outlet, farm implement dealer, gas bar, car wash, restaurant/take-out restaurant. The updated noise study should also address any potential mitigation and/or other requirements that may need to be implemented through the proposed development to ensure compatibility is achieved if/when these uses are established in the future.

Regional staff note that the Regional Road Traffic Noise Control Policy requires that sound level predictions for future road traffic be based on a 20-year AADT forecast. The submitted noise study includes only a 13-year forecast (projected to 2034). The study should therefore also be updated to include a 20-year forecast from projected construction completion.

Appropriate conditions to implement the recommendations of the updated noise study through the final condominium agreement will be provided once received and reviewed by Regional staff.

## **Archaeological Potential**

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Section 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The subject lands are not mapped as having archaeological potential in the NOP (Schedule K). Accordingly, Regional staff did not require archaeological assessments at the pre-consultation stage.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of a standard warning clause in the condominium agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition to implement this clause in the final condominium agreement is included in Appendix 1.

The Town of Niagara-on-the-Lake also has an interest in archaeology under their Archaeological Management Plan and associated Official Plan policies. Regional staff defer to Town staff on any additional archaeological requirements they may require.

## **Stormwater Management**

The submitted Functional Servicing Report, prepared by Upper Canada Consultants (dated March 2024), confirms that stormwater for the development will discharge to a storm sewer on Elden Street. Accordingly, there is no Regional interest in the proposed stormwater management plan. Town staff should be satisfied that all local storm infrastructure requirements are adequately addressed.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject lands are eligible to receive Regional curbside waste and recycling collection, provided the owner brings the waste and recycling to the curbside on the designated pick-up day, and that the following limits are met:

Townhomes:

- Green – no limit (collected weekly); and
- Waste – 2 bag/can limit (collected bi-weekly).

Apartments:

- Green – no limit (collected weekly); and
- Waste – 2 bag/can limit per unit to a maximum of 24 (collected bi-weekly).

Regional staff note that there was no indication of waste/recycling collection on the plans submitted and there was no turn-around proposed on-site for the townhouse blocks.

Curbside collection would not be possible to all units, as the units at the end of the site are located further than the maximum 100 metres limit the Region requires for residents

to travel to deposit their waste. Additionally, there is limited frontage along Elden Street for the placement of containers for all units. Accordingly, waste collection for the proposed development will be required to be provided by the owner through a private contractor and not Niagara Region.

A conditions of draft plan approval to address the requirement for private waste collection is included in Appendix 1.

Regional staff note that Circular Materials Ontario are responsible for the delivery of residential Blue/Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link:

<https://www.circularmaterials.ca/resident-communities/niagara-region/>

## Conclusion

In conclusion, Regional staff note that an updated noise study is required in order to complete a fulsome review of the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium applications' consistency with the Provincial Policy Statement (PPS), and conformity with Provincial Plans and the Niagara Official Plan (NOP). Accordingly, Regional staff recommend that the applications not be considered by the Town until such time as Regional staff have reviewed and commented on the requested updated noise study, which should include a detailed assessment of all existing/planned nearby stationary noise sources, and a 20-year forecast from projected construction completion. Additional comments will be provided upon review of the above requested information.

A list of preliminary Regional conditions for the proposed Draft Plan of Condominium application are included in Appendix I for the information of Town staff and the applicant. Additional conditions may also be requested to address land use compatibility/noise impacts once the required updated noise study has been submitted. Regional staff do not recommend Draft Plan of Condominium approval at this time.

Regional staff are available to engage in additional discussions with the applicant and the Town regarding these requirements, as needed. If you have any questions related to the above comments, please contact me at [amy.shanks@niagararegion.ca](mailto:amy.shanks@niagararegion.ca).

Kind regards,



Amy Shanks, MCIP, RPP  
Senior Planner

*PLOPA202400845*

*PLZBA202400844*

*PLCD202400843*

*July 25, 2024*

---

cc: Pat Busnello, Manager of Development Planning, Niagara Region  
Phillipe Biba, Development Engineering Technologist, Niagara Region  
Maggie Ding, Stormwater Management Engineer, Niagara Region  
Aimee Alderman, Manager of Planning, Town of Niagara-on-the-Lake

## Appendix 1

### Preliminary Regional Conditions of Draft Plan of Vacant Land Condominium Approval

#### 1570 Niagara Stone Road, Niagara-on-the-Lake

Please note that the following Conditions of Draft Plan Approval are provided for information only to assist the applicant and Town staff in their review of comments. This does not represent a full list of conditions and these conditions are subject to change. The Region does not recommend Draft Plan of Condominium approval at this time.

1. That the following clause be included in the condominium agreement:

*“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C”.*

2. That the following clause be included in the condominium agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling:

*“Purchasers/Tenants are advised that due to the site layout, garbage pick-up for the development will be provided by the condominium corporation through a private contractor and not Niagara Region.”*

#### Clearance of Conditions

Prior to granting final approval, the Town of Niagara-on-the-Lake must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

#### Condominium Agreement

Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of

conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town.

## John Federici, MCIP, RPP

---

**From:** AMIN Pranav <Pranav.Amin1@HydroOne.com>  
**Sent:** July 12, 2024 3:18 PM  
**To:** John Federici, MCIP, RPP  
**Subject:** Niagara-on-the-Lake - 1570 Niagara Stone Road - 26CD-18-24-03

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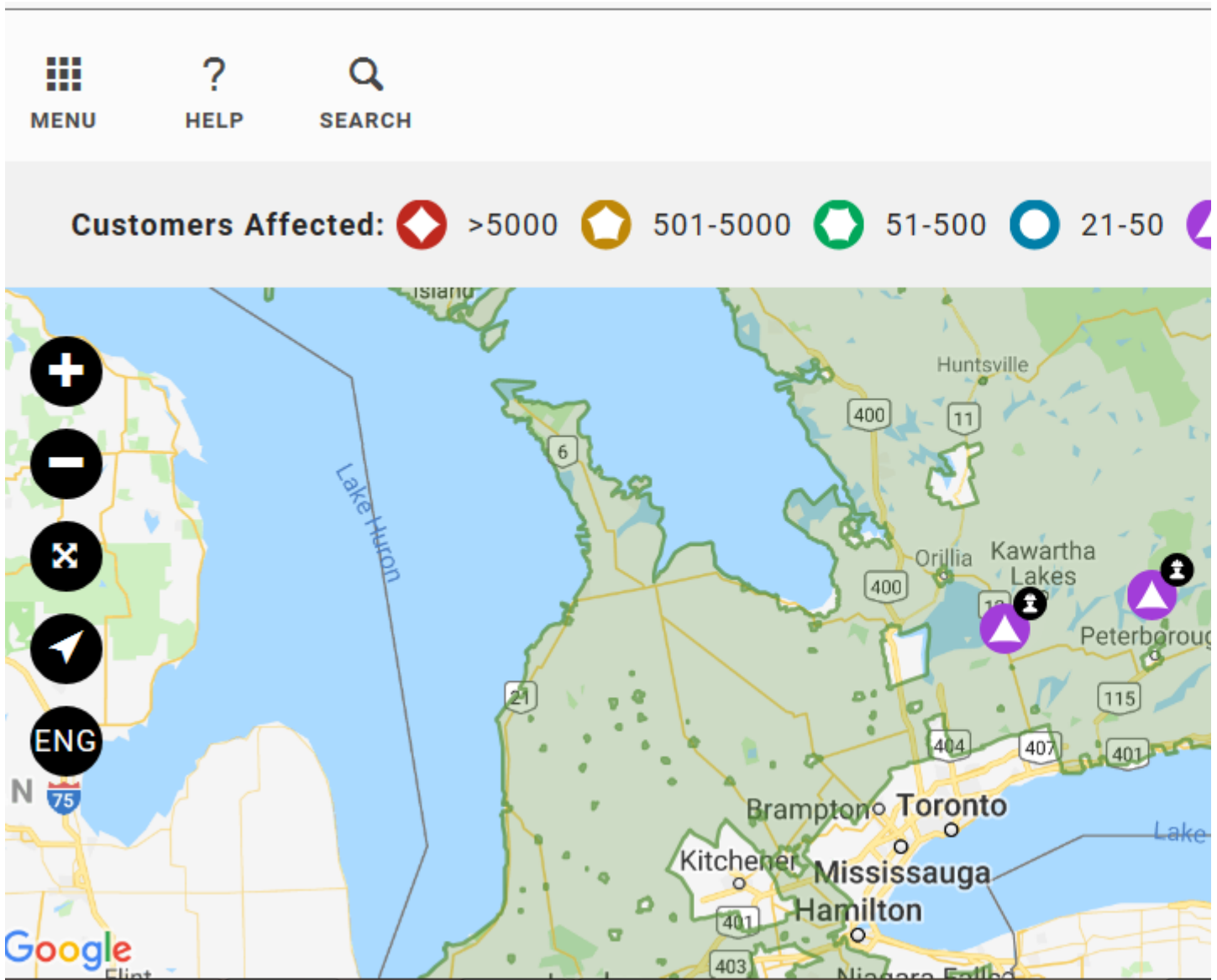
Hello,

We are in receipt of your Plan of Condominium application, 26CD-18-24-03 dated July 4<sup>th</sup>, 2024. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [Subdivision@HydroOne.com](mailto:Subdivision@HydroOne.com) or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:  
[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

**Dennis De Rango**

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: [Dennis.DeRango@HydroOne.com](mailto:Dennis.DeRango@HydroOne.com)

## John Federici, MCIP, RPP

---

**From:** PrimeCities <WSP.PrimeCities@wspdigitalfactory.com>  
**Sent:** July 8, 2024 6:01 AM  
**To:** John Federici, MCIP, RPP  
**Subject:** OPA (OPA-03-2024), ZBLA (ZBA-09-2024) and Draft Plan of Condominium (26CD-18-24-03), 1570 Niagara Stone Rd., Niagara-on-the-Lake

You don't often get email from wsp.primecities@wspdigitalfactory.com. [Learn why this is important](#)

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**7/8/2024**

**John Federici**

**Niagara-on-the-Lake**

**Niagara-on-the-Lake (Town)**

**Attention: John Federici**

**Re: OPA (OPA-03-2024), ZBLA (ZBA-09-2024) and Draft Plan of Condominium (26CD-18-24-03), 1570 Niagara Stone Rd., Niagara-on-the-Lake; Your File No. 26CD-18-24-03,ZBA-09-2024,OPA-03-2024**

**Our File No. DTS: 39288 / Circ: 42793**

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

**Bell Canada Condition(s) of Approval**

1) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

2) The Owner agrees that should any conflict arise with existing Bell Canada facilities

where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

#### **Concluding Remarks:**

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

Should you have any questions, please contact the undersigned.

Yours Truly,



Juan Corvalan  
Senior Manager - Municipal Liaison  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca).

July 8, 2024

John Federici, MCIP, RPP  
Senior Planner  
The Town of Niagara-on-the-Lake  
Community & Development Services  
1593 Four Mile Creek Road – PO Box 100  
Virgil, ON L0S 1T0

Dear John,

Re: Draft Plan of Condominium, Official Plan Amendment, Zoning By-law Amendment  
2559165 Ontario Inc.  
1570 Niagara Stone Road  
Town of Niagara-on-the-Lake  
File No.: 26CD-18-24-03

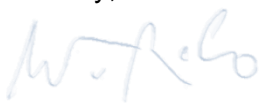
Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:  
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

The Owner agrees to provide Enbridge Gas Inc. (Enbridge Gas) the necessary easements at no cost and/or agreements required by Enbridge Gas for the provision of local gas services for this project, in a form satisfactory to Enbridge Gas.

Sincerely,



**Willie Cornelio** CET  
Sr Analyst Municipal Planning  
Engineering

ENBRIDGE  
TEL: 416-495-6411  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](https://www.enbridge.com)  
Safety. Integrity. Respect. Inclusion.

**John Federici, MCIP, RPP**

---

**From:** Kenneth Enns <[REDACTED]>  
**Sent:** November 19, 2024 12:25 PM  
**To:** John Federici, MCIP, RPP  
**Cc:** Harry Althorpe  
**Subject:** Re: Cornerstone Townhouses North East Boundary Marker  
**Attachments:** 23-201\_1570 Niagara Stone Road - Landscape ZBA 2 Submission (2024-11-18).pdf

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Good Afternoon John,

I appreciate trees #56, #57 and #58 on my neighbours property identified and included on the updated Tree Protection Plan. The responses don't mention the white spruce, tree #59, The updated TPP identifies it as a saved tree, just like to ensure it isn't mistakenly cut down.

To be clear, the fence that encroaches onto Cornerstone lands is not the reason I thought the trees were improperly identified. The fence is at quite an angle, there's little doubt it's on Cornerstone property.

I was unaware trees #58 and #59 were not shown on the original TPP when matching trees in my neighbours yard with what was shown on the TPP.

Thank you for keeping me informed.

Ken

On Nov 19, 2024, at 10:14 AM, John Federici, MCIP, RPP <john.federici@notl.com> wrote:

Morning Kenneth,

Further to the correspondence below, please see attached the updated Tree Protection Plan ("TPP") and Landscape Plan which was sent to me today. The full resubmission has not been provided or posted on the Town's website yet, but I wanted to send this along as I know you have concerns.

Below are the responses I received to the comments you provided:

1. "There were trees on the neighbouring lands that were not originally identified on the TPP. They were not identified as they do not meet the Town's tree by-law size regulation of 12.5cm DBH. Nonetheless, we've now identified them for

illustration purposes to address the comments, so #56, #57 & #58 on the adjacent lands are identified, though they do not meet the size regulation of the Tree By-law and are voluntarily included.

2. Tree #50 is on the subject lands, not the neighbouring lands. As I noted below, I assume the neighbour thought they were improperly identified because their fence was constructed on an angle, encroaching onto the Cornerstone lands."

If you have any further comments, please let me know.

Regards,

**John Federici, MCIP, RPP**  
**Senior Planner**

john.federici@notl.com

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
**Telephone:** (905) 468-3266  
**Website:** www.notl.com

---

**From:** Kenneth Enns <[REDACTED]>  
**Sent:** October 4, 2024 10:10 AM  
**To:** John Federici, MCIP, RPP <john.federici@notl.com>  
**Cc:** Harry Althorpe <Harry.Aldhorpe@notl.com>  
**Subject:** Re: Cornerstone Townhouses North East Boundary Marker

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Thank you both for all your help.

Kenneth Enns

On Oct 4, 2024, at 10:03 AM, John Federici, MCIP, RPP  
<[john.federici@notl.com](mailto:john.federici@notl.com)> wrote:

Thanks for confirming Harry - I have passed along this message to the applicant.

Regards,

**John Federici, MCIP, RPP**  
**Senior Planner**

john.federici@notl.com

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
**Telephone:** (905) 468-3266  
**Website:** [www.notl.com](http://www.notl.com)

---

**From:** Harry Althorpe <[Harry.Althorpe@notl.com](mailto:Harry.Althorpe@notl.com)>  
**Sent:** October 4, 2024 9:26 AM  
**To:** John Federici, MCIP, RPP <[john.federici@notl.com](mailto:john.federici@notl.com)>; Kenneth Enns  
[REDACTED]  
**Subject:** RE: Cornerstone Townhouses North East Boundary Marker

Hi John,

Yes, the footnotes are valid and correct. Tree ownership does need to be accurately depicted on the TPP though, so if tree #50 is not completely on the subject site as stated, that must be updated. If the White Spruce mentioned is within 6m of the property line, it also needs to be added to the TPP.

Thank you

**Harry Althorpe**  
**By-Law Enforcement Officer - Urban Forestry**

Harry.Althorpe@notl.com

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
**Telephone:** (905) 468-3266  
**Website:** [www.notl.com](http://www.notl.com)

---

**From:** John Federici, MCIP, RPP <[john.federici@notl.com](mailto:john.federici@notl.com)>  
**Sent:** Friday, October 4, 2024 9:00 AM  
**To:** Kenneth Enns <[REDACTED]>  
**Cc:** Harry Althorpe <[Harry.Althorpe@notl.com](mailto:Harry.Althorpe@notl.com)>  
**Subject:** RE: Cornerstone Townhouses North East Boundary Marker

Morning Kenneth,

Thanks for bringing this to our attention. I have copied Harry Althorpe, the Town's Urban Forestry By-law Officer, for his input and to confirm whether

my thinking is correct below. Harry, for context, this is the OPA, ZBA and Draft Plan of Condo applications under review at 1570 Niagara Stone Road.

The footnotes of the attached Tree Protection Plan state that no trees shall be removed prior to municipal approvals of the Tree Management/Tree Preservation Plan. It further states that boundary trees are protected under the Ontario Forestry Act and that boundary trees are considered co-owned property. The Forestry Act indicates that it is a prosecutable offense for one co-owner to injure or cut down a boundary tree without the co-owners permission. Written permission from the neighboring property owner is required prior to removal or injury of any boundary tree, or any tree that is not fully on the subject property.

Harry – can you please confirm the validity of these footnotes? Please also advise whether the Tree Protection Plan would require revision to reflect Ken's observation, perhaps through a separate email so that I can pass that along to the applicant if needed.

Ken – if Harry confirms the above is correct, I don't think this is a cause for concern as the applicant would require written permission from yourself prior to removal or injury of a boundary tree or tree on your property.

Hope this helps.

Regards,

**John Federici, MCIP, RPP**  
**Senior Planner**

john.federici@notl.com

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
**Telephone:** (905) 468-3266  
**Website:** [www.notl.com](http://www.notl.com)

---

**From:** Kenneth Enns [REDACTED]  
**Sent:** October 3, 2024 1:54 PM  
**To:** John Federici, MCIP, RPP <[john.federici@notl.com](mailto:john.federici@notl.com)>  
**Subject:** Re: Cornerstone Townhouses North East Boundary Marker

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Good afternoon John,

Thank you for sending the *30R Plan*, it helped locate the survey marker at the N/E corner of the property.

The survey marker confirms tree #50, the Eastern White Cedar, on is clearly on my neighbours property, Lot 34 - Part 2.

In addition, there is a White Spruce on the north side of the survey marker that is not identified on *Tree Protection Plan L-1*. This White Spruce is also on my neighbours property.

Could the *Tree Protection Plan* be updated to include this White Spruce, and show the correct location of these trees on the north side of the boundary?

It's important the trees on the neighbours property, Lot 34 - Part 2, are not cut down by the applicant.

For clarity, I put an orange stake next to the survey marker.

Thank you,  
Ken

On Oct 1, 2024, at 12:34 PM, Kenneth Enns  
<[REDACTED]> wrote:

Good afternoon John,

I scrolled back to September 17<sup>th</sup> and the email you sent was in my Junk folder. This explains why I missed it. Not sure why Hotmail would do that, your contact information is up to date, but my apologies.

I have reason to believe at least one of the coniferous trees slated to be cut down may not be located on the applicant's property, but on my neighbour's property, Lot 34. A boundary stake is crucial to confirm this.

Thank you,  
Ken

---

**From:** John Federici, MCIP, RPP <[john.federici@notl.com](mailto:john.federici@notl.com)>  
**Sent:** October 1, 2024 8:47 AM  
**To:** Kenneth Enns <[REDACTED]>  
**Subject:** RE: Cornerstone Townhouses North East Boundary Marker

Hi Kenneth,

I had provided a response on September 17<sup>th</sup> – please see attached.

The applicant has advised that they are not planning to stake the boundaries.

If you have any other questions, please let me know.

Regards,

**John Federici, MCIP, RPP**  
**Senior Planner**

john.federici@notl.com

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
**Telephone:** (905) 468-3266  
**Website:** [www.notl.com](http://www.notl.com)

---

**From:** Kenneth Enns <[REDACTED]>  
**Sent:** September 30, 2024 12:39 PM  
**To:** John Federici, MCIP, RPP <[john.federici@notl.com](mailto:john.federici@notl.com)>  
**Subject:** Re: Cornerstone Townhouses North East Boundary Marker

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Good afternoon John,

Has the applicant indicated when the property stake will be identified?

Thanks,  
Ken

On Sep 12, 2024, at 10:39 AM, Kenneth Enns  
<[kenns@hotmail.com](mailto:kenns@hotmail.com)> wrote:

Thanks John.

Yes, I'm asking for the boundary stake to be identified on the property.

Much appreciated,  
Ken

On Sep 12, 2024, at 10:05 AM,  
John Federici, MCIP, RPP  
<[john.federici@notl.com](mailto:john.federici@notl.com)> wrote:

Morning Ken,

Thank you for your comment.

To be clear, are you asking for the boundary stake to be identified on the property? I can follow up with the applicant once you confirm.

Regards,

**John Federici, MCIP, RPP**  
**Senior Planner**

[john.federici@notl.com](mailto:john.federici@notl.com)

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
**Telephone:** (905) 468-3266  
**Website:** [www.notl.com](http://www.notl.com)

---

**From:** Kenneth Enns

<[REDACTED]>

**Sent:** September 12, 2024 9:41 AM

**To:** John Federici, MCIP, RPP

<[john.federici@notl.com](mailto:john.federici@notl.com)>

**Subject:** Cornerstone Townhouses  
North East Boundary Marker

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Good morning John,

The North East boundary stake is not visible. Could the surveyor please identify the stake.

Thank you,  
Ken

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**John Federici, MCIP, RPP**

---

**From:** John Federici, MCIP, RPP  
**Sent:** August 23, 2024 9:38 AM  
**To:** Kenneth Enns  
**Subject:** RE: Comments and questions for public meeting

Morning Kenneth,

I have passed along your comments to Jennifer Vida of Hummel Properties, and she has advised that the grass at the northeast end of the property will be cut as soon as possible.

Thank you for bringing this to our attention. If there are any other issues, please let me know and I will pass the message along to Jennifer.

Have a nice weekend,

**John Federici, MCIP, RPP**  
**Senior Planner**

john.federici@notl.com

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
**Telephone:** (905) 468-3266  
**Website:** www.notl.com

---

**From:** John Federici, MCIP, RPP  
**Sent:** Thursday, August 8, 2024 2:12 PM  
**To:** Kenneth Enns <[REDACTED]>  
**Subject:** RE: Comments and questions for public meeting

Hi Kenneth,

Thank you for your comments and questions. I have filed them and they will be considered as part of the review of the applications at 1570 Niagara Stone Road.

I have responded as best as I can to the questions you have asked. Please see my responses in **green** below.

If you have any other comments or questions, please let me know.

Regards,

**John Federici, MCIP, RPP**  
**Senior Planner**

john.federici@notl.com

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
**Telephone:** (905) 468-3266  
**Website:** [www.notl.com](http://www.notl.com)

---

**From:** Kenneth Enns <[REDACTED]>  
**Sent:** Wednesday, August 7, 2024 3:05 PM  
**To:** John Federici, MCIP, RPP <[john.federici@notl.com](mailto:john.federici@notl.com)>  
**Subject:** Comments and questions for public meeting

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Good afternoon John,

Further to our conversation last Wednesday July 31, some comments and questions for the Clerks Department to include at the September 10th public meeting.

The proposal at last year's severance meeting was for single family detached homes along the north side of the property. Based on that, I made no objections at that meeting. How did it go from single family detached to 14 townhouses?

The Consent application was to sever the lands from the Cornerstone Church property. It is my understanding that no development was proposed at that point in time.

The Teams open house did not include back and side elevation drawings. Please make these available?

All of the application documents are posted on the Town's website here: [1570 Niagara Stone Road \(OPA-03-2024, ZBA-09-2024, and 26CD-18-24-03 - Corner Stone Condominium\) | Town of Niagara-on-the-Lake \(notl.com\)](#)

The elevations for the proposed apartment building are here: <https://www.notl.com/media/5006>

What is the height of the proposed townhouses?

The height of the proposed townhouses appear to be 9.76 metres. Drawings are available at the link provided above.

Are balconies proposed for the north side?

Yes, it appears that balconies are proposed on all sides of the apartment building. Please see drawings in the link above.

Can we have assurances the 5 evergreen trees at the east end of the north boundary will not be cut down? They provide invaluable natural privacy. 2 pictures attached.

It appears that the 5 evergreen trees you are referring too are proposed to be removed. However, there are new plantings proposed. See the Tree Protection Plan and Landscape Plan here: <https://www.notl.com/media/5015>

The grass at the N/E end of the property has not been cut since the developer took possession. The weeds in one area are over 5' high. See pictures.

This is not relevant to the development applications. Please contact by-law enforcement if you'd like to file a complaint.

Thanks again for your time last Wednesday. Please let me know if there is anything else you need from me.

Ken Enns

## John Federici, MCIP, RPP

---

**From:** Dorothy Froese <[REDACTED]>  
**Sent:** September 6, 2024 10:20 AM  
**To:** John Federici, MCIP, RPP; Clerks  
**Subject:** Files OPA-03-2024, ZBA-09-2024 and 26CD-18-24-03 (Corner Stone Condominium)  
1570 Niagara Stone Road, Niagara on the Lake

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

## Town of Virgil

Re: Proposed development known as Cornerstone Development  
1570 Niagara Stone Road  
Virgil, Ontario,  
L0S 1T0

Dorothy Froese  
5 Elden Street  
P.O. Box 347,  
Virgil, Ontario  
L0S 1T0  
[REDACTED]  
[REDACTED]

September 6, 2024

Mr. John Federici,  
Senior Planner Town of Niagara on the Lake,  
1593 Four Mile Creek Road.  
P.O. Box 100,  
Virgil, Ontario  
L0S 1T0  
905-468-6441

Lord Mayor Gary Zalepa and Council Members  
1593 Four Mile Creek Road,

P.O. Box 100,  
Virgil, Ontario  
L0S 1T0

My name is Dorothy Froese, my address is 5 Elden Street, I live directly across the street from the proposed cornerstone Condo Development.

I would like to say I am NOT apposed to development, IF the development makes sense. I have no concerns regarding the proposed townhomes, I believe they do conform with the existing homes in the area, each proposed unit provides 2 car park spaces and is 2 storeys very similar to the existing homes in the area of approximately 20' in height.

I do however, have an issue and a huge concern regarding the 52' high condo/apartment building 4 storeys plus the roof top terrace making this building actually 5 stories in height at least, depending on how high they decide to build it above ground level. These units will be towering over ALL the existing residential homes in the area completely destroying the peace and privacy of the residents who live here.

According to a 2021 study by Global Database a Canadian website the average household size is 2.51 persons. Based on 24 family units, it is estimated that 45-60 people could be living in this proposed condo/apartment building. The plan has designated 1 parking spot per household for the condo's/apartments on the first level. According to Forbes.com in 2022 most households 91.7% have at least 1 vehicle and 37% of households have 2 vehicles, with a total of 24 available parking spaces and 12 shared/visitors parking spaces for the entire proposed complex, making this proposal a huge safety concern and also makes this proposed complex totally illogical, where do the developers propose that the overflow of vehicles park?

I understand that the Province has asked for more housing, however even the Premier Doug Ford has said that any new development in already existing neighbourhoods should conform to the neighbourhood. Anyone with common sense can see that the proposed 52' high condo's do NOT conform and will tower over the single family homes destroying the landscape as well as the peace and comfort and privacy of the existing residents who have lived in this area for decades.

Regardless of what the traffic study say's in their reports, vehicle traffic is and will be a major concern with the lack of suitable parking spaces of the proposed condo's and the truck traffic of the nearby co-op on Field Rd. parking no doubt will be on Elden Street, Field Rd. and Penner Street making this area a safety hazard. Currently many people including residents from Pleasant Manor and children from this area walk to the grocery store and other amenities in the town of Virgil. I witnessed a senior from Pleasant Manor almost get run over by a truck.

Developing this area into townhomes /single family homes would comply with all the criteria, meeting the provinces request for more housing and conforming to the existing neighbourhood while also reducing the safety concern issues.

In addition, this type of development would be good for the developers/investors to get a good return on their investment dollars as well as keeping good relationships with the town and the residents of this community.

I am asking that the Niagara on the Lake Council members please do NOT change the zoning to allow a 52' high building in this small space, setting a precedent for future development in residential areas and changing our reputation of a quaint quiet beautiful town often cited as the world's eighth wonder.

Respectfully

Dorothy Froese

Sent from my iPad

## John Federici, MCIP, RPP

---

**From:** Cassandra Cruickshank  
**Sent:** August 6, 2024 11:32 AM  
**To:** [REDACTED]  
**Cc:** Clerks; John Federici, MCIP, RPP  
**Subject:** Files OPA-03-2024, ZBA-09-2024, and 26CD-18-24-03 (Corner Stone Condominium)  
1570 Niagara Stone Road, Niagara-on-the-Lake  
**Attachments:** 1570 Niagara Stone Road Niagara-on-the-Lake.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

Thank you for your comments regarding the proposed Zoning By-law Amendment Application for 1570 Niagara Stone Road.

Town Staff have made note of the comments in your email and will consider these in our review of the application.

Thank you,

Cassandra Cruickshank  
Administrative Assistant Corporate Services  
Phone: 905-468-3266 Ext 248  
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

---

**From:** Mary Janzen <[REDACTED]>  
**Sent:** Tuesday, August 6, 2024 11:29 AM  
**To:** Clerks <clerks@notl.com>  
**Subject:** Re: Files OPA-03-2024, ZBA-09-2024, and 26CD-18-24-03 (Corner Stone Condominium) 1570 Niagara Stone Road, Niagara-on-the-Lake

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Good morning,

Please accept the attached letter in response to the Notice of Complete Application, Open House and Public Meeting that I received regarding the subject property.

I ask that you kindly forward this letter to the appropriate departments and I am comfortable with it becoming part of the public record.

I would also like to be notified of the future decision with respect to the application.

A notification can either be sent by email to: [REDACTED] or mailing address: Marý Janzen,  
P.O. Box 355, Virgil, ON L0S 1T0.

Please let me know if anything else is required and I wish you a wonderful day!

Sincerely,  
Marý Janzen

August 5, 2024

Niagara-on-the-Lake Town Hall  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil, ON  
L0S 1T0

Attention: Clerks Department

**Re:** Files OPA-03-2024, ZBA-09-2024, and 26CD-18-24-03 (Corner Stone Condominium)  
1570 Niagara Stone Road, Niagara-on-the-Lake

I would like to start this letter by saying that I am so happy to hear that you are addressing the housing crisis that has plagued so many people in this area. I fully support the development of new housing, however; I do have several concerns.


You state that the Corner Stone Condominium will consist of 14 townhouse dwelling units and a four (4) storey apartment building.

I agree with the townhomes. Townhomes are great places for new couples, families, and retirees, and provide the space and capacity to thrive. Our Village of Virgil is made up of these types of accommodations already, one and two storey homes.

I have a serious problem with the four (4) storey apartment building. People move to this area to get away from the hustle and bustle of Toronto and St. Catharines living. The purpose of providing people with affordable housing in this area is not to squish them in like sardines. People in Virgil own property, have beautiful backyards, and a quiet environment. I feel that a four (4) storey apartment building would be completely detrimental to this area. It would be an eyesore and increase the density of our Village to a capacity that we wouldn't be able to handle. The height of the building is a huge concern as many of us have private backyards that we have enjoyed for over 70 years. A structure this large has never dominated our Village core and is not welcome here. If this building is approved, I fear that it will be the beginning of many, and one day our Village won't be any different than a downtown city. I thought that we were trying to preserve our heritage.

I ask that the Town of Niagara-on-the-Lake reconsider this proposal, and that the developers re-redesign a housing complex that is more suitable to our community. Please help to preserve our community.

With many thanks,

A handwritten signature in cursive script that reads "Mary Janzen".

Mary Janzen  
20 Field Road, Virgil



## Town of Niagara-on-the-Lake

1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 www.notl.com

**REPORT #:** OPS-25-006 **COMMITTEE DATE:** 2025-03-18  
**REPORT TO:** COTW-General **DUE IN COUNCIL:** 2025-03-25  
**SUBJECT:** Encroachment Agreement for 187 Queen Street

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approve the attached encroachment agreement for the property known as 187 Queen Street to recognize an existing heritage building encroaching into the municipal right of way, and that the agreement be forwarded to the Owners for signature; and
- 1.2 That the draft by-law attached as Appendix I hereto be forwarded to Council for adoption.

### 2. EXECUTIVE SUMMARY

- The existing structure and porch at 187 Queen Street are encroaching into the municipal right of way.
- This report is seeking Council approval to address the existing encroachment by entering into a permanent encroachment agreement with the property Owners to permit the continued use of the dwelling and protect the Town's interests.
- Encroachment agreements permit regulated occupancy without requiring the removal or renovation of heritage buildings, irrigation systems and other structures while indemnifying the Town against liability and outlining clear expectations.
- All costs for the preparation and registration of the encroachment agreement will be borne by the Owner(s) of 187 Queen Street.

### 3. PURPOSE

The purpose of this report is to request Council's approval to recognize existing encroachments through an agreement concerning a property located at 187 Queen Street.

### 4. BACKGROUND

The subject lands are located at 187 Street, in the urban area of Old Town.

The need to enter into an encroachment agreement arose from a consent application (B09\_24) for a property located at 187 Queen Street and is necessary to govern an existing building that has historically occupied a portion of the public road allowance. This section of Queen Street has an over-width road allowance with an improved curb and gutter roadway and a 1.25 metre sidewalk. No improvements other than resurfacing are anticipated in the foreseeable future and the encroachment does not interfere with Town operations.

As a condition of approval of the consent application, the Owner(s) are required to enter into an encroachment agreement with the Town with the following condition:

“That the Owner/applicant enter into an encroachment agreement with the Town for the building encroachment located on the Queen Street frontage of Part 2 (Plan 30R-16334), to be registered on the title of Part 2 of the proposed severance, to the satisfaction of the Town.”

**5. DISCUSSION / ANALYSIS**

An encroachment agreement protects the Town's interest by:

- Providing indemnification against harm should anything untoward occur on the portion of the road allowance being occupied by the structure;
- Providing a mechanism to recover the use of the occupied portion of the road allowance for Town purposes upon 90 days' notice to the Owner; and
- Asserting the Town's ownership of the occupied portion of the road allowance to prevent a claim of adverse possession.

It should be noted that this situation arises primarily where historic buildings were erected before the implementation of rigorous site control. A draft agreement for the subject property has been prepared and is attached as **Appendix I**.

**6. STRATEGIC PLAN**

The content of this report supports the following Strategic Plan initiatives:

**Pillar**

3. Enrich Community Assets, Environment, & Infrastructure

**Priority**

3.3 Infrastructure

**Action**

Other

**7. OPTIONS**

- 7.1 **Option 1:** Regulate the encroachments through the attached draft agreement. **(Recommended).**
- 7.2 **Option 2:** Allow the encroachments to continue in an unregulated state. (Not recommended).
- 7.3 **Option 3:** Engage in a process to have the encroachments, including portions of a building, removed from the public road allowance. This process would be lengthy and expensive. (Not recommended).

**8. FINANCIAL IMPLICATIONS**

The Owner(s) of 187 Queen Street will bear all costs associated with the preparation and registration of the encroachment agreement. No costs to the Town are anticipated.

**9. ENVIRONMENTAL IMPLICATIONS**

Not applicable. There is no environmental impact associated with this report.

## 10. COMMUNICATIONS

Upon Council passing a resolution, Staff will advise the property Owner(s) of Council's decision and execute and register the encroachment agreement attached hereto as a draft.

## 11. CONCLUSION

It is in the interest of both the Town and the Owner(s) that occupancy of any portion of the road allowance be subject to an encroachment agreement. Such agreements permit regulated occupancy without requiring the removal or renovation of heritage buildings, irrigation systems and other structures while indemnifying the Town against liability and outlining clear expectations should the Town require the use of the occupied portion of the road allowance for its own purposes.

Planning-related applications continue to provide an opportunity to identify and appropriately regulate historical encroachments which are challenging to address by other means.

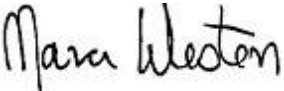



## 12. PREVIOUS REPORTS

- N/A

## 13. APPENDICES

- Appendix I – Draft Encroachment Agreement for 187 Queen Street
- Appendix II – 30R-16334 187 Queen Street

Respectfully submitted:

|   |   |
|---|---|
| <b>Prepared by:</b><br><br><b>Marci Weston</b><br>Engineering Technologist, Operations | <b>Recommended by:</b><br><br><b>Mike Komljenovic</b><br>Engineering Supervisor, Operations |
| <b>Recommended by:</b><br><br><b>Darren MacKenzie</b><br>Director of Operations        | <b>Submitted by:</b><br><br><b>Bruce Zvaniga</b><br>Chief Administrative Officer (Interim)  |

**THE CORPORATION**  
**OF THE**  
**TOWN OF NIAGARA-ON-THE-LAKE**

**BY-LAW NO. 54XX-25**  
(Parts 2 and 3, Plan 30R-16334 forming a portion  
of the lands known as 187 Queen Street)  
Roll #2627 010 004 04100 0000

A BY-LAW TO AUTHORIZE AN ENCROACHMENT AGREEMENT  
BETWEEN THE CORPORATION OF THE TOWN OF NIAGARA-  
ON-THE-LAKE AND RAINER HUMMEL.

**BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF  
NIAGARA-ON-THE-LAKE** as follows:

- 1. THAT the agreement dated the 25<sup>th</sup> day of March 2025 between the Town and the Owner be and the same is hereby approved.
- 2. THAT the Lord Mayor and Clerk be authorized to affix their hands and the Corporate Seal.
- 3. THAT this by-law shall come into force and take effect immediately upon the passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25TH DAY  
OF MARCH 2025.**

\_\_\_\_\_  
LORD MAYOR GARY ZALEPA

\_\_\_\_\_  
TOWN CLERK GRANT BIVOL

**THIS AGREEMENT** made this 25th day of March 2025 pursuant to Section 71 of the Land Titles Act and authorized by By-law No. 54XX-25 of The Corporation of The Town of Niagara-on-the-Lake.

**BETWEEN:**

THE CORPORATION OF THE TOWN  
OF NIAGARA-ON-THE-LAKE  
(hereinafter called the "Town")

- and -

RAINER HUMMEL  
(hereinafter called the "Owner")

**WHEREAS** the Owner represents that they are the registered Owner of land known as Part 2 Plan 30R-16334, forming a portion of the lands known as 187 Queen Street, in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, as described in Schedule 'A' attached hereto, (hereinafter referred to as "The Lands");

**AND WHEREAS** parts of an existing building, including a portion of foundation, parts of the two-storey structure and façade, porch, roof, eaves, downspouts and hydro appurtenances encroach onto Queen Street to the extent shown as Part 3 of Plan 30R-16334 (herein after referred to as "the Encroachment");

**AND WHEREAS** the Council of The Corporation of the Town of Niagara-on-the-Lake at its March 25, 2025 meeting, approved Report OPS-25-006, which authorized an agreement with the Owner with respect to the Encroachment;

**AND WHEREAS** the Council of the Town agrees to allow the Owner to maintain and use the Encroachment on Queen Street until such time as the Encroachment is demolished, removed or destroyed;

**NOW THEREFORE** in consideration of the premises and the covenants and agreements hereinafter to be performed, the parties hereto mutually covenant and agree with each other as follows:

An easement is hereby granted to Rainer Hummel, Owner of the lands described as Part 2 on Plan 30R-16334, to use the lands described as Part 3 on Plan 30R-16334, owned by The Corporation of the Town of Niagara-on-the-Lake, for the purpose of permitting the encroachment of a heritage designated building onto Town lands, subject to the following terms and conditions:

1. The Town shall, and it does hereby, allow the Owner, its successors, and assigns in title, as the registered Owner(s) of the Lands the privilege of maintaining and using the Encroachment in its present position until such time as the Encroachment is demolished, removed or destroyed.
2. The Owner accepts all risk and responsibility for the Encroachment and will at all times keep the Town effectively indemnified against all manner of actions, causes of action, claims, demands, losses, costs, damages, and expenses of whatsoever nature and kind as may be suffered by or occasioned to the Town in any manner howsoever by reason of the existence of the Encroachment, and agrees to remove the Encroachment upon ninety (90) days' written notice from the Town that those lands owned by the Town which are affected by the Encroachment are required for municipal purposes.
3. The Owner agrees that the existing building including the Encroachment shall be maintained at the total expense of the Owner.
4. The Owner herein agrees and consents to the registration of this Agreement against the title to the Lands at their expense.
5. This Agreement shall enure to the benefit of and be binding upon the successors and assigns of the parties hereto.

6. Any notice given to the Owner hereunder shall be sufficiently given and addressed to:

Rainer Hummel  
329 Four Mile Creek Road, Unit 333. P.O Box 612  
St. Davids, Ontario. L0S 1P0

**IN WITNESS WHEREOF** the Owners have hereunto set their hands and the Town has caused its Corporate Seal to be hereunto affixed under the hands of its proper signing officers.

SIGNED, SEALED, AND DELIVERED  
In the presence of:

THE CORPORATION OF THE TOWN  
OF NIAGARA-ON-THE-LAKE:  
Per:

\_\_\_\_\_  
Lord Mayor Gary Zalepa

\_\_\_\_\_  
Town Clerk Grant Bivol

RAINER HUMMEL:  
Per:

\_\_\_\_\_  
Rainer Hummel  
Owner

## **SCHEDULE "A"**

### **LEGAL DESCRIPTION OF THE LANDS:**

PART 2, PLAN 30R-16334  
LT 49, TP PL 86 NIAGARA  
PT LT 50, TP PL 86 NIAGARA  
AS IN RO659780  
NIAGARA-ON-THE-LAKE

BEING PART OF PIN 46397-0075 (LT)  
LRO #30





## Town of Niagara-on-the-Lake

1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 www.notl.com

**REPORT #:** OPS-25-009

**COMMITTEE DATE:** 2025-03-18

**DUE IN COUNCIL:** 2025-03-25

**REPORT TO:** COTW-General

**SUBJECT:** Grinder Pump Service Update

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council **Endorse** the new Service Agreement provided by Kimbel Donayre Plumbing to provide residents with grinder pumps an alternative to the Service Line Warranties coverages as they expire and are no longer renewable.
- 1.2 Council **Directs** Staff to continue to enhance and improve communications related to grinder pump use, maintenance, service providers available, and troubleshooting with special attention in the future to homebuyers who own a grinder pump for the first time.
- 1.3 Council **Approve** a partial reimbursement in the amount of \$100 for the property owners who currently have grinder pump coverage and sign up for the new Service Agreement upon cancellation of their current coverage.

### 2. EXECUTIVE SUMMARY

- Town staff received notice in 2024 from Service Line Warranties of Canada (SLWC) that the warranty program offered since 2015 for sanitary sewer coverage on private property (including grinder pumps) was being cancelled.
- Town staff received requests from residents to find an alternative service coverage provider and/or qualified local service company.
- Staff investigated and found a qualified local company prepared to offer a service coverage agreement and/or provide service as requested.
- The local plumbing company and their lawyer drafted the attached proposed service agreement.
- The agreement was reviewed by staff and former Grinder Pump Committee members, and it was agreed to be a viable alternative to offer residents who have grinder pumps.
- The former committee members asked that part of this report request some partial reimbursement for qualified participants who choose to sign up as noted above. The \$100 reimbursement amount represents approximately 15% of the annual cost to residents (or approximately 2 months out of 12 monthly payments) relative to the new agreement price.

### 3. PURPOSE

The purpose of this report is to seek Council endorsement of the proposed third-party service agreement being offered by Kimbel Donayre Plumbing and to approve the proposed annual rebate of \$100 as detailed in this report.

### 4. BACKGROUND

Low-pressure sewer systems were first installed in Niagara-on-the-Lake (NOTL) in 2005, as directed by the Ministry of the Environment. Since then, other developments have adopted this type of sewer system, featuring grinder pumps that service each individual lot. The Town listened to residents' concerns regarding the costs associated with replacing these pumps, and through Report OPS-15-031, Council endorsed a third-party service provider, Service Line Warranties of Canada (SLWC), to offer a warranty program in 2015.

Communication was relayed to property owners who had grinder pumps at the time of the availability of this service coverage should they wish to enroll in the program. In 2016, through **Report CS-16-032**, Council approved reimbursement of the annual cost of the warranty program for original property owners (that had not changed ownership). The annual cost at the time was approximately \$75, and approximately 47 of the original 98 owners qualified for the reimbursement.

In 2022, through **Report OPS-22-004**, Council approved the implementation of process improvements on low-pressure sewer systems and directed staff with regard to the recommendations that were presented in a report from the Grinder Pump Committee at the time. The same report then dissolved the Committee as the work was completed.

Through **Report OPS-24-17** in 2024, Council and residents were made aware that the warranty coverage by the service provider SLWC would no longer be offered to homeowners pending the renewal of their policies. The primary reason for the cancellation of coverage from SLWC was that the program was not financially sustainable at the rates being charged. Once again, the Town began hearing concerns from many affected residents about the loss of available service coverage.

### 5. DISCUSSION / ANALYSIS

Through requests and discussions with concerned residents and a few former Grinder Pump Committee members, Town staff researched alternatives and solutions to assist affected homeowners. From discussions with the E3 Grinder Pump Supplier, a local plumbing company with a great deal of knowledge and experience servicing and replacing these pumps was recommended. Through ongoing discussions, this company has offered to provide affected residents of NOTL a Service Agreement, which would cover the replacement of pumps for anyone who chooses to enter into an agreement. Additionally, many of the issues that the previous provider noted seem to be addressed by this company. Those issues included long wait times for service since the warranty company and their contracted plumbers were not local and did not stock pumps or parts in inventory. This new company is local (located in Niagara Falls, ON.) and available for quick response. They also maintain pumps and parts in stock.

To ensure financial sustainability, the cost of this Service Agreement is substantially more than the previously available option from SLWC. As such, residents will have to decide if they wish to enroll and pay monthly for this coverage or accept the cost and pay for replacement when it becomes needed as was required prior to the availability of any service agreements. A draft copy of the Service Agreement outlined in this report has been shared with the former grinder pump committee members mentioned earlier in this report, and they have expressed their gratitude for negotiating this offer as well as their agreement that it seems like the best alternative currently available.

It is also important to note that the Town will continue to stock approximately five grinder pumps (both new and refurbished) for emergency situations.

## **6. STRATEGIC PLAN**

The content of this report supports the following Strategic Plan initiatives:

### **Pillar**

2. Good Governance

### **Priority**

2.3 Advocacy & Government Relations

### **Action**

2.1 c) Efficiencies & Cost Reductions/Avoidances

### **Pillar**

4. Optimize Organizational Excellence

### **Priority**

4.2 Customer Experience

### **Action**

4.2 b) Communications

## **7. OPTIONS**

- 7.1 **Option 1:** Council approve the recommendations outlined in this report to provide affected residents with available options (*Recommended*)
- 7.2 **Option 2:** Council does not approve the recommendations as detailed in this report and directs staff to proceed in a different direction. (*Not Recommended*)

## **8. FINANCIAL IMPLICATIONS**

Should Council approve recommendation item 1.3 for the partial reimbursement of \$100 annually to qualifying homeowners, the financial impact is not expected to be significant as the number of qualifying homeowners does not seem to be a significant amount. The number of residents who took advantage of the previous reimbursement program last year was approximately seven.

## 9. ENVIRONMENTAL IMPLICATIONS

There are no environmental implications related to the endorsement of the service agreement.

## 10. COMMUNICATIONS

Staff intend to continue communications related to educating residents about proper use, maintenance and troubleshooting of grinder pumps. Should Council endorse the proposed Service Agreement outlined in this report, staff will communicate the details and contact information for residents as an available service provider. Staff will continue to update the Town website and social media for residents as it relates to grinder pumps.

## 11. CONCLUSION

In conclusion, the Service Agreement (attached as **Appendix I**) is the best coverage alternative found to be available for homeowners wanting to have service coverage for possible pump failures. Residents with grinder pumps have the option of signing up for the service, investigating other coverage options they may find independently, or simply paying themselves for maintenance and/or replacement when it is required.




## 12. PREVIOUS REPORTS

- OPS-15-031 - St. Davids Low Pressure Collection System – Grinder Pumps
- CS-16-032 – Local Authority Service – Sewer and Water Line Warranty Program for Grinder Pumps
- OPS-22-004 – Grinder Pump Recommendations
- OPS-24-017 – Service Line Warranties Coverage Update

## 13. APPENDICES

- **Appendix I** – Service Agreement
- **Appendix II** – Report OPS-15-031
- **Appendix III** – Report CS-16-032
- **Appendix IV** – Report OPS-22-004
- **Appendix V** – Report OPS-24-017

Respectfully submitted:

|   |  |
|---|--|
| <b>Prepared by:</b><br><br><b>Darrin Wills</b><br><b>Manager of Public Works (A)</b>       |  |
| <b>Recommended by:</b><br><br><b>Darren MacKenzie</b><br><b>Director of Operations (A)</b> | <b>Submitted by:</b><br><br><b>Chief Jay Plato</b><br><b>Chief Administrative Officer (Acting)</b> |

**SERVICE AGREEMENT**

**THIS AGREEMENT** made the \_\_\_\_ day of \_\_\_\_\_, 20\_\_,

BETWEEN

**[Resident's Name]**

**[Resident's address]**

Niagara On The Lake, ON [postal code]

**(“Resident”)**

- and -

**KIMBEL DONAYRE PLUMBING**

7793 Donlee Drive

Niagara Falls, ON L2H 2N4

**(“Service Provider”)**

**(Resident and Service Provider together “the Parties”)**

**WHEREAS** the Service Provider offers a Residential Grinder Pump Service Plan (the “Service Plan”) in which it services residential grinder pumps as more specifically outlined in Schedule “A” (the “Services”);

**AND WHEREAS** the Resident wishes to retain those Services by enrolling in the Service Provider’s Residential Grinder Pump Service Plan;

**NOW THEREFORE** the Parties agree as follows:

**1 TERM**

1.1. The Agreement will commence upon the execution of this Service Agreement by both Parties, and continue until terminated in accordance with Section 4 herein (the “Term”).

**2 COVENANTS OF THE SERVICE PROVIDER**

2.1 The Service Provider will provide to the Resident the services set out in Schedule “A” hereto (the “Services”), in accordance with the terms and subject to the conditions contained herein.

- 2.2 The Service Provider will perform the Services in a timely, workmanlike and professional manner in accordance with industry standards for such Services.

### **3 FEE FOR SERVICES**

- 3.1 Upon enrolling in the Service Plan, the Resident will pay the following fees for the Services provided by the Service Provider:
- a. The sum of forty-five dollars (\$45.00) plus Harmonized Sales Tax (“HST”) thereon, per month, commencing on [insert date], for enrollment in the Service Plan for [Resident’s address] (the “Monthly Service Fee”);
  - b. The cost of any additional part or repair costs, plus HST thereon, required to provide Services for a residential grinder pump requiring Services due to improper installation by a third party, improper service by a third party, or operation under abnormal conditions and/or not in accordance with the manufacturer’s directions (“Additional Fees”), as contemplated by Schedule “A” hereto; and
  - c. The sum of one hundred dollars (\$100.00), plus HST thereon, per service call for Services provided outside the hours of 8:00 am to 5:00 pm Monday to Friday (“Regular Business Hours”) in accordance with the Resident’s request (“After-Hours Service Fee”).
- 3.2 The Service Provider will provide the Resident with an invoice for Monthly Service Fees, and any Additional Fees or After-Hours Service Fees owing for the prior month and provide said invoice to the Resident on the first (1<sup>st</sup>) day of each month within the Term
- 3.3 The Resident will pay the Service Provider for all invoiced amounts within thirty (30) days of the Service Provider issuing an invoice via [set out methods of payment].

### **4 TERMINATION OF CONTRACT**

- 4.1 The Resident may terminate this Agreement upon providing the Service Provider with thirty (30) days’ written notice or compensation in lieu thereof.

4.2 The Service Provider may terminate this agreement upon providing the Resident with thirty (30) days' written notice.

4.3 Upon termination of this Agreement by either party, the Resident shall pay any and all amounts due to the Service Provider in full prior to the effective date of termination.

## **5 ENTIRE AGREEMENT**

5.1 This Agreement constitutes the entire agreement between the parties with respect to the Services to be provided by the Service Provider under the Service Plan. There are no representations, warranties, forms, conditions, undertakings or collateral agreements, express, implied or statutory between the parties other than as expressly set forth in this Agreement.

## **6 AMENDMENT AND WAIVER**

6.1 No amendment to this Agreement will be valid or binding unless set out in writing and executed by the Parties.

## **7 ASSIGNABILITY**

7.1 The Parties cannot assign their rights or obligations under this Agreement without the prior written consent of the other Party hereto.

## **8 SEVERABILITY**

8.1 If any provision of this Agreement is determined invalid or unenforceable, in whole or in part, the remaining provisions or part of said provision will continue in full force and effect.

## **9 FORCE MAJEURE**

9.1 The Service Provider will not be liable or responsible to the Resident, or be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement when and to the extent that such failure or delay is caused by or results from acts beyond the impacted party's control, including, without limitation, the following force majeure events:

- a. acts of God;

- b. flood, fire, earthquake, tsunami, epidemics, pandemics, or explosion;
- c. war, invasion, hostilities, terrorist threats or acts, riot, or other civil unrest;
- d. government order or law;
- e. actions, embargoes, or blockades in effect on or after the date of this Agreement;
- f. action by any governmental authority;
- g. national or regional emergency;
- h. strikes, labour stoppages or slowdowns, or other industrial disturbances;
- i. telecommunication breakdowns, power outages or shortages, inadequate transportation services, or inability or delay in obtaining supplies of adequate or suitable material; and
- j. other similar events.

## **10 NOTICES**

- 10.1 Any demand, notice or other communication (hereinafter referred to as a “Communication”) to be given in connection with this Agreement will be given in writing and may only be given by electronic mail or regular mail addressed to the recipient at the addresses set out in the preamble to this agreement. Any Communication given by electronic mail will be deemed delivered on the day of actual delivery, and any Communication given by regular mail will be deemed delivered four (4) business days following its deposit into the mail.

## **11 GOVERNING LAW**

- 11.1 This Agreement will be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

## **12 COUNTERPARTS**

- 12.1 This Agreement may be executed in several counterparts, including PDF copies, each of which so executed will be deemed to be an original and such counterparts together will constitute one and the same instrument.

## **13 ELECTRONIC COMMERCE ACT**

- 13.1 The Parties hereby consent to the delivery and acceptance of the documents and information contemplated by this Agreement being prepared, executed and delivered in accordance with and subject to the provisions of the *Electronic Commerce Act, 2000*, SO 2000, c 17 (Ontario).

IN WITNESS WHEREOF the parties have executed this Agreement as of the Effective Date.

[Name of Resident]

\_\_\_\_\_  
Resident, [address]

KIMBEL DONAYRE PLUMBING

\_\_\_\_\_  
Witness:

\_\_\_\_\_  
Service Provider  
Name: Kimbel Donayre

## **SCHEDULE “A”**

### **Description of Services**

The Resident will have the option to register their residence (“Registered Residence”) to receive Services under the Service Plan from the Service Provider.

The Service Provider will provide service the Resident’s residential grinder pump as described herein and for the fees set out herein, in accordance with the reasonable direction provided by the Resident.

#### **Services Covered by Monthly Service Fee**

The following service will be provided and covered by the Monthly Service Fees paid by the Resident for their Registered Residence, during the Service Provider’s Regular Business Hours:

- Repair of closed valve or blocked discharge (indoor units);
- Discharge valve replacement (indoor units);
- Repair of inlet pipe installed too far into wet well (indoor units);
- Replacing damaged tray cable up to 20ft in length;
- Replacing the grinder pump with a new or refurbished one;
- Replacing the alarm panel;
- Diagnosing and repairing improperly wired grinder pump panels;
- Disposal of a failed grinder pump;
- Power turned off accidentally causing station to flood;
- Replacing batteries in the Remote Sentry;
- Removing debris stuck at the bottom of the pump;
- Replacing the alarm bulb; and,
- Replacing EQB.

#### **Services Not Covered by Monthly Service Fee and Subject to Additional Fees**

Where a Registered Residence requires service to its residential grinder pump due to improper installation, servicing or repairs by a third party, or operation under abnormal conditions and/or not in accordance with the manufacturer's direction, the above Services will not be covered by the Monthly Service Fee.

In such instances, the cost for all labour and parts required to repair the residential grinder pump will be charged to the Resident as Additional Fees.

The following are examples of services not covered by the Monthly Service Fee, which would be subject to Additional Fees:

- Improper burial depth of the grinder pit;
- Improper venting practices according to the Ontario Building Code;
- Incorrect height modification (too low into frost level or improper modification in which the tank is not watertight to tank lid);
- Valve deflection or damaged tanks caused by improper backfill, inadequate ballasting and compacting, or not plumbed correctly;
- Damage because of a defective power supply or improper electrical protection;
- Infiltration/debris in tank;
- Failure of product if used for other than its intended purpose;
- Act of God, freezing, fire, electrical storms, floods, etc.;
- Inlet pipe installed too far into wet well (outdoor units);
- Field changes made to units not to E/One recommendations (altered without company consent);
- Failure because of introduction of foreign materials (i.e. abnormal amount of grease, strong chemicals, flammable material, etc.);
- Problems because the tray cable runs longer than 100 feet (run dry, voltage drop, etc.);
- Improperly installed discharge line or damaged discharge line;
- Discharge valve replacement (outdoor unit);
- Splices in power cable not per E/One-approved kits; and,

- Such further and other damage or issues due to improper installation, servicing or repairs by a third party, or operation under abnormal conditions and/or not in accordance with the manufacturer's direction.

### **After-Hours Service Fee**

The Service Provider will provide the above Services during Regular Business Hours.

Where a Resident requires Services outside of Regular Business Hours, the Resident may request the same, and the After-Hours Service Fee will be charged for any Services provided outside of Regular Business Hours.



# The Town of Niagara-On-The-Lake

Operations  
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Virgil, Ontario  
L0S 1T0

|                   |   |                        |                           |
|-------------------|---|------------------------|---------------------------|
| <b>Report:</b>    | <b>OPS-15-031</b>   | <b>Committee Date:</b> | <b>September 14, 2015</b> |
|                   |   | <b>Due in Council:</b> | <b>September 21, 2015</b> |
| <b>Report To:</b> | <b>Operations Advisory Committee</b>                              |                        |                           |
| <b>Subject:</b>   | <b>St. David's Low Pressure Collection System – Grinder Pumps</b> |                        |                           |

## 1. RECOMMENDATION

It is respectfully recommended

- 1.1 It is respectfully recommended that Council endorse the AMO/LAS Sewer and Water Line Warranty Service program.

## 2. PURPOSE / PROPOSAL

The purpose of this report is to address Councillor Betty Disero's resolution that the Director of Operations report to Council with a program to assist the original 86 properties in St. Davids and to obtain Council's approval to endorse the AMO/LAS sewer and Water Line Warranty Service program as it will provide a warranty protection for all of the St. David's grinder pumps.

## 3. BACKGROUND

In 2003, Council awarded a proposal for a Design-Build project to provide a Sanitary Sewer System for the St. David's Community. Due to the topography and rock profile the sewer design included a low pressure system in Bevan Heights and on Tanbark Road and Queenston Road both north of York Road. This system required that grinder pumps be installed for all properties fronting onto the respective streets. In addition to these properties there were several properties the required the grinder pumps due to the basement elevations.

A total of 86 homes were supplied with grinder pumps as part of the total project requirements. Town provided the grinder pump, however the installation of the pump and the private sewer lateral was the homeowners responsibility, as well as the operating costs, repair and or future replacement.

Since the completion of the project a number of concerns have been raised by several of the homeowners who have called the Town. In 2008 the pump supplier, investigate a number of pumps that were replaced or repaired and determined that the cause was improper installation, resulting in ground-water infiltration and ground-water mineral contamination resulting in continuous running of the pump and pump failure. In 2009 John Brooks Company carried out a field investigation of 30 suspect pumps. They found that 18 had no issues and were installed as per the guidelines, 6 units were buried too deep resulting in rain water filling the top access way, 3 units were over loaded by a sump pump or Jacuzzi pump feeding the unit and 3 units had ground water infiltration coming through the gravity feed side of the pump resulting in excessive run times and shortened service life.

In August 2010 Council approved a grinder pump replacement program. This grinder pump replacement program would provide financial assistance to property owners in St. Davids experiencing premature failure of their grinder pump. This program was in place until August 31, 2013, at which time the pumps would have been in operation for eight years. The homeowner would be responsible for all up-front costs associated with the purchase and installation of a replacement pump core or new grinder pump. Upon completion of the work and submission of receipts, the Town would provide partial reimbursement to the homeowner based on the cost of the replacement grinder pump core (plus applicable taxes) only. The amount of reimbursement would be calculated in proportion to its remaining service life as determined from the Town's records of receipt by the owner. Installation and contractor costs would remain the responsibility of the homeowner. The Program only applied to E-One grinder pump installed as part of the 2004 St. Davids sanitary sewer project and not to any other make or model of pump. Only one grinder pump replacement was be permitted per property. Installation of the pump and the connection to private service laterals will continue to be the responsibility and at the expense of the homeowner. The Town will in no way assume responsibility for the quality of the product or its installation. This program did not apply to new subdivisions, such as Vineyard Creek or Emerald Estates, where the responsibility for correct installation and product warrantee is that of the developer/builder.

The grinder pump replacement program started in August 2010 and ended on August 31, 2013. During that time, of 86 properties that received and installed the E-One Grinder Pump there were only 11 applications for funding assistance under the grinder Pump Replacement Program.

As the Council approved grinder pump replacement program has now ended, the property owners are responsible for the replacement and maintenance of their grinder pump.

#### **4. DISCUSSION / ANALYSIS**

As an affiliate of the Association of Municipalities of Ontario, LAS is a preferred

provider of competitively priced and sustainable business services for Ontario municipalities and the broader public sector. This new LAS endorsed Sewer and Water Line Warranty Service provides residents the opportunity for a low cost warranty program that will help repair, replace, or restore this critical infrastructure which is often perceived as the municipalities responsibility. This warranty will include any property with a grinder pump.

As an LAS preferred service provider, Service Line Warranties of Canada (SLWC) is willing to offer this warranty program to any Ontario municipality with a standard rate structure for its residents. To participate in this program, the municipality's endorsement is required. This endorsement will allow SLWC to market the program at no cost to the municipality. This warranty program will include the grinder pumps.

## **WARRANTY PROGRAM**

### **Service Line Warranties of Canada, Inc. (SLWC)**

Service Line Warranties of Canada, a subsidiary of Utility Service Partners, working in conjunction with cities, municipalities and utilities, provides water and sewer service line warranties and in-home plumbing repair services to homeowners.

### **Municipal Contract Term**

- Three (3) years commencing on the date the contract is fully executed.
- Can be renewed for an additional one year terms.
- A sample contract is attached to this report.

### **Commission Revenues to the City**

- SLWC shall pay commission-based revenue to the Town in exchange for the use of its logo based at five percent (5%) of subscription revenue earned from all active enrolled customers in any or all of the Warranty Plans within the geographical boundaries of the Town of Niagara-on-the-Lake.

### **Warranty Plans Cost Structure & Billing for Customers**

- Monthly flat-rate fee; subscription based pricing structure for Water Service, Sewer Lateral and interior plumbing and drainage warranty protection plans.
- No deductibles or any additional fees to customers as the subscription fees are required to be sufficient to cover all related expenses.

### **Services & Coverage**

The following warranty protection plans will be offered on a strict optional opt-in basis:

#### **Exterior Water Service Line Coverage**

- Repair of a Water Service and related repairs up to \$5,000 per occurrence;
- Locating, excavating and repairing or replacing, as required, Water Services;

damage arising to Water Services as a result of thawing or freezing;

- Emergency repair required to Water Services due to reduction in performance caused by normal wear and tear;

- Basic restoration, as required, for each occurrence of repair work undertaken under the plan within the coverage limit;
- A one year warranty for workmanship and quality of all repair and restoration work performed;
- Water Service warranty protection plan coverage shall not contain exclusion clauses relating to pre-existing conditions or the age of the property;
- Term One Monthly subscription premium of \$5.00 or \$55.00 annually.

### **Exterior Sewer Line Coverage**

- Repair of Sewer Lateral and related repairs including the St. Davids system grinder pumps up to \$8,000 per occurrence;
- Locating, excavating and repairing or replacing, as required, Sewer Laterals;
- Emergency repair required to Sewer Laterals due to reduction in performance caused by normal wear and tear;
- Damage arising to Sewer Laterals as a result of root infiltration;
- Basic restoration, as required, for each occurrence of repair work undertaken under the plan within the coverage limit;
- A one year warranty for workmanship and quality of all repair and restoration work performed;
- Sewer Lateral warranty protection plan coverage shall not contain exclusion clauses relating to pre-existing conditions or the age of the property;
- Term One Monthly subscription premium of \$5.75 or \$64.00 annually.

### **Interior Plumbing and Drainage Coverage**

- Repair of plumbing system and related repairs up to \$3,000 per occurrence;
- Identifying and repairing or replacing, as required, interior plumbing system failures; faucets and fixtures are not covered;
- A one year warranty for workmanship and quality of all repair work performed;
- Interior plumbing and drainage warranty protection plan coverage shall not contain exclusion clauses relating to pre-existing conditions or the age of the property;
- Term One Monthly subscription premium of \$6.50 or \$73.00 annually

## **Indemnification**

As set out within the contract, SLWC shall indemnify the Town from all claims arising from the failure by SLWC or any of its subcontractors to carry out or properly perform any obligation under the contract with the Town and for any misuse of the Town's logo.

## **5. FINANCIAL IMPLICATIONS**

There is no cost to the Town for this program. The will receive a commission of 5% of all subscription revenue that will be deposited into the water and wastewater reserves.

## **6. COMMUNICATIONS**

SLWC will be responsible for the development and administration associated with marketing the program. The Town can also provide information relating to the Warranty Plans on its website, which can be linked to a web page of SLWC which will provide program details. The Town will retain the right of final approval of all marketing material, including SLWC's web page, relating to services offered directly to Town customers.

SLWC shall be entitled to use the Town's logo in exchange for commission based revenue. All vetting and final approval of materials containing the Town's logo as well as the template contract between SLWC and the Residential Property Owners will rest with the Town.

SLWC shall bear all costs associated with marketing.

## **7. CONCLUSION**

**Prepared by**

**Doug Kerr  
Manager of Public Works**

**Respectfully submitted**

**Sheldon Randall**  
**Director of Operations**

**Mike Galloway, MBA, CMO**  
**Chief Administrative Officer**

**Respectfully submitted,**

**Kevin Turcotte**  
**Director of Operations**

**Chief Administrative Officer**

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First Capital of Upper Canada - 1792



# The Town of Niagara-On-The-Lake

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|                   |  |                        |                         |
|-------------------|--|------------------------|-------------------------|
| <b>Report:</b>    | <b>CS-16-032</b>   | <b>Committee Date:</b> | <b>October 17, 2016</b> |
|                   |  | <b>Due in Council:</b> | <b>October 24, 2016</b> |
| <b>Report To:</b> | <b>Corporate Services Advisory Committee</b>   |                        |                         |
| <b>Subject:</b>   | <b>Local Authority Service - Sewer and Water Line Warranty Program for Grinder Pumps</b> |                        |                         |

## 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1. Council approve reimbursement of the annual cost of the external sewer line warranty program provided by the Local Authority Service - Sewer and Water Line Warranty Program to assist the original property owners (that have not changed ownership) that were equipped with grinder pumps to lift sewage into the St. Davids Sanitary Sewer system, identified in the attached Appendix A to this report.

## 2. PURPOSE / PROPOSAL

The purpose of this report is to seek Council's approval to reimburse the annual cost of the external sewer line warranty program provided by the Local Authority Service - Sewer and Water Line Warranty Program to assist the original property owners that were equipped with grinder pumps to lift sewage into the St. Davids Sanitary Sewer sanitary sewer system, identified in the attached Appendix A.

## 3. BACKGROUND

The St. Davids Sanitary Sewer Project was the result of an investigation by the Niagara Region Public Health Department on the state of the private septic systems in St. Davids. More than 40% of the existing septic systems were found to have tanks and beds that were leaching into the environment and requiring replacement. However many of the properties, due to the size of property and a change in standards, became ineligible for new septic systems. A Municipal Class Environmental Study recommended that the Town install a sanitary sewer system to connect the affected area in St. Davids to an existing wastewater treatment plant in Niagara Falls to rectify the environmental problem.

In 2004, the Town received notice from the Federal and Provincial governments

that funding was available for the St. Davids Sanitary Sewer Project. Staff proceeded with a Request for Proposal for the design and construction of the sanitary sewer. The cost of the new sewer project was to be shared equally between the Federal, Provincial, and Municipal governments. The Town's portion of the cost was debentured and an area-specific development charge was implemented for future development in St. Davids to cover the debt charges.

Due to the topography in the area and the amount of gravity sewers required to service the area, the project quickly became cost prohibitive. To mitigate costs, it was suggested that the 98 properties identified in the study be equipped with grinder pumps to lift sewage into the proposed sanitary sewer system. Since the initial installation, some of the grinder pumps have failed and on October 9, 2012, Council received a delegation from St. Davids Ratepayers Association requesting that this issued be rectified.

In October 2012, through report #PW-12-048, Council did approve a Grinder Pump Replacement Program to assist residents with failing grinder pumps but Council and the residents of St. Davids continue to seek a more permanent solution to this issue.

#### **4. DISCUSSION / ANALYSIS**

Recently, the Town has been made aware of the new Local Authority Service (LAS) Sewer and Water Line Warranty Program. LAS is a preferred provider of competitive and sustainable cooperative business services for Ontario municipalities and the broader public sector. LAS helps its municipal customers "save money, make money, and build capacity". LAS was created in 1992 by the Association of Municipalities of Ontario (AMO).

The newly created LAS - Sewer and Water Line Warranty Program provides residents with the opportunity for a low cost warranty program that will help repair, replace, or restore critical sewer and water line laterals between the mainlines and connections on residential private property, which is the owners responsibility but is often perceived as the Town's responsibility. As an LAS preferred service partner, Service Line Warranties of Canada (SLWC) is offering these warranty programs to any Ontario municipality, large or small, with a standard water/wastewater rate structure. To participate in the program, the Town is required to endorse the program, which allows SLWC to effectively market the program to all Town residential property owners with no cost to the Town. The signed agreement, attached to this report, is for a three year term with an automatic renewal for one year unless either party provides written notice 90 days prior to the end of the term. With the SLWC program, all work is performed by licensed, local contractors, to ensure a timely response for participants of the program.

Staff recognize this program as having a benefit to all Town residents to protect them against sewer or water breaks on their property. SLWC will first market the

external sewer line warrantee program, to be followed by the external water line warrantee program in the spring, and then the in-home plumbing warrantee program in winter. The cost for each warranty program will be approximately \$70 annually.

To assist the original property owners that were equipped with grinder pumps to lift sewage into the new St. Davids Sanitary Sewer sanitary sewer system, identified in the attached Appendix A, staff are recommending that they be reimbursed for the cost of external sewer line warranty program provided by the LAS upon receipt of proof of payment. As part of the agreement, the Town will receive a 5% rebate of revenue generated from the participation in the program by the Town's residential property owners. The rebate will be used to fund the reimbursement. If the rebate does not cover the full cost of the reimbursement, the reimbursement will be funded through wastewater rates. Individuals purchasing homes with existing grinder pumps or new builds requiring grinder pumps are not eligible for reimbursement by the Town, but will be provided information on the LAS - Sewer and Water Line Warranty Program for their consideration.

Option 2 would not be staff's preferred solution as there is no way to accurately budget for failing grinder pumps.

## **5. OPTIONS**

Council is presented with the following options for consideration:

**Option 1** – Council approve reimbursement of the annual cost of the external sewer line warranty program offered by Local Authority Service - Sewer and Water Line Warranty Program for the original property owners. This program will assist the original property owners that were equipped with grinder pumps to lift sewage into the St. Davids Sanitary Sewer system, as identified in the attached Appendix A. There are approximately 47 of the original 98 owners that qualify. If all properties listed in Appendix A sign on to the external sewer line warrantee program, the annual cost of the reimbursement may be as high as \$3,300 annually. At this time, this is a 3 year program.. **(as recommended)**

**Option 2** – Council may choose a percentage of the cost to replace and install grinder pumps, as they fail, for the original properties listed in Appendix A upon receipt of proof of payment. The cost to replace and install a grinder pump is approximately between \$3,000 and \$5,000 per grinder pump. The full annual cost is difficult to estimate as the Town does not know how many pumps will fail each year. The current number of original owners is 47.

**Option 3** - That Council defer a decision and give direction to staff to research the cost of removing Grinder Pumps entirely in the St. Davids area.

**Option 4** - That Council choose not to reimburse the 47 original owners for any compensation related to Grinder Pumps.

## **6. FINANCIAL IMPLICATIONS**

The annual cost to reimburse all properties listed on Appendix A for their warrantee program will be approximately \$3,300. The cost will be covered by wastewater rates but may be offset by the 5% rebate generated from the participation in the program by the Town's residential property owners.

## **7. COMMUNICATIONS**

There are no formal communications required by approval of this report as SLWC will provide residents of Niagara-on-the-Lake with marketing materials for all warrantee products.

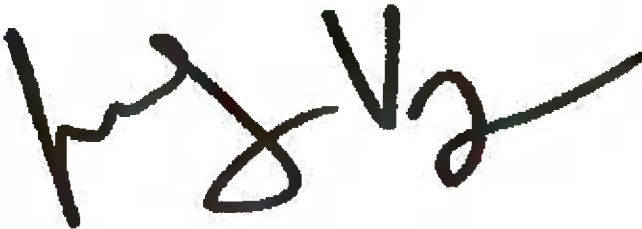
## **8. CONCLUSION**

Council has asked staff to investigate a cost effective solution to the grinder pump situation in St. Davids. Staff is pleased to provide Town residents with the option to participate in the LAS Sewer and Water Line Warranty Program and reimburse those original property owners as noted on Appendix A.

**Prepared by,**



**Brenda Garrett, CPA, CMA  
Manager of Finance / Treasurer**



**Jeff Vyse,  
Manager of Public Works**

**Respectfully submitted,**



**Holly Dowd**  
**Director of Corporate Services / Town Clerk**



**Milena Avramovic**  
**Chief Administrative Officer**



CS-16-032 Appendix A.pdf

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First Capital of Upper Canada - 1792



# The Town of Niagara-On-The-Lake

Operations  
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|                   |                                      |                        |                          |
|-------------------|--------------------------------------|------------------------|--------------------------|
| <b>Report:</b>    | <b>OPS-22-004</b>                    | <b>Committee Date:</b> | <b>February 14, 2022</b> |
|                   |                                      | <b>Due in Council:</b> | <b>February 28, 2022</b> |
| <b>Report To:</b> | <b>Operations Advisory Committee</b> |                        |                          |
| <b>Subject:</b>   | <b>Grinder Pump Recommendations</b>  |                        |                          |

## 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approve the implementation of process improvements when addressing grinder pumps on low-pressure sewage systems, as detailed in the Staff comments in Section 4 of this report;
- 1.2 Council direct Staff to implement approved changes through the updating of the Sewer use By-law and associated policies and procedures; and
- 1.3 Council dissolve the Grinder Pump Committee as the work of this Committee has concluded.

## 2. PURPOSE / PROPOSAL

The purpose of this report is to provide Council with Staff's comments and recommendations related to the Grinder Pump Committee's final report, as per Council's direction of October 25, 2021.

At the October 25, 2021, Council meeting, the following motion was ratified from the Committee of the Whole General Meeting of October 18, 2021:

*"that the September 22, 2021 Grinder Pump Committee minutes and recommendations be referred to Staff for a further report on the Grinder Pump Committee's recommendations and Staff report back to Council in Q1 of 2022 with costs."*

## 3. BACKGROUND

The Town of Niagara-on-the-Lake installed a low-pressure sewer system (LPSS) in the Bevan Heights subdivision in 2005, as directed by the Ministry of the Environment (MOE). Since then, the Town has acquired other areas where low-pressure sewer systems have been developed.

Grinder pump systems (which are considered home appliances) have had some problems with maintenance and operation and a lack of understanding of how the systems are operated. Residents who own these systems have expressed a desire to have the Town take a more proactive approach in assisting them in dealing with grinder pumps.

Through Council's direction, Town Staff investigated an assistance program called Service Line Warranties promoted by the Association of Municipalities of Ontario (AMO). Town Staff was directed through Report No. OPS-15-031 to broker a contract with this insurance company. Service Line Warranties is a private insurance company that works with various municipalities to assist residents with grinder pumps and other infrastructure.

Report No. OPS-15-031(Appendix VI) initially identified 86 homes that qualified for the Service Line Warranties insurance reimbursement. The reimbursement program at that time was set out for original owners for as long as they owned the homes. Once sold, the insurance would not be available as a reimbursement. At that time, 86 properties qualified for the reimbursement, and 11 residents took advantage of the program. Today, 33 properties qualify for the reimbursement, and seven residents have taken advantage of the program.

The Grinder Pump Committee was formed at the beginning of the 2018 term of Council due to the volume of resident concerns brought forward concerning grinder pumps. As outlined in the Grinder Pump Committee's Terms of Reference, the mandate of this committee is to investigate options available for the Town of Niagara-on-the-Lake to offer assistance to residents who own grinder pumps.

Since 2018, the Grinder Pump Committee has provided a thorough review of various situations found in other comparable areas within North America, with a final focus on areas in Ontario. The following presentations and reports were submitted to Council on various dates:

- Council GP Workshop Presentation PRINT version Final 08-14-2019 (Appendix III)
- Executive Summary Working Group final draft (Appendix IV)
- GP Committee Final Report (Appendix V)

As a result of the questions and concerns brought up by the Grinder Pump Committee, Town Staff consulted with Legal Counsel and a local engineering firm that specializes in sewage pumping systems.

RV Anderson and Associates Ltd. was retained to provide the independent review of the technical questions supplied by the Grinder Pump Committee.

Daniel & Partners LLP was retained for a legal opinion on whether the Town should

assume responsibility for maintaining and replacing all grinder pumps that are part of the low-pressure sewer system. Their review memo is attached as Appendix VI - St. Davids Sewage System Memo March 17, 2021.

On October 18, 2021, the Grinder Pump's last Committee of the Whole presentation outlined eight recommendations. With these recommendations, the Grinder Pump Committee considered the findings of the RV Anderson report dated December 7, 2020. The RV Anderson report, without all of the associated drawings, is attached to this report as Appendix I - 20210219-R-pressure-sewers. (The full document from RV Anderson is over 300 pages. However, if Council wants a complete copy including all maps and drawings, the Clerk can distribute the complete package separately.)

Staff recommends dissolving the Grinder Pump Committee because they have met the Terms of Reference and concluded their work through the detailed investigations and reports prepared. Clerk Version - Draft Terms of Reference - Grinder Pump Committee is attached as Appendix II.

#### **4. DISCUSSION / ANALYSIS**

The Grinder Pump Committee brought forward the following recommendations. Staff comments are identified below the respective recommendation.

##### Recommendation I:

**Town Staff to create an Operations and Maintenance Manual for the LPSS in accordance with R.V.Anderson Associates Limited (RVA) recommendations.**

##### Staff comment:

Each system currently has an Environmental Compliance Approval (ECA) approved and issued by the Ministry of Environment, Conservation and Parks (MECP).

All low-pressure sewage systems (LPSS) have operation and maintenance manuals as part of the submissions to the Town. If no operation and maintenance manuals exist, the Town will create one.

##### Recommendation II:

**Town Staff to create a regular maintenance program to flush municipally-owned LPSS mains per RVA recommendations and to fully fund same under the Town's Works Budget.**

##### Staff comment:

The Town is committed to performing regular maintenance according to the existing operational and maintenance manuals and/or RVA recommendations. Town Staff has been working on flushing and maintaining these systems over the past few months.

##### Recommendation III:

**Town Staff to maintain an emergency critical parts inventory of key LPSS components such as at least two spare pumps and two spare controllers. These critical components are to be made available to homeowners with grinder**

**pumps to purchase at cost from the Town after hours and on weekends when the commercial parts providers are not available, per the RVA recommendations.**

Staff comment:

The Town has stocked two spare pumps and one spare controller for emergency installations. The Town has stocked two grinder pumps and one electrical unit from the main pump supplier, EOne. EOne has advised that the stored pump in the Town Yard, once installed, will provide the owner with a 2-year warranty from the date of installation. Residents with pumps installed by other manufacturers will be required to source them out independently. The Town's recommendation is to only stock parts where a warranty is available to residents.

Recommendation IV:

**Town Staff to liaise with the insurance provider (Service Line Warranties) regarding authorized service contractor(s) to improve responsiveness and advise of emergency parts inventory and access procedures.**

Staff comment:

The Town can not dictate how independent businesses operate; however, Staff has and will continue to provide comments and recommendations for local suppliers.

Recommendation V:

**Town Staff to distribute guidelines to residents with grinder pumps as to the proper use and care of their grinder pumps and contact information for emergency service. The distribution of this material could be with the residents' water and sewage bills and posted online on the Town's web and social media sites. This is consistent with RVA's fourth recommendation.**

Staff comment:

Where the Town has LPSSs, Staff will provide a mail-out and post on the Town's website and social media sites.

Recommendation VI:

**Town Staff to establish a robust program of inspection and installation approval before occupancy for any future new residential units that utilize grinder pumps. The program is to include sign-off and inspection from both builder and town staff.**

Staff comment:

Staff recommend that the developer/homeowner provides an approval sign-off for the pump, tank, and the specifications to confirm meets the engineering specifications. It would be the responsibility of the developer and/or homeowner to obtain approval from the Manufacturer to verify if the pump and tank are installed correctly to engineering specifications. Building Staff will only be inspecting connection points related to the Ontario Building Code before occupancy. They will ensure a certificate of installation of the pump and the tank from the pump manufacturer moving forward.

Recommendation VII:

**Town to reimburse grinder pump owners for the cost of insurance, currently approximately \$75 per user or \$14,000 annually for the current system.**

Staff comment:

In accordance with the legal opinion of the Town's solicitor, Staff recommends that these pumps remain in the ownership of the private residence and be considered a personal home appliance, not part of the municipal system. The legal opinion is attached as Appendix VI to this report.

Recommendation VIII:

**Town to update By-law No. 2758-94 to include Low-Pressure Sewage Systems inclusive of grinder pumps.**

Staff comment:

By-law No. 2758-94 is scheduled to be updated in the first quarter of 2022.

## **5. Strategic Plan**

- ☒ **Protect Distinctive Community Assets**
  - ☐ Preserve unique community elements
  - ☐ Close gap on capital investments
  - ☐ Recognize the importance of tourism in Niagara-on-the-Lake
  - ☒ Other
- ☒ **Strengthen 2-Way Communications**
  - ☒ Develop education plans to inform residents
  - ☐ Create a communications matrix
  - ☒ Strengthen communications delivery methods
  - ☐ Other
- ☐ **Not Applicable**

## **6. OPTIONS**

- 6.1. **Option 1:** Council approves Staff recommendations as detailed in this report, including a majority of the recommendations of the Grinder Pump Committee.  
**(As Recommended)**
- 6.2. **Option 2:** Council does not approve the Staff recommendations as detailed in this report and directs Staff to implement further recommendations of the Grinder Pump Committee or other changes.

## **7. FINANCIAL IMPLICATIONS**

Maintenance of the LPSS will be done through the operating budget through sanitary sewer flushing. There are no additional costs for the maintenance of the systems as it is included under the existing Sewer works program. The only financial impact is

maintaining the pump and controller inventory if this becomes standard practice. Should residents require anything from the Town inventory, they will be invoiced accordingly for the associated costs.

The Town maintains a budget for Sewer Line Warranty reimbursements for \$7,000 (Cost Centre 720-5160) and a budget for sewer main cleaning and flushing for \$59,510 (Cost Centre 720-5050) under the Town's wastewater budget. These items are funded through user rates. Should recommendation VII be approved by Council outside of Staff recommendations, it will double the Sewer Line Warranty budget to \$14,000.

## **8. COMMUNICATIONS**

Should Council support Staff's recommendation to dissolve the Grinder Pump Committee, Staff will notify Committee members in writing, thanking them for their time and dedication to the function and service of grinder pumps within the Town.

The Town has partnered with Service Line Warranties of Canada (SLWC) to offer protection for homeowners for external water service lines. Residential properties within Niagara-on-the-Lake that front municipally-owned water mains may receive up to three letters annually regarding insurance options for the portion of their water service on private property. The protection is voluntary and available at affordable monthly or annual prices.

Town Staff post SLWC notices on the Town's social media pages and website to advise residents when mail-outs are expected. Customer Experience Staff are also notified of mail-out dates and given the appropriate information and messaging needed to support them in responding to calls and questions about the program. Callers are redirected to Service Line Warranties when required. These efforts will continue.

## **9. CONCLUSION**

The Grinder Pump Committee has worked diligently to fulfill the Committee's mandate, and their hard work is appreciated.

Staff present this report as information for Council and recommend updating the Sewer Use By-law and associated policies and procedures to reflect the recommendations and details outlined in this report. Town Staff is of the opinion these are the best options for the municipality to support residents who have grinder pumps connected to a low-pressure sewer system.

**Respectfully submitted,**



**Brett Ruck**  
**Irrigation & Drainage Superintendent**



**Sheldon Randall**  
**Director of Operations**



**Marnie Cluckie, MS.LOD, B.ARCH, B.ES**  
**Chief Administrative Officer**

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## The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

**SUBJECT:** Service Line Warranties Coverage Update

**DATE:** 2024-04-16

**REPORT #:** OPS-24-017

**PREPARED BY:** Mike Komljenovic

**DEPARTMENT:** Operations Services

---

### BACKGROUND INFORMATION

The purpose of this report is to update Council on program coverage changes to residents utilizing the Service Line Warranties of Canada (SLWC) warranty program.

The warranty program provided by SLWC was first introduced to the Town in 2015 through Local Authority Services (LAS) which was created by the Association of Municipalities of Ontario (AMO) in 1992.

The SLWC Sewer, Water Line and In-home Warranty Program provides residents with the opportunity for a low-cost warranty program that will help repair, replace, or restore critical sewer and water line laterals located on private residential property that connect to the municipal system.

The Town initially signed an agreement on September 21, 2015, for a three-year term with automatic annual renewals for one year on the effective date unless either party provided written notice to terminate 90 days before the end of the term.

Included in the agreement under external sewer lines was coverage for grinder pumps at requested by the Town to assist original property owners that were equipped with grinder pumps to lift sewage into the St. Davids Sanitary System.

In February 2024 Town staff were contacted by representatives of SLWC to advise that grinder pump coverage would no longer be included in the program.

Reasons noted by SLWC for discontinuing the coverage for grinder pumps included:

- Financial sustainability of the program no longer feasible based on the current fee structure.
- Grinder pump supply and cost issues.
- Contractor availability challenges.
- Frequency of replacements in Niagara-on-the-Lake compared to other jurisdictions.

## **NEXT STEP / CONCLUSION**

SLWC has indicated that they will continue to offer coverage to those residents under contract whose policies remain in effect; but they will be advising them 60 days before the expiry of those policies that coverage for properties employing grinder pumps will not be available for renewal.

Although Town Staff are disappointed by the decision of SLWC, Staff believe that there is still value in the program offered by SLWC to the residents of Niagara-on-the-Lake. Staff will work with SLWC to update the agreement between the Town and SLWC to reflect the coverage that remains available to residents, and bring a report to Council later this year to update the agreement.

## **PREVIOUS REPORTS**

- **OPS-15-031** (St. David's Low-Pressure Collection System – Grinder Pumps)
- **CS-16-032** (Local Authority Service – Sewer and Water Line Warranty Program for Grinder Pumps)
- **Information Report** – December 15, 2016 (Local Authority Service – Sewer and Water Line Warranty Program)
- **Information Report** – March 16, 2017 (Local Authority Service – Sewer Line Warranty Program)
- **Information Report** – December 14, 2017 (Sewer Line Warranty Program Update)
- **Information Report** – February 15, 2018 (Sewer Line Warranties of Canada Update)
- **Information Report** – June 10, 2021 (Service Line Warranties Mailout and Update)
- **Information Report** – June 20, 2023 (Service Line Warranties Update)

## **ATTACHMENTS**

- N/A

## The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

**SUBJECT:** 2024 Summary Report of the Town's Drinking Water Systems  
**DATE:** 2025-03-18  
**REPORT #:** OPS-25-008  
**PREPARED BY:** Darrin Wills  
**DEPARTMENT:** Operations Services

---

### BACKGROUND INFORMATION

Ontario's Drinking Water Systems Regulation (O. Reg. 170/03), established under the Safe Drinking Water Act (2002), mandates that a Water Distribution System Summary Report be presented to members of Council annually by March 31 of each year for the preceding calendar year. The Summary Report must include information pertaining to the Act and associated regulations, licenses, permits, incidents of non-compliance, and a summary of quantities and flow rates of water supplied during the period covered by the report.

The Summary Report (**Appendix 1** – Town of Niagara-on-the-Lake's 2024 Drinking Water Summary Report) is submitted in accordance with Schedule 22 of O. Reg. 170/03. This annual summary provides comprehensive information regarding the Town's Water Distribution Systems for the period of January 1 to December 31 of each calendar year and has established guidelines for what must be included. Additionally, the Summary Report features the Annual Drinking Water Report for each of the Town's Drinking Water Systems formatted according to Standard Ministry requirements. These Annual Reports focus primarily on the weekly water samples taken from the systems, which are analyzed for microbiological and chemical parameters. These Reports are also made available on the Town's website.

An annual DWQMS Management Review Meeting is mandated by regulations governing drinking water systems, and the information obtained from this meeting must be relayed to the system's owner. As such, the meeting agenda, minutes, and action item list are included in the additional appendices of this report.

To provide Council with detailed information regarding the Town's drinking water systems, additional appendices are included. These consist of the recently updated Risk Assessments for each drinking water system, the annual Inspection Reports from the Ministry of Environment, Conservation and Parks (MECP) for each system, and an update on the Town's Water Loss Efficiency Initiatives.

## NEXT STEP / CONCLUSION

The 2024 Summary Report for the Niagara-on-the-Lake Water Distribution System and the Bevan Heights Water Distribution System is being submitted to Council in accordance with legislative requirements. The supplementary information included aims to provide Council with comprehensive insights, demonstrating our dedication to ensuring safe and healthy drinking water.

As detailed in Appendix 1, The MECP conducted the 2024 Annual Inspection for the Niagara on the Lake Distribution System and the Bevan Heights Distribution System in July 2024. The final reports dated July 26 and 31, 2024, **identified no non-compliances and both systems were given Inspection Ratings of 100%.**

## ATTACHMENTS

- **Appendix I** – 2024 Annual Summary Report
- **Appendix II** – DWQMS Management Review Meeting Agenda
- **Appendix III** – DWQMS Management Review Meeting Minutes
- **Appendix IV** – DWQMS Management Review Action Items
- **Appendix V** – Risk Assessment Results for NOTL Drinking Water System
- **Appendix VI** – Risk Assessment Results for Bevan Heights Drinking Water System
- **Appendix VII** – MECP Annual Inspection Report for NOTL DW System
- **Appendix VIII** – MECP Annual Inspection Report for Bevan Heights DW System
- **Appendix IX** – Water Loss Reduction Initiatives Update



# Town of Niagara-on-the-Lake's 2024 Drinking Water Summary Report

## **Drinking Water Quality Management Standard (DWQMS) Policy**

- Working to ensure legislative compliance with the Safe Drinking water Act and all applicable regulations;
- Acting quickly to resolve any issues relating to drinking water quality;
- Taking all steps necessary to provide safe drinking-water to Town consumers;
- Establishing open and effective communication with Town water consumers;
- Reviewing and continually improving its Drinking Water Quality Management System



**Prepared by Darrin Wills, C.Tech.  
Drinking Water QMS  
Representative**

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## Background

The Town operates two separate water distribution systems. The Niagara-on-the-Lake Water Distribution System is classified as a Large Municipal Residential System, and the Bevan Heights Water Distribution Systems is considered a Small Municipal Residential System. The Ministry of the Environment, Conservation and Parks inspects and reports on these systems annually.

The Region of Niagara, at its DeCew Falls and Niagara Falls water treatment plants, produces treated water for the Town of Niagara-on-the-Lake's Distribution Systems. The treated water is carried by a series of transmission mains to the Town. In turn, water is distributed to approximately 7500 customers in Niagara-on-the-Lake through about 201 km of Town distribution mains. There are approximately 1410 fire hydrants and 1383 main valves on the distribution system.

The Bevan Heights Distribution System serves approximately 84 customers. Water is received from the City of Niagara Falls' distribution system. All watermains, appurtenances and service lines within the Bevan Heights subdivision were renewed in 2002. The lone exception is on Mallette Crescent, where the watermain dates from 1971 and is still adequate. Service lines on Mallette Crescent were renewed in 2002. On September 24, 2012, the Ministry of the Environment requested that the water system on Concession 6 Road (Niagara Falls boundary to Highway 405) be included with Bevan Heights for the purpose of reporting. The watermain on Concession 6 Road was constructed in 1994. There are approximately 16 fire hydrants and 19 valves on the Bevan Heights system (including Concession 6 Road).

The Safe Drinking Water Act and all its associated regulations are available at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

## Legislative Requirements

### Safe Drinking Water Act (SDWA)

In response to the Walkerton Tragedy, the Ministry of Environment has enacted legislation and regulations for drinking water in order to ensure safe drinking water. The Safe Drinking Water Act, 2002 was established to recognize that the people of Ontario are entitled to expect their drinking water to be safe and to provide protection of human health and the prevention of drinking water health hazards through the control and regulation of drinking water systems and by requiring drinking water testing. The SDWA includes provisions that address:

- Enforcement powers for Ministry inspectors;
- Roles and responsibilities of owners and operators involved in the drinking water system;
- Requirements for the use of licensed laboratories for drinking water testing;
- Requirements for certification of all operators of the drinking water systems;
- Mandatory licensing for Municipalities, which includes Drinking Water Works Permits, Financial Plans and Accreditation for their drinking water systems;

Excerpts of O. Reg 170/03  
can be found in Appendix A

- Establishment of a standard of care, which requires municipalities to act with honesty and competency

### **Ontario Regulation 170/03: Drinking Water Systems Regulation**

Ontario Regulation 170/03, a regulation under the Safe Drinking Water Act, 2002, is the primary regulation which outlines operational checks, sampling, testing and reporting requirements that owners and operators of drinking water systems must adhere to.

See Appendix A for excerpts that prescribe requirements relevant to our Niagara-on-the-Lake Drinking Water System (large municipal residential system) and Bevan Heights Drinking Water System (small municipal residential system).

### **Ontario Regulation 128/04: Certification of Drinking Water Operators and Water Quality Analysts**

The Certification Program establishes standards for Water Operators and Water Quality Analysts for education, experience and knowledge needed to perform their duties effectively. This regulation stipulates types of licenses required, functions that must be performed by certified operators, training requirements, recertification as well as responsibilities for Overall-Responsible-Operator (ORO) and Operator-In-Charge (OIC).

### **Ontario Regulation 435/07: Financial Plans**

Under this Regulation, the Town was required to file a Financial Plan. This Plan, which was endorsed by Council, was submitted to the Ministry of Municipal Affairs and Housing in September 2010. The financial plan was created according to regulations. It covers how the Town plans to operate, maintain and rehabilitate/reconstruct the water systems and a cost recovery plan projected for the next 25 years. It was updated in 2014. The current Financial Plan was created for the most recent License renewal in 2024.

## **Municipal Drinking Water Licenses**

The SDWA prescribes that all municipalities in the province are to obtain a Municipal Drinking Water License for their drinking water systems. The Town has a separate license for each of our drinking water systems. These Municipal Drinking Water Licenses are valid for a period of 5 years.

The Niagara-on-the-Lake Distribution System, license number 069-102, Issue Number 4, was issued on March 13, 2020.

The Bevan Heights Distribution System, license number 069-101, Issue Number 4, was also issued on March 13, 2020.

These licenses must be renewed by March 2025, which means applications for renewals must be completed and submitted in the fall of 2024 including new Financial Plans. All information and applications were sent last summer/fall. Draft Licenses were received on January 8, 2025 and final versions should be arriving soon. Next renewals won't be required until 2030.

## **Drinking Water Works Permits**

The Niagara-on-the-Lake Distribution System, Drinking Water Works Permit number 069-202, Issue Number 5, was issued on March 13, 2020.

The Bevan Heights Distribution System, Drinking Water Works Permit number 069-201, Issue Number 5, was also issued on March 13, 2020.

These permits allow the Town to establish, replace or alter the municipal residential drinking water systems under the conditions of the permits.

These permits must be renewed by March 2025, which means applications for renewals must be completed and submitted in the fall of 2024 including new Financial Plans. All information and applications were sent last summer/fall. Draft Permits were received on January 8, 2025 and final versions should be arriving soon. Next renewals won't be required until 2030.

## **Drinking Water Quality Management Standard (DWQMS)**

The SDWA, requires municipal drinking water systems to obtain accreditation. In order to be accredited, an operating authority must establish and maintain a quality management system based on the Drinking Water Quality Management Standard (DWQMS). The Town obtained accreditation from SAI Global, a third-party accreditation body, for Full Scope – Entire DWQMS on May 22, 2013, based on a successful audit by SAI Global of the operational plan and implementation of all DWQMS requirements. SAI Global conducted another re-accreditation audit in 2018 and issued a new Accreditation Certificate to the Town for both systems on August 8, 2018 which is valid

for three years. A Re-Accreditation Audit took place in 2021 and accreditation was issued for another 3 years valid until 2024.

Most recently, in 2024 Intertek SAI Global completed the Annual System Surveillance Audit as well as a Re-Accreditation Audit and issued a new Accreditation Certificate valid until 2027.

### **MECP Inspections & Non-Compliance with Legislation**

Schedule 22 of O. Reg. 170/03 requires that all non-compliance with applicable legislation be discussed in this Summary Report.

#### **Niagara-on-the-Lake Distribution System**

The MECP conducted the 2024 Annual Inspection for the Niagara on the Lake Distribution System from July 8 to July 23, 2024. The final report dated July 26, 2024 identified **no non-compliances and the system was given an Inspection Rating of 100%.**

#### **Bevan Heights Distribution System**

The MECP conducted the 2024 Annual Inspection for the Bevan Heights Distribution System from July 24 to July 29, 2024. The final report dated July 31, 2024 identified **no non-compliances and the system was given an Inspection Ratings of 100%.**

### **Standard of Care**

Section 19 of the Safe Drinking Water Act, which came into effect on January 1, 2013, requires those who are in a position of oversight of a municipal drinking water system apply a statutory standard of care. This applies to the Owner as well as the Top Management and Operating Authority. Failure to comply with Section 19 of the SDWA is an offence which could result in significant financial penalties or imprisonment.

The Municipal Drinking Water Licensing Program assists owners and operators in meeting the statutory standard of care. Standard of Care training for the current Lord Mayor, Council, and top management took place on June 27, 2023. Next election year will be 2026 after which a new Standard of Care training opportunity will be scheduled if not sooner.

### **Water Usage**

The following information is reported as required by Schedule 22 of O. Reg. 170/03.

**Niagara-on-the-Lake Water Distribution System  
2024 Water Consumption**

| Month        | Total Consumption<br>(m <sup>3</sup> ) | Daily Average<br>(m <sup>3</sup> ) |
|--------------|--|------------------------------------|
| January      | 180,480                                | 5,821.9                            |
| February     | 165,340                                | 5,701.4                            |
| March        | 184,950                                | 5,966.1                            |
| April        | 193,470                                | 6,449.0                            |
| May          | 277,200                                | 8,942.0                            |
| June         | 307,630                                | 10,254.3                           |
| July         | 363,690                                | 11,731.9                           |
| August       | 348,677                                | 11,247.7                           |
| September    | 312,625                                | 10,420.8                           |
| October      | 259,629                                | 8,375.1                            |
| November     | 189,000                                | 6,300.0                            |
| December     | 183,803                                | 5,697.9                            |
| <b>TOTAL</b> | <b>2,966,494</b>                       |                                    |

**Bevan Heights Water Distribution System  
2024 Water Consumption**

| Month        | Total Consumption<br>(m <sup>3</sup> ) | Daily Average<br>(m <sup>3</sup> ) |
|--------------|--|------------------------------------|
| January      | 2,406                                  | 77.6                               |
| February     | 1,911                                  | 65.9                               |
| March        | 2,633                                  | 84.9                               |
| April        | 1,354                                  | 45.1                               |
| May          | 3,312                                  | 106.8                              |
| June         | 3,035                                  | 101.2                              |
| July         | 3,278                                  | 105.7                              |
| August       | 3,922                                  | 126.5                              |
| September    | 2,898                                  | 96.6                               |
| October      | 2,484                                  | 80.1                               |
| November     | 2,053                                  | 68.4                               |
| December     | 1,983                                  | 64.0                               |
| <b>TOTAL</b> | <b>31,269</b>                          |                                    |

**Annual Reports**

Copies of the annual reports must be available to the public free of charge according to O.Reg. 170/03. Copies are available at the Public Works building at 3 Lorraine Street in Virgil. These reports are also accessible on the Town's Website.

## 2024 Annual Report for Niagara-on-the-Lake Drinking Water System

Drinking-Water System  
Number:

260001380

Drinking-Water System Name:

Niagara-on-the-Lake Distribution System

Drinking-Water System Owner:

Town of Niagara-on-the-Lake

Drinking-Water System  
Category:

Large Municipal Residential

Period being reported:

January 1 – December 31, 2024

**Complete if your Category is Large  
Municipal Residential or Small  
Municipal Residential**

Does your Drinking-Water System serve  
more than 10,000 people?

Yes ☒ No ☐

Is your annual report available to the  
public at no charge on a web site on the  
Internet?

Yes ☒ No ☐

**Location where Summary Report  
required under O. Reg. 170/03 Schedule  
22 will be available for inspection.**

Town of Niagara-on-the-Lake  
Public Works Department  
3 Lorraine Street  
Virgil, Ontario  
L0S 1T0

**Complete for all other Categories.**

Number of Designated Facilities served:  
**Not Applicable**

Did you provide a copy of your annual  
report to all Designated Facilities you  
serve?

Yes ☐ No ☐ N/A ☒

Number of Interested Authorities you  
report to: **Not Available**

Did you provide a copy of your annual  
report to all Interested Authorities you  
report to for each Designated Facility?

Yes ☐ No ☐ N/A ☒

List all Drinking-Water Systems (if any), which receive all of their drinking water from  
your system:

| Drinking Water System Name | Drinking Water System Number |
|----------------------------|------------------------------|
| N/A = not applicable       | N/A = not applicable         |

Did you provide a copy of your annual report to all Drinking-Water System owners that  
are connected to you and to whom you provide all of its drinking water?

Yes ☐ No ☐ N/A ☒

Indicate how you notified system users that your annual report is available, and is free of charge.

- ☒ **Public access/notice via the web**
  - ☒ **Public access/notice via Government Office**
  - ☐ **Public access/notice via a newspaper**
  - ☒ **Public access/notice via Public Request**
  - ☐ **Public access/notice via a Public Library**
  - ☐ **Public access/notice via other method**
- 

**Describe your Drinking-Water System**

The Region of Niagara at its DeCew Falls and Niagara Falls water treatment plants produce water for the Town of Niagara-on-the-Lake. The Treated water is carried by a series of transmission mains and storage facilities to the Town. In turn, water is distributed to approximately 7500 customers in Niagara-on-the-Lake via approximately 201 km of Town distribution mains. There are approximately 1410 fire hydrants and 1383 valves in the distribution systems.

**List all water treatment chemicals used over this reporting period**

N/A – This is a distribution system only. Information on the treatment of water supply would need to be obtained from the Region of Niagara.

**Were any significant expenses incurred to?**

- ☐ Install required equipment
- ☒ Repair required equipment
- ☒ Replace required equipment

**Please provide a brief description and a breakdown of monetary expenses incurred**

Approximately 1,410 m of water main was replaced in all of Niagara-on-the-Lake's water distribution system, including Bevan Heights, at a cost of approximately \$1,100,000 in 2024.

**Provide details on the notices submitted in accordance with subsection 18(1) of the Safe Drinking-Water Act or section 16-4 of Schedule 16 of O.Reg.170/03 and reported to Spills Action Centre**

| Incident Date | Parameter       | Result | Unit of Measure | Corrective Action | Corrective Action Date |
|---------------|-----------------|--------|-----------------|-------------------|------------------------|
| July 11, 2024 | Total Coliforms | 1      | Count/100 ml    | Flush/Resample    | July 16, 2024          |
|               |                 |        |                 |                   |                        |

**Microbiological testing done under the Schedule 10, 11 or 12 of Regulation 170/03, during this reporting period.**

|                     | Number of Samples | Range of E.Coli Or Fecal Results (min #)-(max #) | Range of Total Coliform Results (min #)-(max #) | Number of HPC Samples | Range of HPC Results (min #)-(max #) |
|---------------------|-------------------|--|---|-----------------------|--------------------------------------|
| <b>Raw</b>          |                   |  |   |                       |                                      |
| <b>Treated</b>      |                   |  |   |                       |                                      |
| <b>Distribution</b> | 472               | 0-0  | 0-1   | 472                   | 0-500                                |

**Operational testing done under Schedule 7, 8 or 9 of Regulation 170/03 during the period covered by this Annual Report.**

|  | Number of Grab Samples | Range of Results (min #)-(max #) | Unit of Measure | <b>NOTE:</b> For continuous monitors use 8760 as the number of samples. |
|--|------------------------|----------------------------------|-----------------|---|
| <b>Turbidity</b>                                   |                        |                                  |                 |   |
| <b>Chlorine</b>                                    | 1109                   | 0.10 – 1.33                      | mg/l            |   |
| <b>Fluoride</b> (If the DWS provides fluoridation) |                        |                                  |                 |   |

**Summary of additional testing and sampling carried out in accordance with the requirement of an approval, order or other legal instrument.**

| Date of legal instrument issued | Parameter | Date Sampled | Result | Unit of Measure |
|---------------------------------|-----------|--------------|--------|-----------------|
|                                 |           |              |        |                 |
|                                 |           |              |        |                 |

**Summary of Inorganic parameters tested during this reporting period or the most recent sample results**

| Parameter | Sample Date | Result Value | Unit of Measure | Exceedance |
|-----------|-------------|--------------|-----------------|------------|
| Antimony  |             |              |                 |            |
| Arsenic   |             |              |                 |            |
| Barium    |             |              |                 |            |
| Boron     |             |              |                 |            |
| Cadmium   |             |              |                 |            |
| Chromium  |             |              |                 |            |
| *Lead     |             |              |                 |            |
| Mercury   |             |              |                 |            |
| Selenium  |             |              |                 |            |
| Sodium    |             |              |                 |            |
| Uranium   |             |              |                 |            |
| Fluoride  |             |              |                 |            |
| Nitrite   |             |              |                 |            |
| Nitrate   |             |              |                 |            |

\*only for drinking water systems testing under Schedule 15.2; this includes large municipal non-residential systems, small municipal non-residential systems, non-municipal seasonal residential systems, large non-municipal non-residential systems, and small non-municipal non-residential systems

#### Summary of lead testing under Schedule 15.1 during this reporting period

(applicable to the following drinking water systems; large municipal residential systems, small municipal residential systems, and non-municipal year-round residential systems)

| Location Type | Number of Samples | Range of Lead Results (min#) – (max #) | Unit of Measure | Number of Exceedances |
|---------------|-------------------|--|-----------------|-----------------------|
| Plumbing      | 0*                | N/A                                    | N/A             | N/A                   |
| Distribution  | 8                 | <0.001                                 | mg/L            | N/A                   |

\* This drinking water system met the requirements of subsection 15.1-5(9) of schedule 15.1 of O. Reg. 170/03 and was not required to test for lead in plumbing for the distribution system in 2024.

**Summary of Organic parameters sampled during this reporting period or the most recent sample results**

| Parameter   | Sample Date | Result Value | Unit of Measure | Exceedance |
|---|-------------|--------------|-----------------|------------|
| Alachlor  |             |              |                 |            |
| Aldicarb  |             |              |                 |            |
| Aldrin + Dieldrin                                   |             |              |                 |            |
| Atrazine + N-dealkylated metabolites                |             |              |                 |            |
| Azinphos-methyl                                     |             |              |                 |            |
| Bendiocarb  |             |              |                 |            |
| Benzene   |             |              |                 |            |
| Benzo(a)pyrene                                      |             |              |                 |            |
| Bromoxynil  |             |              |                 |            |
| Carbaryl  |             |              |                 |            |
| Carbofuran  |             |              |                 |            |
| Carbon Tetrachloride                                |             |              |                 |            |
| Chlordane (Total)                                   |             |              |                 |            |
| Chlorpyrifos  |             |              |                 |            |
| Cyanazine   |             |              |                 |            |
| Diazinon  |             |              |                 |            |
| Dicamba   |             |              |                 |            |
| 1,2-Dichlorobenzene                                 |             |              |                 |            |
| 1,4-Dichlorobenzene                                 |             |              |                 |            |
| Dichlorodiphenyltrichloroethane (DDT) + metabolites |             |              |                 |            |
| 1,2-Dichloroethane                                  |             |              |                 |            |
| 1,1-Dichloroethylene (vinylidene chloride)          |             |              |                 |            |
| Dichloromethane                                     |             |              |                 |            |
| 2,4-Dichlorophenol                                  |             |              |                 |            |
| 2,4-Dichlorophenoxy acetic acid (2,4-D)             |             |              |                 |            |
| Diclofop-methyl                                     |             |              |                 |            |
| Dimethoate  |             |              |                 |            |
| Dinoseb   |             |              |                 |            |
| Diquat  |             |              |                 |            |

|   |      |      |      |   |
|---|------|------|------|---|
| <b>Diuron</b>                                       |      |      |      |   |
| <b>Glyphosate</b>                                   |      |      |      |   |
| <b>HAA</b><br>(NOTE: show latest annual average)    | 2024 | 15.2 | µg/L | 0 |
| <b>Heptachlor + Heptachlor Epoxide</b>              |      |      |      |   |
| <b>Lindane (Total)</b>                              |      |      |      |   |
| <b>Malathion</b>                                    |      |      |      |   |
| <b>Methoxychlor</b>                                 |      |      |      |   |
| <b>Metolachlor</b>                                  |      |      |      |   |
| <b>Metribuzin</b>                                   |      |      |      |   |
| <b>Monochlorobenzene</b>                            |      |      |      |   |
| <b>Paraquat</b>                                     |      |      |      |   |
| <b>Parathion</b>                                    |      |      |      |   |
| <b>Pentachlorophenol</b>                            |      |      |      |   |
| <b>Phorate</b>                                      |      |      |      |   |
| <b>Picloram</b>                                     |      |      |      |   |
| <b>Polychlorinated Biphenyls(PCB)</b>               |      |      |      |   |
| <b>Prometryne</b>                                   |      |      |      |   |
| <b>Simazine</b>                                     |      |      |      |   |
| <b>THM</b><br>(NOTE: show latest annual average)    | 2024 | 44.5 | µg/L | 0 |
| <b>Temephos</b>                                     |      |      |      |   |
| <b>Terbufos</b>                                     |      |      |      |   |
| <b>Tetrachloroethylene</b>                          |      |      |      |   |
| <b>2,3,4,6-Tetrachlorophenol</b>                    |      |      |      |   |
| <b>Triallate</b>                                    |      |      |      |   |
| <b>Trichloroethylene</b>                            |      |      |      |   |
| <b>2,4,6-Trichlorophenol</b>                        |      |      |      |   |
| <b>2,4,5-Trichlorophenoxy acetic acid (2,4,5-T)</b> |      |      |      |   |
| <b>Trifluralin</b>                                  |      |      |      |   |
| <b>Vinyl Chloride</b>                               |      |      |      |   |

List any Inorganic or Organic parameter(s) that exceeded half the standard prescribed in Schedule 2 of Ontario Drinking Water Quality Standards.

| Parameter | Result Value | Unit of Measure | Date of Sample |
|-----------|--------------|-----------------|----------------|
|           |              |                 |                |
|           |              |                 |                |

## 2024 Annual Report for the Bevan Heights Drinking Water System

**Drinking-Water System**

**Number:**

**Drinking-Water System Name:**

**Drinking-Water System Owner:**

**Drinking-Water System**

**Category:**

**Period being reported:**

260062452

Bevan Heights Distribution System

Town of Niagara-on-the-Lake

Small Municipal Residential

January 1 – December 31, 2024

**Complete if your Category is Large  
Municipal Residential or Small  
Municipal Residential**

**Does your Drinking-Water System  
serve more than 10,000 people? Yes [ ☐ ] No [X]**

**Is your annual report available to the  
public at no charge on a web site on the  
Internet?**

**Yes [X] No [ ]**

**Location where Summary Report  
required under O. Reg. 170/03 Schedule  
22 will be available for inspection.**

Town of Niagara-on-the-Lake  
Public Works Department  
3 Lorraine Street  
Virgil, Ontario  
L0S 1T0

**Complete for all other Categories.**

**Number of Designated Facilities  
served: Not Applicable**

**Did you provide a copy of your annual  
report to all Designated Facilities you  
serve?**

**Yes [ ] No [ ] N/A [X]**

**Number of Interested Authorities you  
report to: Not Applicable**

**Did you provide a copy of your annual  
report to all Interested Authorities you  
report to for each Designated Facility?**

**Yes [ ] No [ ] N/A [X]**

**List all Drinking-Water Systems (if any), which receive all of their drinking water  
from your system:**

| <b>Drinking Water System Name</b> | <b>Drinking Water System Number</b> |
|-----------------------------------|-------------------------------------|
| N/A – not applicable              | N/A – not applicable                |

**Did you provide a copy of your annual report to all Drinking-Water System  
owners that are connected to you and to whom you provide all of its drinking  
water?**

**Yes [ ] No [ ] N/A [X]**

Indicate how you notified system users that your annual report is available, and is free of charge.

- ☒ Public access/notice via the web
  - ☒ Public access/notice via Government Office
  - ☐ Public access/notice via a newspaper
  - ☒ Public access/notice via Public Request
  - ☐ Public access/notice via a Public Library
  - ☐ Public access/notice via other method
- 

### **Describe your Drinking-Water System**

The Bevan Heights Distribution System is a small municipal residential system servicing approximately 84 customers. Water is received from Region of Niagara Treatment Plant via the City of Niagara Falls' distribution system. All watermains, appurtenances and service lines within the Bevan Heights subdivision were renewed in 2002. The lone exception is on Mallette Crescent where the watermain dates to 1971 and is still adequate. Service lines on Mallette Crescent were renewed in 2002. On September 24, 2012 the Ministry of the Environment requested that the water system on Concession 6 Road (Niagara Falls boundary to Highway 405) be included with Bevan Heights for the purpose of reporting. The watermain on Concession 6 Road was constructed in 1994. There are approximately 16 fire hydrants and 19 valves in the Bevan Heights system (including Concession 6 Road).

### **List all water treatment chemicals used over this reporting period**

N/A – This is a distribution system only. Information on the treatment of water supply would need to be obtained from the Region of Niagara.

### **Were any significant expenses incurred to?**

- ☐ Install required equipment
- ☐ Repair required equipment
- ☐ Replace required equipment

### **Please provide a brief description and a breakdown of monetary expenses incurred**

Approximately 1,410 m of water main was replaced in all of Niagara-on-the-Lake's water distribution system, including Bevan Heights, at a cost of approximately \$1,100,000 in 2024.

Provide details on the notices submitted in accordance with subsection 18(1) of the Safe Drinking-Water Act or section 16-4 of Schedule 16 of O.Reg.170/03 and reported to Spills Action Centre

| Incident Date | Parameter | Result | Unit of Measure | Corrective Action | Corrective Action Date |
|---------------|-----------|--------|-----------------|-------------------|------------------------|
|               |           |        |                 |                   |                        |
|               |           |        |                 |                   |                        |
|               |           |        |                 |                   |                        |

Microbiological testing done under the Schedule 10, 11 or 12 of Regulation 170/03, during this reporting period.

|              | Number of Samples | Range of E.Coli Or Fecal Results (min #)-(max #) | Range of Total Coliform Results (min #)-(max #) | Number of HPC Samples | Range of HPC Results (min #)-(max #) |
|--------------|-------------------|--|---|-----------------------|--------------------------------------|
| Raw          |                   |  |   |                       |                                      |
| Treated      |                   |  |   |                       |                                      |
| Distribution | 52                | 0-0  | 0-0   | 52                    | 0-3                                  |

Operational testing done under Schedule 7, 8 or 9 of Regulation 170/03 during the period covered by this Annual Report.

|   | Number of Grab Samples | Range of Results (min #)-(max #) | Unit of Measure | <b>NOTE:</b> For continuous monitors use 8760 as the number of samples. |
|---|------------------------|----------------------------------|-----------------|---|
| Turbidity                                   |                        |                                  |                 |   |
| Chlorine                                    | 271                    | 0.21 – 1.45                      | mg/l            |   |
| Fluoride (If the DWS provides fluoridation) |                        |                                  |                 |   |

Summary of additional testing and sampling carried out in accordance with the requirement of an approval, order or other legal instrument.

| Date of legal instrument issued | Parameter | Date Sampled | Result | Unit of Measure |
|---------------------------------|-----------|--------------|--------|-----------------|
|                                 |           |              |        |                 |
|                                 |           |              |        |                 |

**Summary of Inorganic parameters tested during this reporting period or the most recent sample results**

| Parameter | Sample Date | Result Value | Unit of Measure | Exceedance |
|-----------|-------------|--------------|-----------------|------------|
| Antimony  |             |              |                 |            |
| Arsenic   |             |              |                 |            |
| Barium    |             |              |                 |            |
| Boron     |             |              |                 |            |
| Cadmium   |             |              |                 |            |
| Chromium  |             |              |                 |            |
| *Lead     |             |              |                 |            |
| Mercury   |             |              |                 |            |
| Selenium  |             |              |                 |            |
| Sodium    |             |              |                 |            |
| Uranium   |             |              |                 |            |
| Fluoride  |             |              |                 |            |
| Nitrite   |             |              |                 |            |
| Nitrate   |             |              |                 |            |

\*only for drinking water systems testing under Schedule 15.2; this includes large municipal non-residential systems, small municipal non-residential systems, non-municipal seasonal residential systems, large non-municipal non-residential systems, and small non-municipal non-residential systems

**Summary of lead testing under Schedule 15.1 during this reporting period**

(applicable to the following drinking water systems; large municipal residential systems, small municipal residential systems, and non-municipal year-round residential systems)

| Location Type | Number of Samples | Range of Lead Results (min#) – (max #) | Unit of Measure | Number of Exceedances |
|---------------|-------------------|--|-----------------|-----------------------|
|---------------|-------------------|--|-----------------|-----------------------|

|                     |    |        |      |     |
|---------------------|----|--------|------|-----|
| <b>Plumbing</b>     | 0* | N/A    | N/A  | N/A |
| <b>Distribution</b> | 2  | <0.001 | mg/L | N/A |

\* This drinking water system met the requirements of subsection 15.1-5(9) of schedule 15.1 of O. Reg. 170/03 and was not required to test for lead in plumbing for the distribution system in 2024.

**Summary of Organic parameters sampled during this reporting period or the most recent sample results**

| <b>Parameter</b>   | <b>Sample Date</b> | <b>Result Value</b> | <b>Unit of Measure</b> | <b>Exceedance</b> |
|--|--------------------|---------------------|------------------------|-------------------|
| <b>Alachlor</b>  |                    |                     |                        |                   |
| <b>Aldicarb</b>  |                    |                     |                        |                   |
| <b>Aldrin + Dieldrin</b>                                   |                    |                     |                        |                   |
| <b>Atrazine + N-dealkylated metabolites</b>                |                    |                     |                        |                   |
| <b>Azinphos-methyl</b>                                     |                    |                     |                        |                   |
| <b>Bendiocarb</b>  |                    |                     |                        |                   |
| <b>Benzene</b>   |                    |                     |                        |                   |
| <b>Benzo(a)pyrene</b>                                      |                    |                     |                        |                   |
| <b>Bromoxynil</b>  |                    |                     |                        |                   |
| <b>Carbaryl</b>  |                    |                     |                        |                   |
| <b>Carbofuran</b>  |                    |                     |                        |                   |
| <b>Carbon Tetrachloride</b>                                |                    |                     |                        |                   |
| <b>Chlordane (Total)</b>                                   |                    |                     |                        |                   |
| <b>Chlorpyrifos</b>  |                    |                     |                        |                   |
| <b>Cyanazine</b>   |                    |                     |                        |                   |
| <b>Diazinon</b>  |                    |                     |                        |                   |
| <b>Dicamba</b>   |                    |                     |                        |                   |
| <b>1,2-Dichlorobenzene</b>                                 |                    |                     |                        |                   |
| <b>1,4-Dichlorobenzene</b>                                 |                    |                     |                        |                   |
| <b>Dichlorodiphenyltrichloroethane (DDT) + metabolites</b> |                    |                     |                        |                   |
| <b>1,2-Dichloroethane</b>                                  |                    |                     |                        |                   |
| <b>1,1-Dichloroethylene (vinylidene chloride)</b>          |                    |                     |                        |                   |
| <b>Dichloromethane</b>                                     |                    |                     |                        |                   |
| <b>2,4 Dichlorophenol</b>                                  |                    |                     |                        |                   |
| <b>2,4-Dichlorophenoxy acetic acid (2,4-D)</b>             |                    |                     |                        |                   |
| <b>Diclofop-methyl</b>                                     |                    |                     |                        |                   |
| <b>Dimethoate</b>  |                    |                     |                        |                   |
| <b>Dinoseb</b>   |                    |                     |                        |                   |

|  |      |      |      |   |
|--|------|------|------|---|
| Diquat                                       |      |      |      |   |
| Diuron                                       |      |      |      |   |
| Glyphosate                                   |      |      |      |   |
| HAA<br>(NOTE: show latest annual average)    | 2024 | 14.7 | µg/L | 0 |
| Heptachlor + Heptachlor Epoxide              |      |      |      |   |
| Lindane (Total)                              |      |      |      |   |
| Malathion                                    |      |      |      |   |
| Methoxychlor                                 |      |      |      |   |
| Metolachlor                                  |      |      |      |   |
| Metribuzin                                   |      |      |      |   |
| Monochlorobenzene                            |      |      |      |   |
| Paraquat                                     |      |      |      |   |
| Parathion                                    |      |      |      |   |
| Pentachlorophenol                            |      |      |      |   |
| Phorate                                      |      |      |      |   |
| Picloram                                     |      |      |      |   |
| Polychlorinated Biphenyls(PCB)               |      |      |      |   |
| Prometryne                                   |      |      |      |   |
| Simazine                                     |      |      |      |   |
| THM<br>(NOTE: show latest annual average)    | 2024 | 43.3 | µg/L | 0 |
| Temephos                                     |      |      |      |   |
| Terbufos                                     |      |      |      |   |
| Tetrachloroethylene                          |      |      |      |   |
| 2,3,4,6-Tetrachlorophenol                    |      |      |      |   |
| Triallate                                    |      |      |      |   |
| Trichloroethylene                            |      |      |      |   |
| 2,4,6-Trichlorophenol                        |      |      |      |   |
| 2,4,5-Trichlorophenoxy acetic acid (2,4,5-T) |      |      |      |   |
| Trifluralin                                  |      |      |      |   |
| Vinyl Chloride                               |      |      |      |   |

List any Inorganic or Organic parameter(s) that exceeded half the standard prescribed in Schedule 2 of Ontario Drinking Water Quality Standards.

| Parameter | Result Value | Unit of Measure | Date of Sample |
|-----------|--------------|-----------------|----------------|
|           |              |                 |                |
|           |              |                 |                |

## Appendix A – Excerpts extracted from the Safe Drinking Water Act, 2002 Ontario. Regulation 170/03

**11. (1)** The owner of a drinking water system shall ensure that an annual report is prepared in accordance with this section. O. Reg. 170/03, s. 11 (1); O. Reg. 247/06, s. 10 (1).

**(3)** In the case of the following drinking water systems, the annual report must cover the period from January 1 to December 31 in a year and must be prepared not later than February 28 of the following year:

1. Large municipal residential systems.
2. Small municipal residential systems.

**(6)** The annual report must,

- (a) contain a brief description of the drinking water system, including a list of water treatment chemicals used by the system during the period covered by the report;
- (b) summarize any reports made to the Ministry under subsection 18 (1) of the Act or section 16-4 of Schedule 16 during the period covered by the report;
- (c) summarize the results of tests required under this Regulation, or under an approval, municipal drinking water licence or order, including an OWRA order, during the period covered by the report and, if tests required under this Regulation in respect of a parameter were not required during that period, summarize the most recent results of tests of that parameter;
- (d) describe any corrective actions taken under Schedule 17 or 18 during the period covered by the report;
- (e) describe any major expenses incurred during the period covered by the report to install, repair or replace required equipment; and
- (f) in the case of a large municipal residential system or a small municipal residential system, include a statement of where a report prepared under Schedule 22 will be available for inspection under subsection 12 (4). O. Reg. 170/03, s. 11 (6); O. Reg. 418/09, s. 8.

**(7)** The owner of a drinking water system shall ensure that a copy of an annual report for the system is given, without charge, to every person who requests a copy. O. Reg. 269/03, s. 6 (2).

**(8)** If a drinking water system is connected to and receives all of its drinking water from another drinking water system, the owner of the system that obtains the water shall ensure that a copy of an annual report for the system from which the water is obtained is given, without charge, to every person who requests a copy. O. Reg. 269/03, s. 6 (2).

**(9)** Subsections (7) and (8) do not apply to an annual report that is more than two years old. O. Reg. 269/03, s. 6 (2).

[\(9.1\)](#) Every time that an annual report is prepared for a drinking water system, the owner of the system shall ensure that effective steps are taken to advise users of water from the system that copies of the report are available, without charge, and of how a copy may be obtained. O. Reg. 269/03, s. 6 (2).

[\(10\)](#) If a large municipal residential system serves more than 10,000 people, the owner of the system shall ensure that a copy of every report prepared under this section is available to the public at no charge on a website on the Internet. O. Reg. 170/03, s. 11 (10).

### **Information to be available**

[12. \(1\)](#) The owner of a drinking water system shall ensure that the following information is available for inspection in accordance with subsection (4):

1. A copy of every test result obtained in respect of a test required under this Regulation, or where continuous monitoring equipment is used under section 6-5 of Schedule 6, the daily minimum, maximum, and mean results obtained in respect of a test required under this Regulation, or under an approval, municipal drinking water licence or order, including an OWRA order.
2. A copy of every approval, drinking water works permit, municipal drinking water licence and order, including OWRA orders, that applies to the system and is still in effect, if the approval, permit, licence or order was issued after January 1, 2001.
3. A copy of every annual report prepared under section 11.
4. A copy of every report prepared under Schedule 21 or 22.
5. A copy of this Regulation. O. Reg. 170/03, s. 12 (1); O. Reg. 247/06, s. 11; O. Reg. 418/09, s. 9.

[\(2\)](#) Paragraphs 1 and 2 of subsection (1) do not apply to a record, report or test result until the day after it comes into the owner's possession. O. Reg. 170/03, s. 12 (2).

[\(3\)](#) Paragraphs 1 to 4 of subsection (1) do not apply to a record, report or test result that is more than two years old. O. Reg. 170/03, s. 12 (3); O. Reg. 253/05, s. 9 (1).

[\(4\)](#) The information must be available for inspection by any member of the public during normal business hours without charge,

- (a) at the office of the owner or, if the office of the owner is not reasonably convenient to users of water from the system, at a location that is reasonably convenient to those users; and
- (b) if the owner is not a municipality but the system serves a municipality, at the office of the municipality. O. Reg. 170/03, s. 12 (4).

### **Retention of records**

[13. \(1\)](#) The owner of a drinking water system shall ensure that the following documents and other records are kept for at least two years:

1. Every record or report related to a test required under any of the following provisions:
  - i. Section 7.
  - ii. Schedules 6 to 12.
  - iii. Sections 17-5 to 17-9 of Schedule 17.
  - iv. Sections 18-5 to 18-9 of Schedule 18.
2. Every record or report related to a test required under an approval, municipal drinking water licence or order, including an OWRA approval or OWRA order, unless the record or report relates to a parameter listed in Schedule 23 or 24 to this Regulation or Schedule 3 to Ontario Regulation 169/03 (Ontario Drinking Water Quality Standards).
3. Every record made under subsection 8-2 (5) of Schedule 8 or subsection 9-2 (5) of Schedule 9.
4. Every record made under subsection 3-1.1 (6) or (7) of Schedule 3. O. Reg. 247/06, s. 12; O. Reg. 418/09, s. 10 (1).

(2) The owner of a drinking water system shall ensure that the following documents and other records are kept for at least six years:

1. Every record or report related to a test required under any of the following provisions:
  - i. Subsection 13-2 (2), subsection 13-4 (2) and sections 13-5, 13-6 and 13-7 of Schedule 13.
  - ii. Section 15-4 of Schedule 15.
  - ii.1 Any provision in Schedule 15.1.
  - ii.2 Section 15.2-2 of Schedule 15.2.
  - iii. Sections 17-10 to 17-12 of Schedule 17.
2. Every record or report related to a test required under an approval, municipal drinking water licence or order, including an OWRA approval or OWRA order, if the record or report relates to a parameter listed in Schedule 23 or 24 to this Regulation or Schedule 3 to Ontario Regulation 169/03 (Ontario Drinking Water Quality Standards).
3. Every annual report prepared under section 11.
4. Every report prepared under Schedule 22. O. Reg. 247/06, s. 12; O. Reg. 399/07, s. 4 (1, 2); O. Reg. 418/09, s. 10 (2, 3).

(3) The owner of a drinking water system shall ensure that the following documents and other records are kept for at least 15 years:

1. Every record or report related to a test required under any of the following provisions:
  - i. Subsections 13-2 (3) and 13-4 (3) and sections 13-8 and 13-9 of Schedule 13.

- ii. Sections 15-2, 15-5 and 15-6 of Schedule 15.
  - iii. Section 17-13 of Schedule 17.
  - iv. Sections 18-10 to 18-13 of Schedule 18.
2. Every report prepared under Schedule 21.
  3. Every report referred to in paragraph 7 of subsection 2 (2) or clause 2 (3) (a) that is related to the system's raw water supply.
  4. If the owner gave the Director a written statement by a licensed engineering practitioner under subsection 21-2 (3) of Schedule 21, a copy of the OWRA approval referred to in that subsection. O. Reg. 247/06, s. 12; O. Reg. 399/07, s. 4 (3); O. Reg. 418/09, s. 1 (5).
- (4) The owner of a drinking water system shall ensure that reports prepared under Schedule 21 are kept at a location where they can conveniently be viewed by a provincial officer who is inspecting the system's water treatment equipment. O. Reg. 247/06, s. 12.
- (5) If the Director or a provincial officer makes a request for a document or other record referred to in subsection (1), (2) or (3), the owner of a drinking water system shall ensure that the document or other record is given to the Director or provincial officer within such period as the Director or provincial officer may specify. O. Reg. 247/06, s. 12.
- (6) If a licensed engineering practitioner or professional hydrogeologist is preparing an opinion, report or assessment referred to in this Regulation in respect of a drinking water system and makes a request for a document or other record referred to in subsection (1), (2) or (3), the owner of the system shall ensure that the document or other record is given to the licensed engineering practitioner or professional hydrogeologist within such period as the licensed engineering practitioner or professional hydrogeologist may specify. O. Reg. 247/06, s. 12; O. Reg. 418/09, s. 1 (5).
- (7) For the purpose of this section,
- (a) a reference in subsection (1), (2) or (3) to tests required under a provision of this Regulation shall be deemed to include a reference to,
    - (i) tests required for the same parameter under section 7 of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works), if that regulation applied to the drinking water system, or
    - (ii) tests required for the same parameter under section 9 of Ontario Regulation 505/01 (Drinking Water Protection — Small Water Works Serving Designated Facilities), if that regulation applied to the drinking water system;
  - (b) a reference in paragraph 3 of subsection (2) to annual reports prepared under section 11 shall be deemed to include a reference to,
    - (i) reports prepared under section 12 of Ontario Regulation 459/00, if that regulation applied to the drinking water system, or

- (ii) reports prepared under section 15 of Ontario Regulation 505/01, if that regulation applied to the drinking water system; and
- (c) a reference in paragraph 2 of subsection (3) to reports prepared under Schedule 21 shall be deemed to include a reference to reports prepared under section 5 of Ontario Regulation 505/01, if that regulation applied to the drinking water system.  
O. Reg. 247/06, s. 12.

## **SCHEDULE 7** **OPERATIONAL CHECKS**

Municipal: Large Residential  
Small Residential

### **Application**

**7-1.** This Schedule applies to the following drinking water systems.

1. Large municipal residential systems.
2. Small municipal residential systems.

### **Chlorine residual**

(3) The owner of a large municipal residential system that provides secondary disinfection and the operating authority for the system shall ensure that at least seven distribution samples are taken each week in accordance with subsection (4) and are tested immediately for,

- (a) free chlorine residual, if the system provides chlorination and does not provide chloramination; or

(4) The following rules apply to the distribution samples referred to in subsection (3) unless at least one sample is taken on each day of the week:

1. At least four of the samples must be taken on one day of the week, at least 48 hours after the last sample was taken in the previous week.
2. At least three of the samples must be taken on a second day of the week, at least 48 hours after the last sample was taken on the day referred to in paragraph 1.
3. When more than one sample is taken on the same day of the week under paragraph 1 or 2, each sample must be taken from a different location.

(5) The owner of a small municipal residential system that provides secondary disinfection and the operating authority for the system shall ensure that at least two distribution samples are taken each week in accordance with subsection (6) and are tested immediately for,

- (a) free chlorine residual, if the system provides chlorination and does not provide chloramination;

(6) At least one of the distribution samples referred to in subsection (5) must be taken at least 48 hours after, and during the same week as, one of the other distribution samples referred to in subsection (5).

### **Testing by certified operators or water quality analysts**

**7-5.** (1) The owner of a drinking water system and the operating authority for the system shall ensure that every test required by this Schedule is conducted by a certified operator or a water quality analyst.

(1.1) Despite subsection (1), a test required by section 7-2 or 7-3 at a small municipal residential system may be conducted by a person who is not a certified operator or water quality analyst if the person,

- (a) has been trained by a certified operator to conduct the test;
- (b) works under the supervision of a certified operator; and
- (c) immediately advises a certified operator of all test results.

## **SCHEDULE 10**

### **MICROBIOLOGICAL SAMPLING AND TESTING**

Large Municipal Residential

#### **Application**

**10-1.** This Schedule applies to large municipal residential systems.

#### **Distribution samples**

**10-2.** (1) The owner of a drinking water system and the operating authority for the system shall ensure that,

- (a) if the system serves 100,000 people or less, at least eight distribution samples, plus one additional distribution sample for every 1,000 people served by the system, are taken every month, with at least one of the samples being taken in each week; and
- (b) if the system serves more than 100,000 people, at least 100 distribution samples, plus one additional distribution sample for every 10,000 people served by the system, are taken every month, with at least three of the samples being taken in each week.

(2) The owner of the drinking water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for,

- (a) *Escherichia coli*; and
- (b) total coliforms.

(3) The owner of the drinking water system and the operating authority for the system shall ensure that at least 25 per cent of the samples required to be taken under subsection (1) are tested for general bacteria population expressed as colony counts on a heterotrophic plate count.

**SCHEDULE 11**  
**MICROBIOLOGICAL SAMPLING AND TESTING**

Municipal: Small Residential

**Application**

**11-1.** This Schedule applies to the following drinking water systems:

1. Small municipal residential systems.

**Distribution samples**

**11-2.** (1) The owner of a drinking water system and the operating authority for the system shall ensure that,

- (a) at least one distribution sample is taken every two weeks, if the system provides treatment equipment in accordance with Schedule 1 or 2 and the equipment is operated in accordance with that Schedule; or
- (b) at least one distribution sample is taken every week, if clause (a) does not apply.

(2) The owner of the drinking water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for,

- (a) *Escherichia coli*;
- (b) total coliforms; and
- (c) if section 1-5 of Schedule 1 or subsection 2-5 (1) of Schedule 2 applies to the system, general bacteria population expressed as colony counts on a heterotrophic plate count.

**SCHEDULE 13**  
**CHEMICAL SAMPLING AND TESTING**

Municipal: Large Residential  
Small Residential

**Application**

**13-1.** This Schedule applies to the following drinking water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.

**Trihalomethanes**

**13-6.** (1) The owner of a drinking water system that provides chlorination or chloramination and the operating authority for the system shall ensure that at least one distribution sample is taken every three months, from a point in the drinking water

system's distribution system, or plumbing that is connected to the drinking water system, that is likely to have an elevated potential for the formation of trihalomethanes.

(2) The owner of the drinking water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for trihalomethanes.

## **SCHEDULE 15.1**

### **LEAD**

Municipal: Large Residential  
Small Residential

#### **Application**

**15.1-1.** This Schedule applies to the following drinking water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.

#### **Limited meaning of “serve”**

**15.1-2.** For the purposes of this Schedule,

- (a) a drinking water system serves a population if its distribution system is directly connected to the plumbing that serves the population;
- (b) a drinking water system serves a private residence or other building if its distribution system is directly connected to the plumbing that serves the private residence or other building.

#### **Definitions**

**15.1-3.** In this Schedule,

“lead plumbing” and “lead service pipes” mean plumbing and service pipes with a lead content greater than 8 per cent; (“installation de plomberie en plomb”, “conduites de branchement en plomb”)

“lead solder” means solder with a lead content greater than 0.2 per cent; (“soudures de plomb”)

“Schedule 2 standard” means a standard prescribed for any substance in Schedule 2 to the Ontario Drinking Water Quality Standards; (“norme prescrite à l’annexe 2”)

“standard prescribed for lead” means the standard prescribed for lead in Schedule 2 to the Ontario Drinking Water Quality Standards; (“norme prescrite à l’égard du plomb”)

#### **Standard sampling**

**15.1-4.** (1) The owner of a drinking water system and the operating authority for the system shall ensure that, in accordance with sections 15.1-6 and 15.1-7, samples are taken during the periods described in subsection (2),

- (a) in plumbing that serves private residences, from at least the number of points set out in Column 3 of the Table to this section opposite the population served by the drinking water system;
  - (b) in plumbing that does not serve private residences, from at least the number of points set out in Column 4 of the Table to this section opposite the population served by the drinking water system; and
  - (c) in the drinking water system's distribution system, from at least the number of points set out in Column 5 of the Table to this section opposite the population served by the drinking water system.
- (2) The samples required by subsection (1) must be taken during each of the following periods:
1. The period from December 15, 2007 to April 15, 2008 and the corresponding period in every subsequent 12-month period.
  2. The period from June 15, 2008 to October 15, 2008 and the corresponding period in every subsequent 12-month period.
- (3) Despite subsection (1), if the population served by a drinking water system is less than 100 and if the number of buildings served by the system is less than five, the sampling requirements set out in subsection (1) do not apply and instead, one sample per building must be taken from plumbing that serves a private residence within the building, during the periods described in subsection (2) and in accordance with subsection 15.1-6 (1), paragraphs 1 and 2 of subsection 15.1-6 (2) and subsections 15.1-7 (1), (3) and (4).

**TABLE**  
**STANDARD SAMPLING — NUMBER OF SAMPLING LOCATIONS**

| Column 1 | Column 2                                   | Column 3   | Column 4   | Column 5   |
|----------|--|--|--|--|
| Item     | Population Served by Drinking Water System | Number of Sampling Points in Plumbing that Serves Private Residences | Number of Sampling Points in Plumbing that Does Not Serve Private Residences | Number of Sampling Points in Distribution System |
| 1.       | 1- 99                                      | 5  | 1  | 1  |
| 2.       | 100 - 499                                  | 10   | 1  | 2  |
| 3.       | 500 - 3,299                                | 20   | 2  | 4  |
| 4.       | 3,300 - 9,999                              | 40   | 4  | 8  |
| 5.       | 10,000 - 49,999                            | 60   | 6  | 12   |
| 6.       | 50,000 - 99,999                            | 80   | 8  | 16   |
| 7.       | 100,000 or more                            | 100  | 10   | 20   |

**Reduced sampling**

**15.1-5.** (1) Section 15.1-4 ceases to apply to a drinking water system, and this section applies instead, if,

- (a) in the case of a system that serves a population of less than 50,000,
  - (i) in each of two consecutive periods described in subsection 15.1-4 (2),
    - (A) not more than 10 per cent of all the samples taken from plumbing under section 15.1-4 and tested for lead exceeded half the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7, and
    - (B) no sample taken from plumbing under section 15.1-4 and tested for lead exceeded the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7, or
  - (ii) in each of four consecutive periods described in subsection 15.1-4 (2), not more than 10 per cent of all the samples taken from plumbing under section 15.1-4 and tested for lead exceeded the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7;
- (b) in the case of a system that serves a population of 50,000 or more, in each of four consecutive periods described in subsection 15.1-4 (2), not more than 10 per cent of all the samples taken from plumbing under section 15.1-4 and tested for lead exceeded the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7.

(2) For the purpose of subsection (1), if two samples that are taken on the same day from a point in plumbing are tested for lead under section 15.1-7, the sample with the lower concentration of lead shall not be considered.

(3) If a drinking water system serves a population of less than 50,000 and, under subsection (1), section 15.1-4 does not apply to the system, the owner of the drinking water system and the operating authority for the system shall ensure that, in accordance with sections 15.1-6 and 15.1-7, samples are taken during the periods described in subsection (5) in every third 12-month period after samples were last taken under section 15.1-4 or this section,

- (a) in plumbing that serves private residences, from at least the number of points set out in Column 3 of the Table to this section opposite the population served by the drinking water system;
- (b) in plumbing that does not serve private residences, from at least the number of points set out in Column 4 of the Table to this section opposite the population served by the drinking water system; and
- (c) in the drinking water system's distribution system, from at least the number of points set out in Column 5 of the Table to this section opposite the population served by the drinking water system.

(4) If a drinking water system serves a population of 50,000 or more and, under subsection (1), section 15.1-4 does not apply to the system, the owner of the drinking water system and the operating authority for the system shall ensure that, in

accordance with sections 15.1-6 and 15.1-7, samples are taken during the periods described in subsection (5), in every 12-month period after samples were last taken under section 15.1-4 or this section,

- (a) in plumbing that serves private residences, from at least the number of points set out in Column 3 of the Table to this section opposite the population served by the drinking water system;
- (b) in plumbing that does not serve private residences, from at least the number of points set out in Column 4 of the Table to this section opposite the population served by the drinking water system; and
- (c) in the drinking water system's distribution system, from at least the number of points set out in Column 5 of the Table to this section opposite the population served by the drinking water system.

(5) The samples required by subsections (3) and (4) must be taken during each of the following periods in the relevant 12-month period:

- 1. The period from December 15 to April 15.
- 2. The period from June 15 to October 15.

(6) This section ceases to apply to a drinking water system, and section 15.1-4 applies again, if in any period described in subsection (5), more than 10 per cent of all the samples taken from plumbing under that subsection and tested for lead exceeded the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7.

(7) For the purpose of subsection (6), if two samples that are taken on the same day from a point in plumbing are tested for lead under section 15.1-7, the sample with the lower concentration of lead shall not be considered.

(8) Despite subsection (3), if the population served by the drinking water system is less than 100 and if the number of buildings served by the system is less than five, the sampling requirements set out in subsection (3) do not apply and instead, one sample per building must be taken from plumbing that serves a private residence within the building, during the periods described in subsection (2) and in accordance with subsection 15.1-6 (1), paragraphs 1 and 2 of subsection 15.1-6 (2) and subsections 15.1-7 (1), (3) and (4).

(9) The requirements for taking samples set out in clauses (3) (a) and (b) and subsection (8) cease to apply to a drinking water system if, in each of two consecutive periods described in subsection (5) not more than 10 per cent of all the samples from plumbing taken under clause (3) (a) or (b) or subsection (8), or taken in accordance with a condition imposed under subsection 38 (2), 46 (2) or 60 (2) of the Act with respect to a system that serves a population of less than 50,000, that were tested for lead exceed the standard prescribed for lead, according to the results of the tests conducted under clause 15.1-7 (3) (a) or under a condition imposed under subsection 38 (2), 46 (2) or 60 (2) of the Act.

(10) When the requirements for taking samples set out in clauses (3) (a) and (b) and subsection (8) cease to apply under subsection (9) to a drinking water system, the

owner of the drinking water system and the operating authority for the system shall ensure that samples are taken as described in clause (3) (c), in accordance with subsection 15.1-7 (2),

- (a) to test for total alkalinity and for pH during each of the periods described in subsection (5) in every 12-month period; and
- (b) to test for lead during each of the periods described in subsection (5) in every third 12-month period.

(11) The requirements for taking samples set out in clauses (3) (a) and (b) and subsection (8) apply to a drinking water system again if the Director provides a written direction to the owner or operating authority of the system that the requirements apply to the system.

(12) The Director shall not provide a written direction under subsection (11) unless the Director has knowledge of water chemistry changes in the water of the drinking water system and in the Director's opinion the changes may increase levels of lead in the drinking water supplied by plumbing that is connected to the drinking water system.

**TABLE**  
**REDUCED SAMPLING — NUMBER OF SAMPLING LOCATIONS**

| Column 1 | Column 2                                   | Column 3   | Column 4   | Column 5   |
|----------|--|--|--|--|
| Item     | Population Served by Drinking Water System | Number of Sampling Points in Plumbing that Serves Private Residences | Number of Sampling Points in Plumbing that Does Not Serve Private Residences | Number of Sampling Points in Distribution System |
| 1.       | 1- 99                                      | 3  | 0  | 1  |
| 2.       | 100 - 499                                  | 5  | 1  | 1  |
| 3.       | 500 - 3,299                                | 10   | 1  | 2  |
| 4.       | 3,300 - 9,999                              | 20   | 2  | 3  |
| 5.       | 10,000 - 49,999                            | 30   | 3  | 4  |
| 6.       | 50,000 - 99,999                            | 40   | 4  | 8  |
| 7.       | 100,000 or more                            | 50   | 5  | 10   |

#### **Selection of sampling points**

**15.1-6.** (1) The owner of a drinking water system and the operating authority for the system shall ensure that a sample taken from plumbing under section 15.1-4 or 15.1-5 is taken only with the consent of the occupant of the premises served by the plumbing.

(2) In selecting points in plumbing from which samples are to be taken under section 15.1-4 or 15.1-5, the owner of the drinking water system and the operating authority for the system shall ensure that the samples comply with the following rules:

- 1. Subject to paragraph 2, samples must be taken from,

- i. plumbing that is connected or is suspected of being connected to lead service pipes, or
    - ii. lead plumbing or plumbing that is suspected of being lead plumbing.
  - 2. To the extent that it is not reasonably possible to take samples from plumbing described in paragraph 1, samples may be taken from,
    - i. plumbing that is connected or is suspected of being connected to service pipes that are not lead service pipes but have lead solder, or
    - ii. plumbing that is not lead plumbing but has or is suspected of having lead solder.
  - 3. Samples must not be taken from more than one point in the same building, unless the number of buildings served by the drinking water system is less than the number of sampling points set out in Column 3 of the Table to section 15.1-4 opposite the population served by the drinking water system.
  - 4. Subject to paragraphs 1 to 3, samples must be taken from plumbing that serves different kinds of premises, including,
    - i. single-family homes and multi-unit residential buildings, in the case of samples taken under clause 15.1-4 (1) (a) or 15.1-5 (3) (a) or (4) (a), and
    - ii. commercial properties, industrial properties, designated facilities and public facilities, in the case of samples taken under clause 15.1-4 (1) (b) or 15.1-5 (3) (b) or (4) (b).
  - 5. Subject to paragraphs 1 to 3, samples must be taken from different geographical areas that are served by the drinking water system.
- (3) The owner of a drinking water system and the operating authority for the system shall ensure that each sample taken from the system's distribution system under section 15.1-4 or 15.1-5 is taken,
- (a) on the same day that samples are taken from points in plumbing under that section; and
  - (b) from a point in the distribution system that is as close as reasonably possible to the points in plumbing from which samples are taken.

### **Sampling protocol and testing**

**15.1-7.** (1) The owner of a drinking water system and the operating authority for the system shall ensure that samples taken from a point in plumbing under section 15.1-4 or 15.1-5 are taken in accordance with the following rules:

- 1. Two one-litre samples and the sample described in paragraph 12 must be taken.
  - 2. All three samples must be taken from the same tap.
- 2.1 The samples must be of cold water.

3. If the tap from which samples are to be taken has an aerator, the aerator must not be removed while the samples are being taken.
4. The samples must be taken from,
  - i. a kitchen tap, if the sample is being taken from plumbing that serves premises that have a kitchen tap, or
  - ii. the tap that is most commonly used to provide water for human consumption, in any other case.
5. If a filter or other water-treating device is installed on or near the tap specified in paragraph 4, the filter or other device must be bypassed without being removed, if it is reasonably possible to do so, while the samples are being taken.
6. If a filter or other water-treating device is installed on or near the tap specified in paragraph 4 and it is not reasonably possible to bypass the filter or other device without removing it, the samples must be taken from another tap that is commonly used to provide water for human consumption.
7. If a filter or other water-treating device is installed on or near every tap that provides water for human consumption and, in every case, it is not reasonably possible to bypass the filter or other device without removing it, the samples must be taken from the tap specified in paragraph 4, but the filter or other device must be removed before the step described in paragraph 8 is taken.
8. Before the first sample is taken in accordance with paragraph 9, the tap must be turned on for at least five minutes and then turned off for the period described in subparagraph 9 i.
9. The first sample to be taken must be taken in accordance with the following rules:
  - i. The sample must be taken immediately after a period of not less than 30 minutes but not more than 35 minutes during which the plumbing is not used and must include the first water that comes out when the tap is turned on to take the sample.
  - ii. The sample must be taken with water flowing at a rate that approximates normal use, without permitting water to splash out of the container in which the sample is being collected.
10. The second sample to be taken must be taken immediately after the first sample, without turning off the tap or altering the flow rate of the tap.
11. Unless the laboratory directions referred to in section 6-8 of Schedule 6 provide otherwise, two or more containers may be used to take the first sample and to take the second sample, but in that case the time taken to switch from one container to the next must be kept to a minimum.
12. The third sample to be taken must be taken immediately after the second sample, without turning off the tap or altering the flow rate of the tap.

(2) The owner of a drinking water system and the operating authority for the system shall ensure that samples taken from a point in the system's distribution system under section 15.1-4 or 15.1-5 are taken in accordance with the following rules:

1. Before the samples are taken, the point in the distribution system must be flushed until the quality of the water at the point is representative of the quality of the water in that part of the distribution system.
2. Three samples must be taken.
3. If a sample cannot be taken from a point in the system's distribution system, a sample of cold water may be taken instead from a point in plumbing connected to the distribution system, provided that before the sample is taken the point is flushed until the quality of the water at the point is representative of the quality of water in the part of the distribution system that is connected to the plumbing.
4. Samples must not be taken from points in the distribution system where lead levels are likely to be elevated due to materials used in fixtures or appurtenances located at or near the sampling point.

(3) The owner of the drinking water system and the operating authority for the system shall ensure that,

- (a) the samples taken under paragraphs 9 and 10 of subsection (1) and the first sample taken under subsection (2) are tested for lead;
- (b) the second sample taken under subsection (2) is tested for total alkalinity; and
- (c) the sample taken under paragraph 12 of subsection (1) and the third sample taken under subsection (2) are each tested for pH,
  - (i) immediately after the sample is taken, and
  - (ii) using a pH meter that measures pH to at least two significant digits.

(4) The owner of the drinking water system and the operating authority for the system shall ensure that samples are taken and pH tests are conducted under this section only by,

- (a) a certified operator;
- (b) a water quality analyst;
- (c) a medical officer of health or public health inspector within the meaning of the *Health Protection and Promotion Act*;
- (d) a trained person; or
- (e) a person who,
  - (i) has been trained by a certified operator to take samples and conduct pH tests in accordance with this section,
  - (ii) works under the supervision of a certified operator, and
  - (iii) advises a certified operator of all pH test results within a reasonable period of time.

## **Drinking water tests**

**15.1-8.** Every test of a sample taken from plumbing under section 15.1-4 or 15.1-5 is prescribed as a drinking water test for the purpose of the definition of “drinking water test” in section 2 of the Act.

### **Reporting requirements for samples taken from plumbing**

**15.1-9.** (1) If the operating authority for a drinking water system or the owner of a drinking water system receives a report of a test result for a test conducted on any sample referred to in subsection (2.1), the operating authority or owner shall, within seven days after receiving the report, give the following to the occupant of the premises served by the tap from which the sample was taken and, if the sample was taken from a private residence within a multi-unit residential building, the owner of the building or their agent:

1. A copy of the report.
2. A statement of whether the report indicates a result that exceeds any Schedule 2 standard.
3. If the report indicates a result described in paragraph 2, any advice given by the medical officer of health to the operating authority or owner with respect to any steps that the occupant should take.
4. The telephone number of a person who is available to answer questions about the report.

(2) If a laboratory conducts a test of a sample referred to in subsection (2.1) and a result of the test exceeds any Schedule 2 standard, the laboratory shall, within 24 hours after the result is authorized pursuant to subsection 12 (1) or paragraph 4 of subsection 12.0.1 (3) of Ontario Regulation 248/03 (Drinking Water Testing Services) made under the Act, give a written report to,

- (a) the operating authority for the drinking water system, if an operating authority is responsible for the system;
- (b) the owner of the drinking water system, if no operating authority is responsible for the system;
- (c) the medical officer of health; and
- (d) the Ministry’s Spills Action Centre.

(2.1) The requirements set out in subsections (1) and (2) apply in respect of any sample taken from plumbing under subsection 15.1-4 (1) or (3) or subsection 15.1-5 (3), (4) or (8), in accordance with sections 15.1-6 and 15.1-7, whether or not the sample is taken in a period specified in subsection 15.1-4 (2) or 15.1-5 (5).

(3) The report required by subsection (2) shall specify,

- (a) the result that requires the report; and
- (b) the particular Schedule 2 standard that the result exceeds.

(4) If a laboratory reports a test result to the operating authority for a drinking water system under subsection (2), the operating authority shall, within 24 hours after receiving the report, give a copy of the report to the owner of the system.

(5) If a laboratory reports a test result to the operating authority for a drinking water system or the owner of a drinking water system under subsection (2), the operating authority or owner shall, within 24 hours after receiving the report, give a copy of the report to the medical officer of health.

(6) If a copy of a report is given to the operator of a designated facility under subsection (1), the operator shall provide a copy of the report to the interested authority for the facility, as soon as reasonably possible and preferably within 24 hours after the operator receives the copy.

(6.1) If, during a period described in subsection 15.1-4 (2) or subsection 15.1-5 (5), any sample is taken from plumbing under subsection 15.1-4 (1) or (3) or subsection 15.1-5 (3), (4) or (8), in accordance with sections 15.1-6 and 15.1-7, the owner of a drinking water system and the operating authority for the system shall submit a report to the Director within 30 days after the end of the period specifying the number of points sampled during the period, the number of samples taken, and the number of points where a sample exceeded the prescribed standard for lead.

(7) A written document that is given under subsection (2), (4), (5), (6) or (6.1) may be delivered personally or sent by fax or by electronic mail.

(8) Despite subsection (7), the Ministry's Spills Action Centre may require that a report that is given to the Centre under subsection (2) be given in an electronic format specified by the Director.

(9) Section 18 of the Act and Schedule 16 to this Regulation do not apply to a test of a sample taken from plumbing under section 15.1-4 or 15.1-5.

### **Corrective action for adverse results**

**15.1-10.** If a report is made under subsection 15.1-9 (2), the owner of the drinking water system and the operating authority for the system shall take such steps as are directed by the medical officer of health, including, if directed by the medical officer of health, providing information to occupants of the premises served by the plumbing from which the sample was taken that is in addition to the information provided under paragraph 3 of subsection 15.1-9 (1).

### **Corrosion control**

**15.1-11.** (1) This section applies to a large municipal residential system if,

- (a) in two of the three most recent periods described in section 15.1-4 or 15.1-5, more than 10 per cent of all the samples taken from plumbing under that section and tested for lead exceed the standard prescribed for lead, according to the results of the tests conducted under section 15.1-7; and
- (b) in each of the two periods mentioned in clause (a), the number of samples that exceed the standard prescribed for lead is at least two.

(2) For the purpose of subsection (1), if two samples that are taken on the same day from a point in plumbing are tested for lead under section 15.1-7, the sample with the lower concentration of lead shall not be considered.

(3) Within one year after the last day of the period mentioned in subsection (1) during which the test results are such as to cause this section to apply, the owner of the system and the operating authority for the system shall ensure that a plan that complies with subsection (5) is prepared and submitted to a Director appointed by the Minister under section 6 of the Act in respect of section 32 of the Act.

(4) The plan shall be prepared and submitted in a form and manner approved by the Director.

(5) The plan shall,

- (a) analyze the potential for lead leaching into water as a result of corrosion that occurs in the system's distribution system or in plumbing that is connected to the system's distribution system;
- (b) list and analyze possible measures to reduce the potential for lead leaching;
- (c) identify the preferred measure or measures;
- (d) set out an implementation schedule; and
- (e) include a program for monitoring the effectiveness of the preferred measure or measures.

(6) If subsection (3) applies to a drinking water system that obtains treated water from another drinking water system,

- (a) subsection (3) also applies to the owner of the other system and to the operating authority for the other system;
- (b) the plan mentioned in subsection (3) shall be a joint plan; and
- (c) the owner and operating authority mentioned in clause (a) shall, jointly with the owner of the system that obtains the treated water and the operating authority for that system, ensure that the plan is prepared and submitted.

(7) If the drinking water system referred in clause (6) (a) itself obtains treated water from another system, subsection (6) also applies to that other system.

(8) If the plan mentioned in subsection (3) requires the owner or the operating authority to do anything in connection with implementing measures under the plan or monitoring their effectiveness, the owner shall, at the same time as the plan is submitted to the Director, apply to the Director to amend the system's approval or municipal drinking water licence to reflect the requirements of the plan.

(9) If the Director has amended the system's approval or municipal drinking water licence under subsection (8) and the owner or operating authority is carrying out the monitoring program described by clause (5) (e), the requirements for taking samples set out in subsection 15.1-4 (1), subsection 15.1-4 (3), subsections 15.1-5 (3) and (4) and subsection 15.1-5 (8) cease to apply to the drinking water system.

**SCHEDULE 16**  
**REPORTING ADVERSE TEST RESULTS AND OTHER PROBLEMS**

**Application**

**16-1.** This Schedule applies to the following drinking water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.

**Duty to report under s. 18 of the Act**

**16-3.** (1) The following are prescribed as adverse results of a drinking water test for the purpose of section 18 of the Act:

1. A result that exceeds any of the standards prescribed by Schedule 1, 2 or 3 to the Ontario Drinking Water Quality Standards, other than the standard for fluoride, if the result is from a sample of drinking water.
2. A result indicating the presence of *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) in a sample of drinking water.
3. A result indicating the presence of a pesticide not listed in Schedule 2 to the Ontario Drinking Water Quality Standards in a sample of drinking water, at any concentration.
4. If the drinking water system is required to take free chlorine residual tests under clause 7 (2) (a) or to provide secondary disinfection in accordance with section 1-5 of Schedule 1 or section 2-5 of Schedule 2, the system provides chlorination, the system does not provide chloramination and a report under subsection 18 (1) of the Act has not been made in respect of free chlorine residual in the preceding 24 hours, a result indicating that the concentration of free chlorine residual is less than 0.05 milligrams per litre in,
  - i. a distribution sample that is a grab sample, or
  - ii. two distribution samples that are tested by continuous monitoring equipment, if the two samples were taken 15 minutes or more apart and the later of the two samples was the first sample that was taken 15 minutes or more after the earlier sample.
5. If the drinking water system is required to take combined chlorine residual tests under clause 7 (2) (b) or to provide secondary disinfection in accordance with section 1-5 of Schedule 1 or section 2-5 of Schedule 2, the system provides chloramination and a report under subsection 18 (1) of the Act has not been made in respect of combined chlorine residual in the preceding 24 hours, a result indicating that the concentration of combined chlorine residual is less than 0.25 milligrams per litre and the concentration of free chlorine residual is less than 0.05 milligrams per litre in,

- i. a distribution sample that is a grab sample, or
  - ii. two distribution samples that are tested by continuous monitoring equipment, if the two samples were taken 15 minutes or more apart and the later of the two samples was the first sample that was taken 15 minutes or more after the earlier sample.
- 6. If the drinking water system is required to provide filtration and a report under subsection 18 (1) of the Act has not been made in respect of turbidity in the preceding 24 hours, a result indicating that turbidity exceeds 1.0 Nephelometric Turbidity Units (NTU) in,
  - i. a grab sample of water taken from a filter effluent line, or
  - ii. two samples of water from a filter effluent line that are tested by continuous monitoring equipment, if,
    - A. two samples were taken 15 minutes or more apart and the later of the two samples was the first sample that was taken 15 minutes or more after the earlier sample, and
    - B. the filter effluent line is directing water to the next stage of the treatment process.
- 7. If an approval, municipal drinking water licence or order, including an OWRA order, identifies a parameter as a health-related parameter and establishes a maximum concentration for the parameter, a result indicating that the parameter exceeds the maximum concentration in a sample of drinking water.
- 8. A result indicating that the concentration of sodium exceeds 20 milligrams per litre in a sample of drinking water, if a report under subsection 18 (1) of the Act has not been made in respect of sodium in the preceding 57 months.
- 9. A result indicating that the concentration of fluoride exceeds 1.5 milligrams per litre in a sample of drinking water, if,
  - i. the drinking water system provides fluoridation and a report under subsection 18 (1) of the Act has not been made in respect of fluoride in the preceding 24 hours, or
  - ii. the drinking water system does not provide fluoridation and a report under subsection 18 (1) of the Act has not been made in respect of fluoride in the preceding 57 months.
- (2) Despite subsection (1), a result is not an adverse test result of a drinking water test for the purpose of section 18 of the Act if,
  - (a) the result indicates compliance with a condition in an approval or licence that was imposed under clause 38 (2) (b), 46 (2) (b) or 60 (2) (b) of the Act; and
  - (b) the test was conducted at the drinking water system or the owner or operating authority for the system gave written notice of the condition referred to in clause (a) to the laboratory that conducted the test.

#### **Duty to report other observations**

**16-4.** If an observation other than an adverse test result prescribed by section 16-3 indicates that a drinking water system that provides or is required to provide disinfection is directing water to users of water from the system that has not been disinfected in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*,

- (a) the owner of the system shall report to the Ministry and the medical officer of health immediately after the observation is made; or
- (b) if an operating authority is responsible for the operation of the system, the operating authority shall report to the Ministry, the medical officer of health and the owner of the system immediately after the observation is made.

### **Manner of making immediate report**

**16-6.** (1) A person who is required to report immediately under section 16-4 or 16-5 or under section 18 of the Act shall do so in accordance with this section and section 16-8.

(2) An immediate report required under section 16-4 or 16-5 or under subsection 18 (1) of the Act must be given by speaking in person or by telephone with a person referred to in subsection (3).

(3) For the purpose of subsection (2), the immediate report must be given,

- (a) to a medical officer of health, by speaking with a person at the office of the medical officer of health or, if the office is closed, by speaking with a person at the on-call system of the health unit;
- (b) to the Ministry, by speaking with a person at the Ministry's Spills Action Centre; and
- (c) if the report is required under section 16-5, by speaking with a responsible individual at the designated facility.

(4) An immediate report required under subsection 18 (3) of the Act must be given by speaking in person or by telephone with a person designated for that purpose by the owner of the drinking water system.

(5) An immediate notice required under subsection 18 (4) of the Act must be given by speaking in person or by telephone with a person designated for that purpose by,

- (a) the owner of the system and the operating authority for the system, if an operating authority is responsible for the system; or
- (b) the owner of the system, if no operating authority is responsible for the system.

### **Written notice**

**16-7.** (1) A person who is required to report immediately to another person under section 16-4 or 16-5 or under subsection 18 (1) of the Act shall also give the other person a written notice in accordance with this section and section 16-8.

(2) A written notice required by subsection (1) must be given within 24 hours after the immediate report is given under section 16-4 or 16-5 or under subsection 18 (1) of the Act.

(3) A written notice required by subsection (1) must be given to,

- (a) the medical officer of health, by delivering the written notice to the office of the medical officer of health;
- (b) the Ministry, by delivering the written notice to the Ministry's Spills Action Centre; and

### **Content of report and notice**

**16-8.** (1) An immediate report given under section 16-4 or 16-5 or under section 18 of the Act must specify the adverse test result or observation that requires the report.

(1.1) Subsection (1) does not apply to an immediate report given by the owner of a drinking water system if the report relates to an adverse test result from a test that that was not conducted at the system.

(1.2) If the person operating a laboratory gives an immediate report under section 18 of the Act in respect of a result that exceeds any of the standards prescribed by Schedule 1 to the Ontario Drinking Water Quality Standards for a water sample that was required, by this Regulation or an approval, municipal drinking water licence or order, including an OWRA approval or OWRA order, to be tested for a microbiological parameter, and the laboratory received notice of the test result for the other sample that, under section 6-3 of Schedule 6, was required to be taken and tested for free chlorine residual or combined chlorine residual, the immediate report must also specify that test result.

(2) An immediate report given under section 16-4 or 16-5 or under subsection 18 (1) of the Act must indicate,

- (a) what actions are being taken in response to the adverse test result or observation that requires the report; and
- (b) if Schedule 17 or 18 requires that a corrective action be taken in respect of the adverse test result or observation, whether the corrective action is being taken.

(3) Subsection (2) does not apply to a report given under paragraph 2 of subsection 18 (1) of the Act by a person operating a laboratory.

(4) Subject to subsection (3), subsections (1) to (2) also apply, with necessary modifications, to the written notice given under section 16-7.

### **Notice of issue resolution**

**16-9.** (1) If an immediate report or a written notice is given under this Schedule and the issue that gave rise to the notice is resolved, the owner of the drinking water system shall, within seven days after the issue is resolved, give a written notice summarizing the action taken and the results achieved to,

- (a) the medical officer of health, by delivering the written notice to the office of the medical officer of health; and
- (b) the Ministry, by delivering the written notice to the Ministry's Spills Action Centre.

(2) If an immediate report or a written notice is given under this Schedule to the interested authority for a designated facility and the issue that gave rise to the notice is resolved, the owner of the drinking water system shall, within 30 days after the issue is resolved, give a written notice summarizing the action taken and the results achieved to the interested authority.

### **Operating authorities**

**16-10.** An operating authority that has agreed with the owner of a drinking water system to give reports or notices on behalf of the owner under section 18 of the Act or this Schedule shall comply with the agreement.

## **SCHEDULE 17** **CORRECTIVE ACTION**

### **Large Municipal Residential**

#### **Application**

**17-1.** This Schedule applies to large municipal residential systems.

#### **Chlorine residual**

**17-4.** If a report is required to be made under section 18 of the Act in respect of free chlorine residual or combined chlorine residual, the owner of the drinking water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately flush the watermains and restore secondary disinfection to ensure that,
  - i. a free chlorine residual of at least 0.05 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking water system provides chlorination and does not provide chloramination, or
  - ii. a combined chlorine residual of at least 0.25 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking water system provides chloramination.
2. Take such other steps as are directed by the medical officer of health.

#### ***Escherichia coli* (E. coli)**

**17-5.** If a report is required to be made under section 18 of the Act in respect of *Escherichia coli* (E. coli), the owner of the drinking water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.

2. Immediately increase the chlorine or chloramine dose and flush the watermains to ensure that,
  - i. a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking water system provides chlorination and does not provide chloramination, or
  - ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking water system provides chloramination.
3. Maintain the free chlorine residual or combined chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system, and continue to resample and test, until *Escherichia coli* (E. coli) is not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
4. Take such other steps as are directed by the medical officer of health.

### **Total coliforms**

**17-6.** If a report is required to be made under section 18 of the Act in respect of total coliforms, the owner of the drinking water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Resample and test as soon as reasonably possible.
2. If total coliforms are detected under paragraph 1, immediately increase the chlorine or chloramine dose and flush the watermains to ensure that,
  - i. a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking water system provides chlorination and does not provide chloramination, or
  - ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking water system provides chloramination.
3. Maintain the free chlorine residual or combined chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system, and continue to resample and test, until total coliforms are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
4. Take such other steps as are directed by the medical officer of health.

### **Chemical and radiological parameters in O. Reg. 169/03**

**17-10.** If a report is required to be made under section 18 of the Act in respect of a chemical or radiological parameter set out in Schedule 2 or 3 to the Ontario Drinking Water Quality Standards, the owner of the drinking water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Resample and test as soon as reasonably possible.

2. If a concentration that exceeds the standard prescribed for the parameter by Schedule 2 or 3 to the Ontario Drinking Water Quality Standards is detected under paragraph 1, take such other steps as are directed by the medical officer of health.

### **Corrective action that requires report under s. 18 of the Act**

**17-14.** If a report is required to be made under section 18 of the Act as a result of a drinking water test that is a component of corrective action taken with respect to a parameter in accordance with this Schedule, it is not necessary to start the corrective action with respect to that parameter over again, but the owner of the drinking water system and the operating authority for the system shall ensure that any remaining components of the corrective action are completed.

O. Reg. 170/03, Sched. 17; O. Reg. 165/04, s. 6; O. Reg. 247/06, s. 28; O. Reg. 418/09, s. 24.

## **SCHEDULE 18** **CORRECTIVE ACTION**

Municipal: Small Residential

### **Application**

**18-1.** This Schedule applies to the following drinking water systems:

1. Small municipal residential systems.

### **Chlorine residual**

**18-4.** If a report is required to be made under section 18 of the Act in respect of free chlorine residual, the owner of the drinking water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately flush the distribution system and any plumbing owned by the owner of the drinking water system, and restore secondary disinfection to ensure that,
  - i. a free chlorine residual of at least 0.05 milligrams per litre is quickly achieved at all points in the affected parts of the distribution system and plumbing, if the drinking water system provides chlorination and does not provide chloramination, or
  - ii. a combined chlorine residual of at least 0.25 milligrams per litre is quickly achieved at all points in the affected parts of the distribution system and plumbing, if the drinking water system provides chloramination.
2. If the drinking water system provides chlorination, the system does not provide chloramination and a free chlorine residual of at least 0.05 milligrams per litre cannot be quickly achieved at all points in the affected parts of the distribution system and plumbing, immediately take all reasonable steps to notify all users of water from the system to use an alternate source of drinking water or, if no alternate source is available, to bring water to a rapid rolling boil for at least one minute before use.

- 2.1 If the drinking water system provides chloramination and a combined chlorine residual of at least 0.25 milligrams per litre cannot be quickly achieved at all points in the affected parts of the distribution system and plumbing, immediately take all reasonable steps to notify all users of water from the system to use an alternate source of drinking water or, if no alternate source is available, to bring water to a rapid rolling boil for at least one minute before use.
3. Take such other steps as are directed by the medical officer of health.

### ***Escherichia coli* (E. coli)**

**18-5.** If a report is required to be made under section 18 of the Act in respect of *Escherichia coli* (E. coli), the owner of the drinking water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately take all reasonable steps to notify all users of water from the system to use an alternate source of drinking water or, if no alternate source is available, to bring water to a rapid rolling boil for at least one minute before use.
2. Immediately resample and test.
3. Immediately increase the chlorine dose and flush the distribution system and any plumbing owned by the owner of the drinking water system to ensure that,
  - i. a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing, if the drinking water system provides chlorination and does not provide chloramination, or
  - ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing, if the drinking water system provides chloramination.
4. If the drinking water system provides chlorination or chloramination, maintain the free chlorine residual or combined chlorine concentration referred to in paragraph 3 in the affected parts of the distribution system and plumbing, and continue to resample and test, until *Escherichia coli* (E. coli) is not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
5. If the drinking water system does not provide chlorination or chloramination, immediately take the relevant corrective action steps described in the Ministry's *Procedure for Corrective Action for Systems Not Currently Using Chlorine*.
6. Take such other steps as are directed by the medical officer of health.

### **Total coliforms**

**18-6.** If a report is required to be made under section 18 of the Act in respect of total coliforms, the owner of the drinking water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Resample and test as soon as reasonably possible.

2. If total coliforms are detected under paragraph 1, immediately increase the chlorine dose and flush the distribution system and any plumbing owned by the owner of the drinking water system to ensure that,
  - i. a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing, if the drinking water system provides chlorination and does not provide chloramination, or
  - ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing, if the drinking water system provides chloramination.
3. If total coliforms are detected under paragraph 1 and the drinking water system provides chlorination or chloramination, maintain the free chlorine residual or combined chlorine concentration referred to in paragraph 2 in the affected parts of the distribution system and plumbing, and continue to resample and test, until total coliforms are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
5. Take such other steps as are directed by the medical officer of health.

***Aeromonas* spp., etc.**

**Chemical and radiological parameters in O. Reg. 169/03**

**18-10.** If a report is required to be made under section 18 of the Act in respect of a chemical or radiological parameter set out in Schedule 2 or 3 to the Ontario Drinking Water Quality Standards, the owner of the drinking water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Resample and test as soon as reasonably possible.
2. If a concentration that exceeds the standard prescribed for the parameter by Schedule 2 or 3 to the Ontario Drinking Water Quality Standards is detected under paragraph 1, take such other steps as are directed by the medical officer of health.

**Corrective action that requires report under s. 18 of the Act**

**18-14.** If a report is required to be made under section 18 of the Act as a result of a drinking water test that is a component of corrective action taken with respect to a parameter in accordance with this Schedule, it is not necessary to start the corrective action with respect to that parameter over again, but the owner of the drinking water system and the operating authority for the system shall ensure that any remaining components of the corrective action are completed.

**SCHEDULE 19**  
**WARNING NOTICE OF POTENTIAL PROBLEMS**

Municipal: Small Residential

**Application**

**19-1.** This Schedule applies to the following drinking water systems:

1. Small municipal residential systems.

**Warning notice to be posted**

**19-2.** (1) The owner of a drinking water system and the operating authority for the system shall ensure that warning notices are posted in accordance with this section if,

- (a) the owner or operating authority is required under Schedule 18 to take all reasonable steps to ensure that all users of water from the system are notified to use an alternate source of drinking water or, if no alternate source is available, to bring water to a rapid rolling boil for at least one minute before use; or
- (b) the owner or operating authority is not complying with Schedule 11, 12 or 18.

(2) The warning notices required by subsection (1) must be posted in prominent locations where they are likely to come to the attention of users of water from the system.

**Posting by others**

**19-3.** (1) If warning notices are not posted in accordance with section 19-2, the warning notices may be posted by,

- (a) a provincial officer; or
- (b) a public health inspector under the *Health Protection and Promotion Act*, or a person acting under the supervision of a public health inspector.

**SCHEDULE 22**  
**SUMMARY REPORTS FOR MUNICIPALITIES**

Municipal: Large Residential  
Small Residential

**Application**

**22-1.** This Schedule applies to the following drinking water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.

**Report**

**22-2.** (1) The owner of a drinking water system shall ensure that, not later than March 31 of each year after 2003, a report is prepared in accordance with subsections (2) and (3) for the preceding calendar year and is given to,

- (a) in the case of a drinking water system owned by a municipality, the members of the municipal council;
- (b) in the case of a drinking water system owned by a municipal service board established under section 195 of the *Municipal Act, 2001*, the members of the municipal service board; or
- (c) in the case of a drinking water system owned by a corporation, the board of directors of the corporation.

(2) The report must,

- (a) list the requirements of the Act, the regulations, the system's approval, drinking water works permit, municipal drinking water licence, and any orders applicable to the system that were not met at any time during the period covered by the report; and
- (b) for each requirement referred to in clause (a) that was not met, specify the duration of the failure and the measures that were taken to correct the failure.

(3) The report must also include the following information for the purpose of enabling the owner of the system to assess the capability of the system to meet existing and planned uses of the system:

1. A summary of the quantities and flow rates of the water supplied during the period covered by the report, including monthly average and maximum daily flows.
2. A comparison of the summary referred to in paragraph 1 to the rated capacity and flow rates approved in the system's approval, drinking water works permit or municipal drinking water licence, or if the system is receiving all of its water from another system under an agreement pursuant to subsection 5 (4), to the flow rates specified in the written agreement.

(4) If a report is prepared under subsection (1) for a system that supplies water to a municipality under the terms of a contract, the owner of the system shall give a copy of the report to the municipality by March 31.

### **OWRA approvals**

**22-3.** A provision of an OWRA approval that requires the completion and presentation of a compliance report does not apply to a drinking water system if the owner of the system complies with section 22-2.



|                    |   |                         |   |
|--------------------|---|-------------------------|---|
| <b>Title:</b>      | <b>DWQMS Management Review Meeting Agenda/Checklist</b> |                         |   |
| <b>Document #:</b> | PW-DW-FRM-016-001                                       | <b>Revision Number:</b> | 4 |

**Meeting Date:** December 11, 2024 – 11:00 am

**Attendees:** Director of Operations (A) – Darren MacKenzie  
Manager of Public Works (A) – Darrin Wills  
Supervisor – Environmental Services (A) – Gregg Stewart  
Supervisor – Engineering – Mike Komljenovic  
W/WW Operator & backup QMS Rep – Adam Bartol (absent)

**Others:** \_\_\_\_\_

| DWQMS Management Review Agenda Item                                | Reviewed                 |
|--|--------------------------|
| Introduction & Meeting Kickoff                                     | <input type="checkbox"/> |
| Overview & Highlights of DWQMS Performance – Last 12 Months        | <input type="checkbox"/> |
| Review of DWQMS Management Review Procedure                        | <input type="checkbox"/> |
| Management Review Required Inputs                                  |                          |
| - Incidents of regulatory non-compliance                           | <input type="checkbox"/> |
| - Incidents of adverse drinking-water tests                        | <input type="checkbox"/> |
| - Deviations from critical control point limits & response actions | <input type="checkbox"/> |
| - Efficacy of the risk assessment process                          | <input type="checkbox"/> |
| - Internal and third-party audit results                           | <input type="checkbox"/> |
| - Results of emergency response testing                            | <input type="checkbox"/> |
| - Operational performance  | <input type="checkbox"/> |
| - Raw water supply and drinking-water quality trends               | <input type="checkbox"/> |
| - Follow-up on action items from previous management reviews       | <input type="checkbox"/> |
| - Status of management action items identified between reviews     | <input type="checkbox"/> |
| - Recent or upcoming changes that could affect the DWQMS           | <input type="checkbox"/> |
| - Consumer feedback  | <input type="checkbox"/> |
| - Resources needed to maintain the DWQMS                           | <input type="checkbox"/> |
| - Results of annual DWQMS Infrastructure Review                    | <input type="checkbox"/> |
| - Operational Plan currency, content and updates                   | <input type="checkbox"/> |
| - Staff suggestions –  | <input type="checkbox"/> |
| Additional Items for Review:                                       |                          |
| - Leak Detection program   | <input type="checkbox"/> |
| - New Water Use By-law and backflow prevention                     | <input type="checkbox"/> |
| - Water meters and unaccounted for water                           | <input type="checkbox"/> |
| - Continual Improvement tracking and assessment                    |                          |
| -  |                          |



|                          |                          |
|--------------------------|--------------------------|
| Word from Top Management | <input type="checkbox"/> |
| Meeting Adjournment      | <input type="checkbox"/> |

## **DWQMS Management Review Meeting Minutes**

December 11, 2024 – minutes recorded by Darrin Wills

### **Introduction & Meeting Kickoff**

Introductions were not required as everyone in attendance knows each other. Everyone noted in the Agenda was present except Adam who was busy in the field but will be included in the distribution of meeting minutes. Darrin discussed the purpose of the meeting and the fact it is a legislated requirement of the DWQMS annually that must be conducted as outlined, documented and reported to the owner of the system(s).

### **Overview & Highlights of DWQMS Performance last 12 months**

Everything has been going very well as indicated by the good audit reports and 100% Ministry Inspection Ratings.

### **Review of DWQMS Management Review Procedure**

Discussed the procedure for this meeting and confirmed that all the items listed on the agenda complete the requirements.

### **Incidents of Regulatory non-compliance**

None

### **Incidents of Adverse drinking water tests**

Discussed that there was only one ADWQI this year and it was the same result of 1 Total Coliform that we have seen in previous years. We discussed that fact that there has been an ongoing issue with E3 Labs getting these results to all other LAM's using this lab as well and it does not seem to be a real issue.

### **Deviations from critical control point limits & response actions**

No deviations from CCP's but we have seen chlorine residuals close to critical levels in some areas and have been doing regular dead-end flushing to control it.

### **Efficacy of the risk assessment process**

The Risk Re-Assessments for both systems were completed by the Risk Assessment Team during our meeting on November 21 this year. These assessments will be reviewed each year and fully re-assessed again prior to November 21, 2027.

### **Internal and third-party audit results**

Discussed the results of the audits. There were no NC's from the annual Surveillance Audit and there were two minor NC's from the 3 year Re-Accreditation Audit. Those two NC's were addressed and accepted by Intertek SAI Global and we received our new Accreditation Certificate valid for another three years. A total of 9 Opportunities for Improvement were identified and reviewed during the first half of 2024. Six of those were implemented and 6 were identified as not valid improvements. The Internal Audit for 2024 was completed on December 10 (yesterday). Although the report has not yet been received, there were no NC's identified and a few OFI's that will be offered. The audit report will be circulated when received.

### **Results of Emergency Response Testing**

All water staff took part in annual emergency response training on November 27 this year which was put together and lead by Gregg Stewart. Very engaging discussions took place and highlighted some important information for some of the newer staff. Since last year's Management Review meeting was held prior to the emergency response training for 2023, it should be noted that the 2023 training did take place on December 21 of last year and no deficiencies were identified.

### **Operational Performance**

Everything is running well and no deficiencies have been identified.

### **Raw water supply and drinking-water quality trends**

The only notable trend noted was that the THM levels seem slightly higher recently than previous averages. Otherwise, no trends were noticed besides the usual taste and

odour calls in the late fall due to the seasonal lake water turn-over but fewer calls this year than normal. Also, there was only one noted incident from the Region this year of blue-green algae sighting near the Decew Treatment Plant intake. Sampling and testing were increased during the period and no issues came of it as the testing results were all non-detect.

### **Follow-up on action items from previous management review**

There was only one action item from last years review meeting that did not get completed during this year. The item is to initiate a leak detection program and we had a few companies provide in-field demonstrations and quotes. A further review of all options will be completed this year.

### **Status of Action items identified between management reviews**

There are no new action items outstanding besides those noted above.

### **Recent or upcoming changes that could affect the DWQMS**

Darrin noted that the possible change in maximum acceptable limit (MAC) for lead that has been discussed previously has still not changed but may likely change in the future. The Town's Drinking Water Licences for both systems will expire in March 2025. Applications for renewal are requested 6 months prior since there is a large amount of information to be submitted and reviewed. All applications and information was sent to the MECP well in advance of the required date together with our new Water Financial Plan which was prepared and approved by Council this year. Drinking Water Licences must be renewed every five years.

### **Consumer Feedback**

Consumer feedback has been very positive this past year. Darrin noted that the Town has switched to a new version of our Service Request Database and it should track statistics more than the previous version.

### **Resources needed to maintain the DWQMS**

Darrin mentioned that there was very little training completed for water staff in 2024 and training will need to be increased significantly in 2025 including Mandatory Courses for all staff.

## **Results of annual DWQMS Infrastructure Review**

Darrin mentioned that the current infrastructure review and replacement program is outlined in the 5 Year Capital Budget which does not require any changes this year for any reason. Potential changes would come from excessive water main breaks or water quality issues in any identified area but none are warranted. It was noted that a consultant has completed a draft copy of an updated Water Model and once completed there may be recommendations from the final report that could change priority statuses for the items currently in the 5 year plan.

## **Operational Plan currency, content and updates**

Darrin noted that the Operational Plan was updated and relayed to the owner through a report to Council and the endorsement was signed last year. Through this process the Operational Plan was re-endorsed and is up to date however, it was suggested during yesterday's audit that since the Director who signed is no longer with the Town that it should be re-endorsed once the new Director is permanently in the role rather than just in the Acting position.

## **Staff Suggestions**

There were two suggestions from staff this year. One is that we are short of vehicles and should look at adding to our staff fleet. The other suggestion was that there should be more training and/or job shadowing related to succession planning for positions where current staff are getting closer to retirement.

## **Additional Items for Review**

### **Leak Detection**

As discussed, more review of leak detection technology, companies, costs and efficiencies will be required this year to initiate a program for leak detection.

### **New Water Management by-law and backflow prevention**

The new Water Management By-law was approved by Council in 2024 and now includes backflow prevention.

### **Water meters and unaccounted-for water**

Darrin discussed that the water meter replacement program is ongoing and water staff are also checking commercial properties for potential meter bypasses. When ever a bypass is located around a water meter, staff are ensuring the bypass valves are closed and installing locking devices on them. Private fire hydrants also remain locked. Water loss continues to be a priority and will be continually reviewed. Early review and calculations are showing a dramatic improvement over the most recently documented levels which were 22% in 2018 and 25% in 2019. Preliminary calculations are showing we should be at or below 18% for 2023.

### **Continual Improvement tracking and assessment**

Darrin discussed how Continual Improvement is an essential element of the DWQMS and as such we are tracking improvement items and try whenever possible to assess each item that we document. An example of Continual Improvement for this year was the newly approved Water Management By-law which now includes a backflow prevention component. This was a continual suggestion from the MECP for several years during annual inspections which is now in place. Other Continual Improvement items for this year were discussed under the Audit Results section of this meeting with the 6 OFI's that are being implemented.



|                    |  |                         |   |
|--------------------|--|-------------------------|---|
| <b>Title:</b>      | <b>DWQMS Management Review Meeting Minutes</b> |                         |   |
| <b>Document #:</b> | PW-DW-FRM-016-002                              | <b>Revision Number:</b> | 3 |

**Meeting Date/Time:** December 11, 2024 at 11:00 am

**Attendees:** Director of Operations (A) – Darren MacKenzie  
Manager of Public Works (A) – Darrin Wills  
Supervisor – Engineering – Mike Komljenovic  
Supervisor - Environmental Services (A) – Gregg Stewart  
Water/Wastewater Operator & backup QMS Rep. – Adam Bartol (absent)  
Others: \_\_\_\_\_

| Agenda Item  | Identified Deficiency/<br>Recommendation for<br>Improvement | Action Item   | Responsible<br>Person | Timeframe for<br>Completion |
|--|---|---|-----------------------|-----------------------------|
| <u>Overview &amp; Highlights of DWQMS Performance – Last 12 Months</u> |   |   |                       |                             |
| Procedure review   |   |   |                       |                             |
|  |   |   |                       |                             |
|  |   |   |                       |                             |
| <u>Review of Management Review Required Inputs</u>                     |   |   |                       |                             |
| Incidents of regulatory non-compliance                                 | None  | Continue DWQMS compliance   | Darrin                | ongoing                     |
| Incidents of adverse drinking-water tests                              | One   | AWQI resolved, all notifications and forms completed, submitted and documents filed | Darrin                | done                        |



|  |  |   |                             |                   |
|--|--|---|-----------------------------|-------------------|
| Deviations from critical control point limits & response actions | None                                     | Continue testing/monitoring and reporting as required with increased flushing in identified locations | Water operators             | ongoing           |
| Efficacy of the risk assessment process                          | Full Risk Re-assessment required in 2024 | Full re-assessment of both systems  | Darrin, Darren, Mike, Gregg | Done<br>Nov. 2024 |
| Internal and third-party audit results                           | Some OFI's identified                    | Review OFI's and document results   | Darrin                      | July 2025         |

| <b>Agenda Item</b>   | <b>Identified Deficiency/<br/>Recommendation for<br/>Improvement</b> | <b>Action Item</b>  | <b>Responsible<br/>Person</b> | <b>Timeframe for<br/>Completion</b> |
|--|--|---|-------------------------------|-------------------------------------|
| Results of emergency response testing                        | No deficiencies noted  | Plan and schedule next emergency response testing         | Darrin                        | Nov. 2025                           |
| Operational performance                                      | Reviewed – no deficiencies   | None  | N/A                           | N/A                                 |
| Raw water supply and drinking-water quality trends           | Reviewed – no deficiencies   | Continue monitoring                                       | Darrin and Region             | ongoing                             |
| Follow-up on action items from previous management reviews   | One action item outstanding – initiate a leak detection program      | Review leak detection technologies, companies, get quotes | Darrin                        | July 2025                           |
| Status of management action items identified between reviews | None   | None  | N/A                           | N/A                                 |
| Recent or upcoming changes that could                        | Possible lead limit change   | Keep up to date on  | Darrin                        | As required                         |



|  |   |   |                               |      |
|--|---|---|-------------------------------|------|
| affect the DWQMS                               |   | requirements and change SOP's as/if required            |                               |      |
| Consumer feedback                              | Reviewed – no deficiencies  | New Service Request system                              | IT / Lucie                    | 2025 |
| Resources needed to maintain the DWQMS         | Reviewed – backup QMS Rep requires training                                     | Select appropriate training and register                | Darrin/Adam                   | 2025 |
| Results of annual DWQMS Infrastructure Review  | Reviewed – no deficiencies  | Review again next year                                  | Mike/Darrin                   | 2025 |
| Operational Plan currency, content and updates | Updated and re-endorsed last year – no deficiencies                             | Renew endorsement when a permanent Director is assigned | Darrin to request endorsement | 2025 |
| Staff suggestions                              | Review vehicle requirements and succession planning together with more training | Review and schedule                                     | Darrin                        | 2025 |

| Agenda Item                        | Identified Deficiency/<br>Recommendation for Improvement | Action Item   | Responsible Person    | Timeframe for Completion |
|------------------------------------|--|---|-----------------------|--------------------------|
| <u>Additional Items for Review</u> |  |   |                       |                          |
| Water meters                       | Continue with meter replacement program                  | Continue changing out older water meters as required  | Water staff           | 2025                     |
| Town Accreditation                 | Re-accreditation received in 2024                        | Re-accreditation audit required                       | Darrin and SAI Global | Completed In 2024        |
| System Licenses                    | License renewals needed in 2025 – expiring in March 2025 | Applications and all required documentation submitted | Darrin and MECP       | Submitted in Fall 2024   |



|                                 |   |  |        |               |
|---------------------------------|---|--|--------|---------------|
|                                 |   | more than 6 months prior   |        |               |
| <u>Word from Top Management</u> |   |  |        |               |
|                                 |   |  |        |               |
| <u>Next Scheduled Review</u>    |   |  |        |               |
| December 2024                   |   | Schedule with top management   | Darrin | November 2025 |
| <u>Meeting Adjournment</u>      |   |  |        |               |
| Report to Owner                 | Management meeting minutes and Action Items reported to Owner | The Management Review Meeting outcomes will be reported to the owner together with the Annual Summary Report | Darrin | March 2025    |



Date of Re-assessment: November 21, 2024      DWS Assessed: Niagara-on-the-Lake DWS      Last Reviewed: December 8, 2023      DWQMS Risk Assessment Threshold = 25

| Recognize               |  |  |  |   |   |                                     | Assess           |                   |                     |                                     | Control                     |   |                     |                               |
|-------------------------|--|--|--|---|---|-------------------------------------|------------------|-------------------|---------------------|-------------------------------------|-----------------------------|---|---------------------|-------------------------------|
| Element or Process Step |  |  | Hazardous Event  | Potential Hazard                            | Current Available Control Measures  | Reliability/Redundancy of Equipment | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No           | Critical Control Limits (can be qualitative or quantitative; use appropriate units) | Relevant Procedures | Potential Additional Controls |
| #                       | Process Category                                   | Description of Process   |  |   |   |                                     | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                             |   |                     |                               |
| 1                       | Upstream Transmission (Region)                     | Upstream Water Quality from St. Catharines WTP                   | Inadequate disinfection or inadequate chlorine residual                    | Biological contamination of water           | Region samples at Line 2 and at monitoring station at Niagara Stone Road & Anderson Lane - Testing completed in St. Cath - not sure where locations are<br>Notification process in place when WTP experiences problems - not formalized | NA                                  | 1                | 3                 | 2                   | 6                                   | No - Under Regional Control | -   | -                   | -                             |
| 2                       | Upstream Transmission (Region)                     | Upstream Water Quality from St. Catharines WTP                   | Chemical or physical contamination at water source or at chemical addition | Chemical contamination of water             | Region manages treatment process  | NA                                  | 1                | 4                 | 4                   | 16                                  | No - Under Regional Control | -   | -                   | -                             |
| 3                       | Upstream Transmission (Region)                     | Upstream Water Quality from Niagara Falls WTP                    | Inadequate disinfection or inadequate chlorine residual                    | Biological contamination of water           | Region monitors at St. Paul Ave. Testing completed in NF - not sure where locations are   | NA                                  | 2                | 3                 | 2                   | 12                                  | No - Under Regional Control | -   | -                   | -                             |
| 4                       | Upstream Transmission (Region)                     | Upstream Water Quality from Niagara Falls WTP                    | Chemical or physical contamination at water source or at chemical addition | Chemical contamination of water             | Region manages treatment process  | NA                                  | 1                | 4                 | 4                   | 16                                  | No - Under Regional Control | -   | -                   | -                             |
| 5                       | Upstream Transmission (Region- St. Catharines WTP) | Upstream Water from St. Catharines WTP through transmission main | Break in transmission main   | Insufficient supply of water - all purposes | Double supply (also from NF)<br>Second supply coming from St. Catharines (Eastchester) now operational<br>Adequate supply from NF   | NA                                  | 2                | 2                 | 1                   | 4                                   | No                          | -   | -                   | -                             |
| 6                       | Upstream Transmission (Region- Niagara Falls WTP)  | Upstream Water from Niagara Falls WTP through transmission main  | Break in transmission main   | Insufficient supply of water - all purposes | Double supply (also from DeCew)<br>Second supply coming from St. Catharines (Eastchester) now operational<br>Adequate supply from NF, but concerns that Town may not be able to supply all areas (some at higher pressures)             | NA                                  | 2                | 2                 | 1                   | 4                                   | No                          | -   | -                   | -                             |



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Last Reviewed: December 8, 2023

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| Recognize               |  |   |  |   |  |  | Assess           |                   |                     |                                     | Control                     |   |  |                               |
|-------------------------|--|---|--|---|--|--|------------------|-------------------|---------------------|-------------------------------------|-----------------------------|---|--|-------------------------------|
| Element or Process Step |  |   | Hazardous Event  | Potential Hazard  | Current Available Control Measures   | Reliability/Redundancy of Equipment  | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No           | Critical Control Limits (can be qualitative or quantitative; use appropriate units) | Relevant Procedures                      | Potential Additional Controls |
| #                       | Process Category                             | Description of Process  |  |   |  |  | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                             |   |  |                               |
| 7                       | Upstream Storage (Region)                    | Stored Water - Standpipe or Tower                               | Animal Intrusion   | Biological contamination or physical damage                             | Region ensures routine inspections are completed. The Region has a security policy in place and standards for fencing and related security equipment   | NA   | 1                | 3                 | 4                   | 12                                  | No                          | -   | -  | -                             |
| 8                       | Upstream Storage (Region)                    | Stored Water - Standpipe or Tower                               | Sabotage   | Biological/chemical contamination or physical damage                    | Region ensures routine inspections are completed. The Region has a security policy in place and standards for fencing and related security equipment   | NA   | 1                | 5                 | 5                   | 25                                  | No - Under Regional Control | -   | Niagara Region's Emergency Response Plan | -                             |
| 9                       | Upstream Transmission (all)                  | Pressure Reducing Valves in transmission mains                  | Failure of pressure reducing valves - general                                | Damage to system & services   | Region is increasing maintenance & control of PRVs<br>PRVs monitored through plant (SCADA - Region)  | NA   | 2                | 2                 | 1                   | 4                                   | No                          | -   | -  | -                             |
| 10                      | Upstream Transmission (other Municipalities) | Upstream Water through other Municipalities' systems            | Contamination of water through other Municipalities' systems                 | Biological/chemical contamination                                       | Biological - weekly testing of micro & residual  | NA   | 1                | 4                 | 4                   | 16                                  | No - Under Regional Control | -   | -  | -                             |
| 11                      | Distribution (Town)                          | Watermain - distribution, infrastructure (i.e. Watermain break) | General physical failure of watermain due to aging, deterioration            | Insufficient supply (all purposes)<br>Biological/chemical contamination | Watermain repair procedure in place: PW-DW-SOP-011-001<br>No leak detection programs in place. 80% or more PVC/PE - infrastructure                     | - Minimum essential supplies required in stock<br>- Essential Supplies & Services list for approved suppliers & services (PW-DW-LM-009-001) in emergency situations, with 24 hour numbers on Emergency Contact List (PW-DW-LM-014-001)<br>- Aggressive replacement program, system largely renewed | 4                | 1                 | 3                   | 12                                  | No                          | -   | -  | -                             |
| 12                      | Distribution (Town)                          | Watermain - distribution, infrastructure                        | Biological contamination occurring during regular operations - i.e. biofilms | Biological contamination of water                                       | Flushing program in place (annual): PW-DW-SOP-011-003<br>Weekly sampling & testing for micro (including HPC) and chlorine residual (PW-DW-SOP-012-001) | NA   | 1                | 3                 | 2                   | 6                                   | No                          | -   | -  | -                             |
| 13                      | Distribution (Town)                          | Watermain - distribution, infrastructure                        | General chemical/physical contamination                                      | Chemical contamination of water   | Majority of system is constructed in PVC/PE.<br>Flushing program in place (annual) (W-DW-SOP-011-003)  | NA   | 2                | 3                 | 3                   | 18                                  | No                          | -   | -  | -                             |



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|-------------------------|---------------------|---|---|--|--|---|------------------|-------------------|---------------------|-------------------------------------|-------------------|---|---------------------|---|
| Element or Process Step |                     |   | Hazardous Event   | Potential Hazard                                   | Current Available Control Measures   | Reliability/Redundancy of Equipment   | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No | Critical Control Limits (can be qualitative or quantitative; use appropriate units) | Relevant Procedures | Potential Additional Controls                             |
| #                       | Process Category    | Description of Process                      |   |  |  |   | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                   |   |                     |   |
| 14                      | Distribution (Town) | Watermain - distribution, infrastructure    | Lead contamination (chemical)                                   | Chemical contamination of water                    | Period of regulatory relief from community lead testing program. Relatively few incidents of lead in drinking water system   | NA  | 1                | 2                 | 2                   | 4                                   | No                | -   | -                   | -   |
| 15                      | Distribution (Town) | Watermain - distribution, infrastructure    | Geological fault - i.e. earthquake                              | Insufficient supply (all purposes)                 | No incidents in recent history - any tremors have not been substantial enough to cause damage to the system.   | - Minimum essential supplies required in stock  | 1                | 1                 | 1                   | 1                                   | No                | -   | -                   | -   |
| 16                      | Distribution (Town) | Watermain - distribution, infrastructure    | Heat wave   | Insufficient supply (all purposes)                 | Water restriction bylaw in place. Consultation with the Region occurs during summer months re: storage monitoring, etc.  | NA  | 2                | 2                 | 1                   | 4                                   | No                | -   | -                   | -   |
| 17                      | Distribution (Town) | Watermain - commissioning of new watermains | Contamination of water - new connections to distribution system | Biological contamination of water                  | New connections completed by contractor under supervision of licensed operator. Bacteriological testing completed prior to turning water on. Would not connect main if testing had not passed. | NA  | -                | -                 | -                   | N/A                                 | -                 | -   | -                   | Watermain not commissioned yet, therefore not applicable. |
| 18                      | Distribution (Town) | Watermain - distribution, infrastructure    | Deep freeze   | Frozen services or mains, supply loss              | Service thawing machine  | one machine in stock - possibility of borrowing from other local municipalities if needed | 2                | 1                 | 2                   | 4                                   | No                | -   | -                   | -   |
| 19                      | Distribution (Town) | Watermain - distribution, infrastructure    | Extreme weather conditions (tornado, ice storm, flood, etc.)    | System failure or loss of access to control valves | Tiger torch, steamer, road plow trucks, backhoes   | multiple types of equipment on hand and available contractors                             | 1                | 2                 | 1                   | 2                                   | No                | -   | -                   | -   |
| 20                      | Distribution (Town) | Watermain - distribution, infrastructure    | Long term impact of climate change                              | System failure or inadequacy                       | multiple transmission feeds and two source water feeds   | multiple transmission feeds and valves for isolation                                      | 1                | 2                 | 1                   | 2                                   | No                | -   | -                   | -   |
| 21                      | Distribution (Town) | Watermain - distribution, infrastructure    | Water supply shortfall - drought or other reasons               | Insufficient supply for all purposes               | multiple transmission feeds and two source water feeds   | NA  | 1                | 5                 | 1                   | 5                                   | No                | -   | -                   | Water restriction options through By-law                  |



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|-------------------------|---------------------|--------------------------------------|---|---|---|--|------------------|-------------------|---------------------|-------------------------------------|-------------------|---|--|--|
| Element or Process Step |                     |                                      | Hazardous Event   | Potential Hazard                                    | Current Available Control Measures  | Reliability/Redundancy of Equipment  | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No | Critical Control Limits (can be qualitative or quantitative; use appropriate units)                         | Relevant Procedures  | Potential Additional Controls  |
| #                       | Process Category    | Description of Process               |   |   |   |  | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                   |   |  |  |
| 22                      | Distribution (Town) | Repair of watermain                  | Contamination of water repair to watermain  | Biological contamination of water                   | Repair completed by staff or by contractor under supervision of licensed operator. Bacteriological testing completed but water is turned on prior to results. Chlorine residual testing completed.    | - Minimum essential supplies required in stock   | 1                | 3                 | 5                   | 15                                  | Yes               | AWWA C651<br><b>Niagara Municipalities SOP for Watermain Repairs &amp; MECP 2020 Disinfection Procedure</b> | AWWA C651<br><b>Niagara Municipalities SOP for Watermain Repairs &amp; MECP 2020 Disinfection Procedure</b>    | Wherever possible, reinstate main only following receipt of results                        |
| 23                      | Distribution (Town) | Cross-connections & backflows        | Cross-connections & backflows from industrial, agricultural or multi-storey residential service and new construction source water | Biological or chemical cross-contamination of water | Backflow prevention included in new water management bylaw. System runs at high pressure - reduced potential for negative/low pressure events.  | NA   | 2                | 3                 | 4                   | 24                                  | Yes               | Immediate response to backflow events upon becoming aware of event  | Suspected Backflow Event PW-DW-PRO-014-006   | Backflow bylaw being approved. BSI Online contracted for tracking devices and tests        |
| 24                      | Distribution (Town) | Cross-connections & backflows        | Cross-connections and/or backflows from residential services (i.e. private interconnections to well or cistern)                   | Biological or chemical cross-contamination of water | No backflow bylaw in place. System runs at high pressure - reduced potential for negative/low pressure events.  | NA   | 1                | 3                 | 4                   | 12                                  | Yes               | Immediate response to backflow events upon becoming aware of event  | Suspected Backflow Event PW-DW-PRO-014-006   | Backflow bylaw being drafted. BSI Online contracted for tracking devices and tests         |
| 25                      | Distribution (Town) | Low Chlorine, for example: dead ends | Stagnant water - low chlorine residuals, bacterial regrowth   | Biological contamination of water                   | Flushing completed annually (more often if required). No recent issues with chlorine residuals. Weekly chlorine residuals checked as well as chlorine samples taken with every microbiological sample | - 3 Chlorine Analyzers, meters calibrated quarterly as per PW-DW-PRO-013-001<br>- Minimum essential supplies required in stock | 4                | 2                 | 3                   | 24                                  | Yes               | Maintain minimum free residual of 0.10 mg/L   | Water Sampling of Water Distribution System (PW-DW-SOP-012-001); Annual Watermain Flushing (PW-DW-SOP-011-003) | Critical Control Procedure for Low Chlorine in the Distribution System (PW-DW-SOP-018-001) |



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Last Reviewed: December 8, 2023

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|-------------------------|---------------------|--|--|---|---|---|------------------|-------------------|---------------------|-------------------------------------|-------------------|---|---|--|
| Element or Process Step |                     |  | Hazardous Event  | Potential Hazard                              | Current Available Control Measures  | Reliability/Redundancy of Equipment   | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No | Critical Control Limits (can be qualitative or quantitative; use appropriate units)                         | Relevant Procedures   | Potential Additional Controls                      |
| #                       | Process Category    | Description of Process   |  |   |   |   | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                   |   |   |  |
| 26                      | Distribution (Town) | Water delivery system - filling from hydrants (authorized connections) | Failure of Backflow Prevention devices   | Biological or chemical contamination of water | Agricultural/contractor users can rent hookup from Town (meter & BFP) for irrigation during set hours<br>This issue is controlled through the application process   | -a procedure to check backflow protection devices (checked annually)<br>- Monthly inspection of both Bulk Water Station | 2                | 3                 | 4                   | 24                                  | No                | Program in place<br>Backflow Preventers tested annually (contracted service)                                | DWQMS Operational Plan (PW-DW-OP-001-001) Section 15: Infrastructure Maintenance, Rehabilitation & Renewal  | Inspection during filling<br>Education of customer |
| 27                      | Distribution (Town) | Water delivery system - Water Station - Town-owned bulk water stations | Failure of Backflow Prevention devices   | Biological or chemical contamination of water | Two stations: overhead fill (air gap),<br>Backflow preventers installed<br>Annual inspection of BFPs  |   | 1                | 3                 | 4                   | 12                                  | No                | -   | -   |  |
| 28                      | Distribution (Town) | Watermain - distribution, infrastructure (i.e. Leaks)                  | Minor physical failure of watermain (i.e. Breaks which could include natural or contractor damage) | Biological contamination of water             | 80% of system is constructed in PVC/PE (newer).<br>No leak detection program.<br>Some shallow sewers; 90% of sewers are deeper than watermains.   | - Minimum essential supplies required in stock  | 3                | 2                 | 4                   | 24                                  | No                | AWWA C651<br><b>Niagara Municipalities SOP for Watermain Repairs &amp; MECP 2020 Disinfection Procedure</b> | AWWA C651<br><b>Niagara Municipalities SOP for Watermain Repairs &amp; MECP 2020 Disinfection Procedure</b> | -  |
| 29                      | Distribution (Town) | Fire hydrant performance (public and private)                          | Malfunction of hydrants (leaks, freezing etc)  | Water loss, loss of pressure for fire flows   | Some self-draining hydrants.<br>Hydrant inspection program in place (monthly during winter, otherwise 20% inspected per year). Includes accessibility - Town digs out hydrants.<br>Town inspects all hydrants (public and private). | - Minimum essential supplies required in stock  | 5                | 2                 | 2                   | 20                                  | No                | -   | -   | -  |
| 30                      | Distribution (Town) | Customer linkages - fire sprinkler systems                             | Cross-contamination from private sprinkler systems   | Biological or chemical contamination of water | Backflow preventers required as part of Fire Code   | NA  | 1                | 3                 | 5                   | 15                                  | No                | -   | -   |  |



Date of Re-assessment: November 21, 2024      DWS Assessed: Niagara-on-the-Lake DWS      Last Reviewed: December 8, 2023      DWQMS Risk Assessment Threshold = 25

| Recognize               |  |   |   |  |   |                                     | Assess           |                   |                     |                                     | Control           |   |                     |   |
|-------------------------|--|---|---|--|---|-------------------------------------|------------------|-------------------|---------------------|-------------------------------------|-------------------|---|---------------------|---|
| Element or Process Step |  |   | Hazardous Event   | Potential Hazard                         | Current Available Control Measures  | Reliability/Redundancy of Equipment | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No | Critical Control Limits (can be qualitative or quantitative; use appropriate units) | Relevant Procedures | Potential Additional Controls   |
| #                       | Process Category   | Description of Process  |   |  |   |                                     | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                   |   |                     |   |
| 31                      | Distribution (Private - downstream)                                      | Customer elements - customer system issues  | Lead contamination from private connections (pipes, soldered joints, faucets) | Chemical contamination of water (lead)   | No known lead services; lead lines are replaced up to property line as they are found. Property owners are advised to do the same. Procedure for replacement: PW-DW-SOP-011-017<br>Qualified for regulatory relief for lead sampling. | NA                                  | 1                | 2                 | 2                   | 4                                   | No                | -   | -                   | -   |
| 32                      | Upstream Transmission (Region- St. Catharines WTP and Niagara Falls WTP) | Upstream Water from St. Catharines WTP and Niagara Falls WTP through transmission mains | Cyber-security  | Untreated or mistreated water from WTP's | Niagara Region has Cyber-security policy and processes in place<br>Qualified for regulatory relief for lead sampling.   | NA                                  | 3                | 2                 | 2                   | 12                                  | No                | -   | -                   | Niagara Region Cybersecurity policies and procedures as per letter dated August 3, 2022 |



Date of Re-assessment: November 21, 2024

DWS Assessed: Bevan Heights DWS

Date Reviewed: December 8, 2023

DWQMS Risk Assessment Threshold = 25

| Recognize               |   |   |  |  |   |  | Assess           |                   |                     |                                     | Control                     |   |                     |                               |
|-------------------------|---|---|--|--|---|--|------------------|-------------------|---------------------|-------------------------------------|-----------------------------|---|---------------------|-------------------------------|
| Element or Process Step |   |   | Hazardous Event  | Potential Hazard   | Current Available Control Measures  | Reliability/Redundancy of Equipment  | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No           | Critical Control Limits (can be qualitative or quantitative; use appropriate units) | Relevant Procedures | Potential Additional Controls |
| #                       | Process Category                                  | Description of Process  |  |  |   |  | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                             |   |                     |                               |
| 1                       | Upstream Transmission (Region)                    | Upstream Water Quality from Niagara Falls WTP                   | Inadequate disinfection or inadequate chlorine residual                      | Biological contamination of water                                    | Region monitors at St. Paul Ave. Testing completed in NF at Stanley Ave & Church's Lane   | NA   | 2                | 3                 | 2                   | 12                                  | No - Under Regional Control | -   | -                   | -                             |
| 2                       | Upstream Transmission (Region)                    | Upstream Water Quality from Niagara Falls WTP                   | Chemical or physical contamination at water source or at chemical addition   | Chemical contamination of water                                      | Region manages treatment process  | NA   | 1                | 4                 | 4                   | 16                                  | No - Under Regional Control | -   | -                   | -                             |
| 3                       | Upstream Transmission (Region- Niagara Falls WTP) | Upstream Water from Niagara Falls WTP through transmission main | Break in transmission main   | Insufficient supply of water - all purposes                          | Double supply (also from DeCew) Second supply coming from St. Catharines (Eastchester) now operational Adequate supply from NF, but concerns that Town may not be able to supply all areas (some at higher pressures) | NA   | 2                | 2                 | 1                   | 4                                   | No                          | -   | -                   | -                             |
| 4                       | Upstream Transmission (other Municipalities)      | Upstream Water through other Municipalities' systems            | Contamination of water through other Municipalities' systems                 | Biological/chemical contamination                                    | Biological - weekly testing of micro & residual   | NA   | 1                | 4                 | 4                   | 16                                  | No - Under Regional Control | -   | -                   | -                             |
| 5                       | Distribution (Town)                               | Watermain - distribution, infrastructure (i.e. Watermain break) | General physical failure of watermain due to aging, deterioration            | Insufficient supply (all purposes) Biological/chemical contamination | Watermain repair procedure in place: PW-DW-SOP-011-001 No leak detection programs in place. 80% or more PVC/PE - infrastructure   | - Minimum essential supplies required in stock<br>- Essential Supplies & Services list for approved suppliers & services (PW-DW-LM-009-001) in emergency situations, with 24 hour numbers on Emergency Contact List (PW-DW-LM-014-001)<br>- Aggressive replacement program, system largely renewed | 4                | 1                 | 3                   | 12                                  | No                          | -   | -                   | -                             |
| 6                       | Distribution (Town)                               | Watermain - distribution, infrastructure                        | Biological contamination occurring during regular operations - i.e. biofilms | Biological contamination of water                                    | Flushing program in place (annual): PW-DW-SOP-011-003 Weekly sampling & testing for micro (including HPC) and chlorine residual (PW-DW-SOP-012-001)   | NA   | 1                | 3                 | 2                   | 6                                   | No                          | -   | -                   | -                             |



Date of Re-assessment: November 21, 2024      DWS Assessed: Bevan Heights DWS      Date Reviewed: December 8, 2023      DWQMS Risk Assessment Threshold = 25

| Recognize               |                     |   |   |  |  |   | Assess           |                   |                     |                                     | Control           |   |                     |   |
|-------------------------|---------------------|---|---|--|--|---|------------------|-------------------|---------------------|-------------------------------------|-------------------|---|---------------------|---|
| Element or Process Step |                     |   | Hazardous Event   | Potential Hazard                                   | Current Available Control Measures   | Reliability/Redundancy of Equipment   | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No | Critical Control Limits (can be qualitative or quantitative; use appropriate units) | Relevant Procedures | Potential Additional Controls                             |
| #                       | Process Category    | Description of Process                      |   |  |  |   | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                   |   |                     |   |
| 7                       | Distribution (Town) | Watermain - distribution, infrastructure    | General chemical/physical contamination                         | Chemical contamination of water                    | Majority of system is constructed in PVC/PE. Flushing program in place (annual) (W-DW-SOP-011-003)   | NA  | 2                | 3                 | 3                   | 18                                  | No                | -   | -                   | -   |
| 8                       | Distribution (Town) | Watermain - distribution, infrastructure    | Lead contamination (chemical)                                   | Chemical contamination of water                    | Period of regulatory relief from community lead testing program. Relatively few incidents of lead in drinking water system   | NA  | 1                | 2                 | 2                   | 4                                   | No                | -   | -                   | -   |
| 9                       | Distribution (Town) | Watermain - distribution, infrastructure    | Geological fault - i.e. earthquake                              | Insufficient supply (all purposes)                 | No incidents in recent history - any tremors have not been substantial enough to cause damage to the system.   | - Minimum essential supplies required in stock  | 1                | 1                 | 1                   | 1                                   | No                | -   | -                   | -   |
| 10                      | Distribution (Town) | Watermain - distribution, infrastructure    | Heat wave   | Insufficient supply (all purposes)                 | Water restriction bylaw in place. Consultation with the Region occurs during summer months re: storage monitoring, etc.  | NA  | 2                | 2                 | 1                   | 4                                   | No                | -   | -                   | -   |
| 11                      | Distribution (Town) | Watermain - commissioning of new watermains | Contamination of water - new connections to distribution system | Biological contamination of water                  | New connections completed by contractor under supervision of licensed operator. Bacteriological testing completed prior to turning water on. Would not connect main if testing had not passed. | NA  | -                | -                 | -                   | N/A                                 | -                 | -   | -                   | Watermain not commissioned yet, therefore not applicable. |
| 12                      | Distribution (Town) | Watermain - distribution, infrastructure    | Deep freeze   | Frozen services or mains, supply loss              | Service thawing machine  | one machine in stock - possibility of borrowing from other local municipalities if needed | 2                | 1                 | 2                   | 4                                   | No                | -   | -                   | -   |
| 13                      | Distribution (Town) | Watermain - distribution, infrastructure    | Extreme weather conditions (tornado, ice storm, flood, etc.)    | System failure or loss of access to control valves | Tiger torch, steamer, road plow trucks, backhoes   | multiple types of equipment on hand and available contractors                             | 1                | 2                 | 1                   | 2                                   | No                | -   | -                   | -   |
| 14                      | Distribution (Town) | Watermain - distribution, infrastructure    | Long term impact of climate change                              | System failure or inadequacy                       | multiple transmission feeds and two source water feeds   | multiple transmission feeds and valves for isolation                                      | 1                | 2                 | 1                   | 2                                   | No                | -   | -                   | -   |



Date of Re-assessment: November 21, 2024

DWS Assessed: Bevan Heights DWS

Date Reviewed: December 8, 2023

DWQMS Risk Assessment Threshold = 25

| Recognize               |                     |  |   |   |   |  | Assess           |                   |                     |                                     | Control           |  |  |  |
|-------------------------|---------------------|--|---|---|---|--|------------------|-------------------|---------------------|-------------------------------------|-------------------|--|--|--|
| Element or Process Step |                     |  | Hazardous Event   | Potential Hazard                                    | Current Available Control Measures  | Reliability/Redundancy of Equipment  | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No | Critical Control Limits (can be qualitative or quantitative; use appropriate units)                    | Relevant Procedures  | Potential Additional Controls  |
| #                       | Process Category    | Description of Process                   |   |   |   |  | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                   |  |  |  |
| 15                      | Distribution (Town) | Watermain - distribution, infrastructure | Water supply shortfall - drought or other reasons   | Insufficient supply for all purposes                | multiple transmission feeds and two source water feeds  | NA   | 1                | 5                 | 1                   | 5                                   | No                | -  | -  | Water restriction options through By-law   |
| 16                      | Distribution (Town) | Repair of watermain                      | Contamination of water repair to watermain  | Biological contamination of water                   | Repair completed by staff or by contractor under supervision of licensed operator. Bacteriological testing completed but water is turned on prior to results. Chlorine residual testing completed.    | - Minimum essential supplies required in stock   | 1                | 3                 | 5                   | 15                                  | Yes               | AWWA C651<br><b>Niagara Municipalities SOP for Watermain Repairs &amp; MECP Disinfection Procedure</b> | AWWA C651<br><b>Niagara Municipalities SOP for Watermain Repairs &amp; MECP Disinfection Procedure</b>         | Wherever possible, reinstate main only following receipt of results                        |
| 17                      | Distribution (Town) | Cross-connections & backflows            | Cross-connections & backflows from industrial, agricultural or multi-storey residential service and new construction source water | Biological or chemical cross-contamination of water | Backflow prevention included in new water management bylaw. System runs at high pressure - reduced potential for negative/low pressure events.  | NA   | 2                | 3                 | 4                   | 24                                  | No                | Immediate response to backflow events upon becoming aware of event                                     | Suspected Backflow Event PW-DW-PRO-014-006   | Backflow bylaw being approved. BSI Online contracted for tracking devices and tests        |
| 18                      | Distribution (Town) | Cross-connections & backflows            | Cross-connections and/or backflows from residential services (i.e. private interconnections to well or cistern)                   | Biological or chemical cross-contamination of water | No backflow bylaw in place. System runs at high pressure - reduced potential for negative/low pressure events.  | NA   | 1                | 3                 | 4                   | 12                                  | No                | Immediate response to backflow events upon becoming aware of event                                     | Suspected Backflow Event PW-DW-PRO-014-006   | Backflow bylaw being drafted. BSI Online contracted for tracking devices and tests         |
| 19                      | Distribution (Town) | Low Chlorine, for example: dead ends     | Stagnant water - low chlorine residuals, bacterial regrowth   | Biological contamination of water                   | Flushing completed annually (more often if required). No recent issues with chlorine residuals. Weekly chlorine residuals checked as well as chlorine samples taken with every microbiological sample | - 3 Chlorine Analyzers, meters calibrated quarterly as per PW-DW-PRO-013-001<br>- Minimum essential supplies required in stock | 4                | 2                 | 3                   | 24                                  | Yes               | Maintain minimum free residual of 0.10 mg/L  | Water Sampling of Water Distribution System (PW-DW-SOP-012-001); Annual Watermain Flushing (PW-DW-SOP-011-003) | Critical Control Procedure for Low Chlorine in the Distribution System (PW-DW-SOP-018-001) |



Date of Re-assessment: November 21, 2024

DWS Assessed: Bevan Heights DWS

Date Reviewed: December 8, 2023

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| Recognize               |                     |  |  |   |   |   | Assess           |                   |                     |                                     | Control           |   |   |  |
|-------------------------|---------------------|--|--|---|---|---|------------------|-------------------|---------------------|-------------------------------------|-------------------|---|---|--|
| Element or Process Step |                     |  | Hazardous Event  | Potential Hazard                              | Current Available Control Measures  | Reliability/Redundancy of Equipment   | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No | Critical Control Limits (can be qualitative or quantitative; use appropriate units)                         | Relevant Procedures   | Potential Additional Controls                      |
| #                       | Process Category    | Description of Process   |  |   |   |   | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                   |   |   |  |
| 20                      | Distribution (Town) | Water delivery system - filling from hydrants (authorized connections) | Failure of Backflow Prevention devices   | Biological or chemical contamination of water | Agricultural/contractor users can rent hookup from Town (meter & BFP) for irrigation during set hours<br>This issue is controlled through the application process   | -a procedure to check backflow protection devices (checked annually)<br>- Monthly inspection of both Bulk Water Station | 2                | 3                 | 4                   | 24                                  | No                | Program in place Backflow Preventers tested annually (contracted service)                                   | DWQMS Operational Plan (PW-DW-OP-001-001) Section 15: Infrastructure Maintenance, Rehabilitation & Renewal  | Inspection during filling<br>Education of customer |
| 21                      | Distribution (Town) | Watermain - distribution, infrastructure (i.e. Leaks)                  | Minor physical failure of watermain (i.e. Breaks which could include natural or contractor damage) | Biological contamination of water             | 100% of system is constructed in PVC (newer).<br>No leak detection program.   | - Minimum essential supplies required in stock  | 3                | 2                 | 4                   | 24                                  | No                | AWWA C651<br><b>Niagara Municipalities SOP for Watermain Repairs &amp; MECP 2020 Disinfection Procedure</b> | AWWA C651<br><b>Niagara Municipalities SOP for Watermain Repairs &amp; MECP 2020 Disinfection Procedure</b> | -  |
| 22                      | Distribution (Town) | Fire hydrant performance (public and private)                          | Malfunction of hydrants (leaks, freezing etc)  | Water loss, loss of pressure for fire flows   | Some self-draining hydrants.<br>Hydrant inspection program in place (monthly during winter, otherwise 20% inspected per year). Includes accessibility - Town digs out hydrants.<br>Town inspects all hydrants (public and private). | - Minimum essential supplies required in stock  | 5                | 2                 | 2                   | 20                                  | No                | -   | -   | -  |
| 23                      | Distribution (Town) | Customer linkages - fire sprinkler systems                             | Cross-contamination from private sprinkler systems   | Biological or chemical contamination of water | Backflow preventers required as part of Fire Code   | NA  | 1                | 3                 | 5                   | 15                                  | No                | -   | -   |  |



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DWS Assessed: Bevan Heights DWS

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| Recognize               |  |   |   |  |   |                                     | Assess           |                   |                     |                                     | Control           |   |                     |   |
|-------------------------|--|---|---|--|---|-------------------------------------|------------------|-------------------|---------------------|-------------------------------------|-------------------|---|---------------------|---|
| Element or Process Step |  |   | Hazardous Event   | Potential Hazard                         | Current Available Control Measures  | Reliability/Redundancy of Equipment | Risk Evaluation  |                   |                     |                                     | CCP?<br>Yes or No | Critical Control Limits (can be qualitative or quantitative; use appropriate units) | Relevant Procedures | Potential Additional Controls   |
| #                       | Process Category   | Description of Process  |   |  |   |                                     | Likelihood (1-5) | Consequence (1-5) | Detectability (1-5) | Assessed Risk (L x C x D = 1 - 125) |                   |   |                     |   |
| 24                      | Distribution (Private - downstream)  | Customer elements - customer system issues  | Lead contamination from private connections (pipes, soldered joints, faucets) | Chemical contamination of water (lead)   | No known lead services; lead lines are replaced up to property line as they are found. Property owners are advised to do the same. Procedure for replacement: PW-DW-SOP-011-017<br>Qualified for regulatory relief for lead sampling. | NA                                  | 1                | 2                 | 2                   | 4                                   | No                | -   | -                   | -   |
| 25                      | Upstream Transmission (Region- St. Catharines WTP and Niagara Falls WTP and Niagara Falls WTP) | Upstream Water from St. Catharines WTP and Niagara Falls WTP through transmission mains | Cyber-security  | Untreated or mistreated water from WTP's | Niagara Region has Cyber-security policy and processes in place<br>Qualified for regulatory relief for lead sampling.   | NA                                  | 3                | 2                 | 2                   | 12                                  | No                | -   | -                   | Niagara Region Cybersecurity policies and procedures as per letter dated August 3, 2022 |

Ministry of the Environment,  
Conservation and Parks  
Drinking Water and Environmental  
Compliance Division  
West Central Region  
Hamilton District Office

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Ministère de l'Environnement de la  
Protection de la nature et des Parcs  
Division de la conformité en matière  
d'eau potable et d'environnement  
Direction régionale du Centre-Ouest  
Bureau de district de Hamilton

119 rue King Ouest, 9<sup>e</sup> étage  
Hamilton (Ontario) L8P 4Y7  
Tél.: 905 521-7650  
Télé.: 905 521-7806



July 26, 2024

Darrin Wills  
Engineering Technologist, DWQMS  
Town of Niagara-on-the-Lake 1593  
Four Mile Creek Rd Virgil, ON  
Darrin.Wills@notl.com

**Re: MECP Inspection - Niagara-on-the-Lake Distribution System (DWS# 260001380)**

Dear Mr. Wills,

Please find the enclosed copy of the inspection report # 1-369368476 for the Niagara-on- the-Lake Distribution System completed under the Ministry's focused inspection protocol to assess compliance with Safe Drinking Water legislation. The report is based on conditions encountered at the time of inspection, and subsequent follow-up.

If applicable, any items with found within the section entitled "Non-Compliance/Non-Conformance Items" which have sections under legislative requirements outline non- compliance with regulatory requirements contained within an Act, a Regulation, or site- specific approvals, licenses, permits, orders, or guidelines. Please ensure that the required actions are completed within the prescribed timeframe, if applicable.

The items with "Not Applicable" legislative requirements provide information to the owner or operating authority outlining practices or standards established through existing and emerging industry standards that should be considered in order to advance current efforts. These items do not, in themselves, constitute violations. More recommendations may also be provided within the body of the report.

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation & Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection

Summary Rating Record (IRR), included as an Appendix of the inspection report, provides the Ministry, the system owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance. IRR ratings are published (for the previous inspection year) in the Ministry's Chief

Drinking Water Inspectors' Annual Report. Please note, the IRR will be sent separately and prior to any public release (typically within 1-2 month of the completion of the inspection).

Thank you for your time and assistance during the inspection process. If you have any questions or concerns, do not hesitate to contact me or Elizabeth Chee Sing, Water Compliance Supervisor, West Central Region at 519-400-6731 or [Elizabeth.cheesing@ontario.ca](mailto:Elizabeth.cheesing@ontario.ca) .

Sincerely,

A handwritten signature in cursive script that reads "Karl VanHeyst".

Karl VanHeyst  
Provincial Officer  
Drinking Water and Environmental Compliance Division

cc:

Darren Mackenzie- Manager Of Public Works, Town of Niagara-on-the-Lake

Colin Horne - Niagara Public Health Department

Jason Wolf - Niagara Public Health Department

Leilani Lee-Yates - Niagara Peninsula Conservation Authority

Thomas Proks- Niagara Peninsula Conservation Authority

Elizabeth Chee Sing – Water Compliance Supervisor, MECP

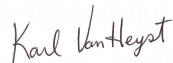
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## NIAGARA-ON-THE-LAKE DISTRIBUTION SYSTEM

# INSPECTION REPORT

System Number: 260001380  
Entity: CORPORATION OF THE TOWN  
OF NIAGARA-ON-THE-LAKE  
Inspection Start Date: July 08, 2024  
Inspection End Date: July 23, 2024  
Inspected By: Karl VanHeyst  
Badge #: 1143



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(signature)



**Ministry of the Environment, Conservation and Parks**

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**Non-Compliance with Regulatory Requirements  
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**A. Stakeholder Appendix**

**B. Inspection Rating Record**

## INTRODUCTION

### Scope

The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment, and distribution components as well as management practices.

This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O. Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.

This is a virtual focused (desktop) inspection, there was no site visit for this inspection.

This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

### Facility Contacts and Dates

On June 17, 2024, water compliance officer Karl VanHeyst contacted the Town of Niagara-on-the-Lake that he was planning an announced virtual (desktop) focused inspection of the Niagara-on-the-Lake Distribution System, DWS # 260001380.

During the Inspection, the Inspector liaised with Darrin Wills, Engineering Technologist to obtain the required documentation and information. The water compliance officer asked that the requested documentation be available for inspection by July 8, 2024.

The inspection period was from September 1st, 2023 – June 15, 2024.

### Systems/Components

The Town of Niagara-on-the-Lake is the Owner and Operator of the Town's two separate drinking water distribution systems:

- The Niagara-on-the-Lake Distribution System (DS), DWS # 260001380, which receives treated water from the St. Catharines (DeCew) Water Treatment Plant and the Niagara Falls Water Treatment Plant.

•The Bevan Heights Distribution System, DWS # 260062452, receives treated water from the City of Niagara Falls Distribution System. This water is treated by the Niagara Falls Water Treatment Plant which is owned and operated by the Region of Niagara. Both Niagara-on-the-Lake Distribution Systems utilize the same management system (i.e. same operations and maintenance manual, procedures, and staff) and much of the information is similar, however, this report focuses solely on the Niagara-on-the-Lake Distribution System.

The Niagara-on-the-Lake Distribution System is a Class 1 large municipal residential drinking water distribution system and serves approximately 15,000 residents through approximately 201 km of Town and 48 km of Regional watermains which range in size from 100 mm to 300 mm. The system consists primarily of asbestos cement, ductile iron, PVC, and PE watermains. There are approximately 1,410 fire hydrants and approximately 1,383 valves located throughout the system.

### **Permissions/Approvals**

#### **DRINKING WATER WORKS PERMIT**

Permit Number: 069-202, Issue Number: 5

#### **MUNICIPAL DRINKING WATER LICENCE**

Licence Number: 069-102, Issue Number: 4

## **NON-COMPLIANCE**

This should not be construed as a confirmation of full compliance with all potential applicable legal requirements. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the signed Provincial Officer.

## RECOMMENDATIONS

This should not be construed as a confirmation of full conformance with all potential applicable BMPs. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the signed Provincial Officer.

## INSPECTION DETAILS

This section includes all questions that were assessed during the inspection.

**Ministry Program:** DRINKING WATER | **Regulated Activity:** DW Municipal Residential

| Question ID  | DWMR1020001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   31   (1);   |             |               |             |
| <b>Question:</b><br>Were Form 1 documents prepared as required?  |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Form 1 documents were prepared as required.<br><br>Two (2) form 1's were completed during the inspection period as follows:<br><br>1) September 28, 2023- The Town of Niagara-on-the-Lake is replacing the existing 150mm asbestos cement watermain on Line 5 Road from Concession 2 Road to Concession 1 Road with 1110m of new 200mm PVC DR18 watermain. The Town is also extending the watermain along Concession 1 Road between Line 5 Road and Larkin Road to make it a loop, rather than a dead end with 435m of New 200mm PVC DR18 watermain. This included eleven (11) new services to be connected with type "K" copper, including eleven (11) new curb boxes. Ten (10) new hydrant sets will be installed.<br><br>2) January 30, 2024- The Town of Niagara-on-the-Lake is replacing the existing 150mm dia. asbestos cement watermain on Hunter Road from Four Mile Creek Road to Concession 4 Road with 1410m of new 200mm dia. PVC DR18 watermain. This includes thirty-nine (39) new services to be connected with type "k" copper complete with thirty-nine (39) new curb boxes. Ten (10) new hydrants sets will be installed. One (1) eclipse No. 88-SS sampling station will be installed at the intersection of Hunter Road and Four Mile Creek Road. |             |               |             |

| Question ID  | DWMR1025001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   31   (1);   |             |               |             |
| <b>Question:</b><br>Were all parts of the drinking water system that came in contact with drinking water disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit? |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>All parts of the drinking water system were disinfected as required.   |             |               |             |

The Ministry's Watermain Disinfection Procedure (WDP) was updated and approved in August 2020. As per Condition 2.3.2, the town of Niagara-on-the-Lake is required to follow the requirements of the updated Watermain Disinfection Procedure, August 2020.

The town's watermain commissioning and watermain repairs documentation met the requirements of the 2020 Ontario Watermain Disinfection Procedure.

| Question ID   | DWMR1033001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   7-2   (3); SDWA   O. Reg. 170/03   7-2   (4);   |             |               |             |
| <b>Question:</b><br>Was secondary disinfectant residual tested as required for the large municipal residential distribution system?   |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Secondary disinfectant residual was tested as required.<br><br>The following chlorine residual sampling is required:<br><br>One sample per day will be taken and tested for both free and total chlorine residual, or:<br><br><ul style="list-style-type: none"> <li>• At least seven distribution samples will be taken and tested per week for both free and total chlorine residuals.</li> <li>• At least four samples will be taken and tested one day of the week, at least 48 hours after the last sample was taken in the previous week.</li> <li>• At least three samples will be taken and tested on a second day of the week, at least 48 hours after the last sample was taken earlier in the week.</li> <li>• All seven samples taken in a week will be from different locations.</li> </ul> The Town has opted to take two sets of free chlorine residual (FCR) samples per week, at least 48 hours apart.<br><br>According to the records provided the Town has met the chlorine sampling requirements. |             |               |             |

| Question ID  | DWMR1099001 | Question Type | Information |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>Not Applicable   |             |               |             |
| <b>Question:</b><br>Do records show that water provided by the drinking water system met the Ontario Drinking Water Quality Standards? |             |               |             |

**Compliance Response(s)/Corrective Action(s)/Observation(s):**

Records showed that not all water sample results met the Ontario Drinking Water Quality Standards.

During the inspection period there were 2 sample results reported under 2 Adverse Quality Incidents (AWQI's) that exceeded the values under O.Reg.169/03 of the Ontario Drinking Water Quality Standards as follows:

- 1) AWQI 163656; TC = 1 on September 26, 2023.
- 2) AWQI 164265; TC = 7 on December 27, 2023

Flushing and resampling resolved the issues.

| Question ID   | DWMR1081001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   10-2   (1); SDWA   O. Reg. 170/03   10-2   (2); SDWA   O. Reg. 170/03   10-2   (3);   |             |               |             |
| <b>Question:</b><br>Were distribution microbiological sampling requirements prescribed by Schedule 10-2 of O. Reg. 170/03 for large municipal residential systems met?  |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Distribution microbiological sampling requirements were met.<br><br>The Niagara-on-the-Lake Distribution System is required to take 23 microbiological samples per month, including at least 1 per week. In addition, at least 25% of these samples must also be tested for Heterotrophic Plate Count (HPC). All bacteriological samples were tested for HPC. |             |               |             |

| Question ID  | DWMR1096001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   6-3   (1);   |             |               |             |
| <b>Question:</b><br>Did records confirm that chlorine residual tests were conducted at the same time and location as microbiological samples?    |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Records confirmed that chlorine residual tests were conducted as required. |             |               |             |

| Question ID  | DWMR1086001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   13-6.1   (1); SDWA   O. Reg. 170/03   13-6.1   (2); SDWA   O. Reg. 170/03   13-6.1   (3); SDWA   O. Reg. 170/03   13-6.1   (4); SDWA   O. Reg. 170/03   13-6.1 |             |               |             |

(5); SDWA | O. Reg. 170/03 | 13-6.1 | (6);

**Question:**

Were haloacetic acid sampling requirements prescribed by Schedule 13-6 of O. Reg. 170/03 met?

**Compliance Response(s)/Corrective Action(s)/Observation(s):**

Haloacetic acid sampling requirements were met.

Haloacetic Acid (HAA) samples were collected and tested on a quarterly basis with an annual running average of 17.5 ug/L. The limit for this parameter is 80 ug/L.

| Question ID   | DWMR1087001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   13-6   (1); SDWA   O. Reg. 170/03   13-6   (2); SDWA   O. Reg. 170/03   13-6   (3); SDWA   O. Reg. 170/03   13-6   (4); SDWA   O. Reg. 170/03   13-6   (5); SDWA   O. Reg. 170/03   13-6   (6); |             |               |             |
| <b>Question:</b><br>Were trihalomethane sampling requirements prescribed by Schedule 13-6 of O. Reg. 170/03 met?  |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Trihalomethane sampling requirements were met.  |             |               |             |
| Trihalomethane (THM) samples were collected and tested on a quarterly basis with an annual running average of 35.7 ug/L.  |             |               |             |
| The drinking water standard for THMs is 100 ug/L, expressed as a running annual average.  |             |               |             |

| Question ID   | DWMR1104001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   16-6   (1); SDWA   O. Reg. 170/03   16-6   (2); SDWA   O. Reg. 170/03   16-6   (3); SDWA   O. Reg. 170/03   16-6   (3.1); SDWA   O. Reg. 170/03   16-6   (3.2); SDWA   O. Reg. 170/03   16-6   (4); SDWA   O. Reg. 170/03   16-6   (5); SDWA   O. Reg. 170/03   16-6   (6); |             |               |             |
| <b>Question:</b><br>Were immediate verbal notification requirements for adverse water quality incidents met?  |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Immediate verbal notification requirements for adverse water quality incidents were met.  |             |               |             |

| Question ID  | DWMR1101001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   17-1; SDWA   O. Reg. 170/03   17-10   (1); SDWA   O. Reg. 170/03   17-11; SDWA   O. Reg. 170/03   17-12; SDWA   O. Reg. 170/03   17-13; SDWA   O. Reg. 170/03   17-14; SDWA   O. Reg. 170/03   17-2; SDWA   O. Reg. 170/03   17-3; SDWA   O. Reg. 170/03   17-4; SDWA   O. Reg. 170/03   17-5; SDWA   O. Reg. 170/03   17-6; SDWA   O. Reg. 170/03   17-9; |             |               |             |
| <b>Question:</b><br>For large municipal residential systems, were corrective actions, including any steps directed by the Medical Officer of Health, taken to address adverse conditions?  |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Corrective actions were taken to address adverse conditions.   |             |               |             |

| Question ID  | DWMR1060001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   31   (1);   |             |               |             |
| <b>Question:</b><br>Did the operations and maintenance manual(s) meet the requirements of the Municipal Drinking Water Licence?  |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>The operations and maintenance manual(s) met the requirements of the Municipal Drinking Water Licence.<br><br>The operation and maintenance (O&M) manual does not contain the distribution system drawings. However, the operators have access via their smartphones and tablets to the most recent drawings on the Town's GIS system. |             |               |             |

| Question ID   | DWMR1062001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   7-5;  |             |               |             |
| <b>Question:</b><br>Did records or other record keeping mechanisms confirm that operational testing not performed by continuous monitoring equipment was done by a certified operator, water quality analyst, or person who met the requirements of Schedule 7-5 of O. Reg. 170/03?   |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was done by a certified operator, water quality analyst, or person who met the requirements of Schedule 7-5 of O. Reg. 170/03. |             |               |             |

| Question ID  | DWMR1071001 | Question Type | BMP |
|--|-------------|---------------|-----|
| <b>Legislative Requirement(s):</b><br>Not Applicable   |             |               |     |
| <b>Question:</b><br>Did the owner provide security measures to protect components of the drinking water system?  |             |               |     |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>The owner provided security measures to protect components of the drinking water system.<br><br>The Niagara-on-the-Lake Distribution System has two bulk filling stations, one located at 11 Walker Rd and one at 627 Concession Rd 5 in Niagara-on-the-Lake. Both stations are locked, inspected monthly and monitored by security cameras. However this could not be verified for this inspection. |             |               |     |

| Question ID  | DWMR1073001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 128/04   23   (1);  |             |               |             |
| <b>Question:</b><br>Was an overall responsible operator designated for all subsystems which comprise the drinking water system?  |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>An overall responsible operator was designated for all subsystem.<br><br>According to the DWQMS Personnel Coverage document provided, (PW-DW-PRO-007001-Revision 6, Dated May 2017). The Town has designated the Engineering Technologist, DWQMS as the Primary ORO for both of the Town of Niagara-on-the-Lake's DWS's. In the absence of the ORO (i.e., training, vacation, illness, etc.), the Lead Hand - Water/Wastewater acts as a Backup ORO for the Town.<br><br>In the absence of both the Primary and Backup ORO, another qualified operator will act as the back-up ORO, as appointed by the Department Supervisor.<br><br>Niagara-on-the-Lake DS is classified as a Class 1 Distribution System which received Certificate #1293 on July 13, 2005. The designated ORO is Darrin Wills, who holds a valid Class 2 license, expiring Aug 31, 2025. |             |               |             |

| Question ID  | DWMR1074001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 128/04   25   (1);                                      |             |               |             |
| <b>Question:</b><br>Were operators-in-charge designated for all subsystems which comprise the drinking water |             |               |             |

system?

**Compliance Response(s)/Corrective Action(s)/Observation(s):**

Operators-in-charge were designated for all subsystems.

According to the DWQMS Personnel Coverage document provided, (PW-DW-PRO-007-001-Revision 6, Dated May 2017).

The Lead Hand - Water/Wastewater is appointed as the principal OIC for both of the Town of Niagara-on-the-Lake's DWS's and fills this role during regular business hours and as per the On-Call Schedule (see Section 5.4 of this procedure). If the Lead Hand Water/Wastewater is unavailable during regular business hours (i.e., training, vacation, illness, etc.), another qualified operator acts as a Backup OIC for the Town.

| Question ID   | DWMR1075001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 128/04   22;   |             |               |             |
| <b>Question:</b><br>Were all operators certified as required?   |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>All operators were certified as required. |             |               |             |

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## Appendix A

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### A. Stakeholder Appendix

# APPLICATION OF THE RISK METHODOLOGY USED FOR MEASURING MUNICIPAL RESIDENTIAL DRINKING WATER SYSTEM INSPECTION RESULTS



The Ministry of the Environment (MOE) has a rigorous and comprehensive inspection program for municipal residential drinking water systems (MRDWS). Its objective is to determine the compliance of MRDWS with requirements under the Safe Drinking Water Act and associated regulations. It is the responsibility of the municipal residential drinking water system owner to ensure their drinking water systems are in compliance with all applicable legal requirements.

This document describes the risk rating methodology, which has been applied to the findings of the Ministry's MRDWS inspection

results since fiscal year 2008-09. The primary goals of this assessment are to encourage ongoing improvement of these systems and to establish a way to measure this progress.

MOE reviews the risk rating methodology every three years.

The Ministry's Municipal Residential Drinking Water Inspection Protocol contains 15 inspection modules consisting of approximately 100 regulatory questions. Those protocol questions are also linked to definitive guidance that ministry inspectors use when conducting MRDWS inspections.

[ontario.ca/drinkingwater](http://ontario.ca/drinkingwater)

The questions address a wide range of regulatory issues, from administrative procedures to drinking water quality monitoring. The inspection protocol also contains a number of non-regulatory questions.

A team of drinking water specialists in the ministry assessed each of the inspection protocol regulatory questions to determine the risk (not complying with the regulation) to the delivery of safe drinking water. This assessment was based on established provincial risk assessment principles, with each question receiving a risk rating referred to as the Question Risk Rating. Based on the number of areas where a system is deemed to be non-compliant during the inspection, and the significance of these areas to administrative, environmental, and health consequences, a risk-based inspection rating is calculated by the ministry for each drinking water system.

It is important to be aware that an inspection rating less than 100 per cent does not mean the drinking water from the system is unsafe. It shows areas where a system’s operation can improve. The ministry works with owners and operators of systems to make sure they know what they need to do to achieve full compliance.

The inspection rating reflects the inspection results of the specific drinking water system for the reporting year. Since the methodology is applied consistently over a period of years, it serves as a comparative measure both provincially and in relation to the individual system. Both the drinking water system and the public are able to track the performance over time, which encourages continuous improvement and allows systems to identify specific areas requiring attention.

The ministry’s annual inspection program is an important aspect of our drinking water safety net. The ministry and its partners share a common commitment to excellence and we continue to work toward the goal of 100 per cent regulatory compliance.

## Determining Potential to Compromise the Delivery of Safe Water

The risk management approach used for MRDWS is aligned with the Government of Ontario’s Risk Management Framework. Risk management is a systematic approach to identifying potential hazards, understanding the likelihood and consequences of the hazards, and taking steps to reduce their risk if necessary and as appropriate.

The Risk Management Framework provides a formula to be used in the determination of risk:

**RISK = LIKELIHOOD × CONSEQUENCE**  
(of the consequence)

Every regulatory question in the inspection protocol possesses a likelihood value (L) for an assigned consequence value (C) as described in **Table 1** and **Table 2**.

| TABLE 1:                                  |                  |
|---|------------------|
| Likelihood of Consequence Occurring       | Likelihood Value |
| 0% - 0.99% (Possible but Highly Unlikely) | L = 0            |
| 1 – 10% (Unlikely)                        | L = 1            |
| 11 – 49% (Possible)                       | L = 2            |
| 50 – 89% (Likely)                         | L = 3            |
| 90 – 100% (Almost Certain)                | L = 4            |

| TABLE 2:                          |                   |
|-----------------------------------|-------------------|
| Consequence                       | Consequence Value |
| Medium Administrative Consequence | C = 1             |
| Major Administrative Consequence  | C = 2             |
| Minor Environmental Consequence   | C = 3             |
| Minor Health Consequence          | C = 4             |
| Medium Environmental Consequence  | C = 5             |
| Major Environmental Consequence   | C = 6             |
| Medium Health Consequence         | C = 7             |
| Major Health Consequence          | C = 8             |

The consequence values (0 through 8) are selected to align with other risk-based programs and projects currently under development or in use within the ministry as outlined in **Table 2**.

The Question Risk Rating for each regulatory inspection question is derived from an evaluation of every identified consequence and its corresponding likelihood of occurrence:

- All levels of consequence are evaluated for their potential to occur
- Greatest of all the combinations is selected.

The Question Risk Rating quantifies the risk of non-compliance of each question relative to the others. Questions with higher values are those with a potentially more significant impact on drinking water safety and a higher likelihood of occurrence. The highest possible value would be 32 (4×8) and the lowest would be 0 (0×1).

**Table 3** presents a sample question showing the risk rating determination process.

| TABLE 3:  |                                  |                                 |                          |                                  |                                 |                           |                          |
|---|----------------------------------|---------------------------------|--------------------------|----------------------------------|---------------------------------|---------------------------|--------------------------|
| Does the Operator in Charge ensure that the equipment and processes are monitored, inspected and evaluated? |                                  |                                 |                          |                                  |                                 |                           |                          |
| Risk = Likelihood × Consequence   |                                  |                                 |                          |                                  |                                 |                           |                          |
| C=1   | C=2                              | C=3                             | C=4                      | C=5                              | C=6                             | C=7                       | C=8                      |
| Medium Administrative Consequence   | Major Administrative Consequence | Minor Environmental Consequence | Minor Health Consequence | Medium Environmental Consequence | Major Environmental Consequence | Medium Health Consequence | Major Health Consequence |
| L=4 (Almost Certain)  | L=1 (Unlikely)                   | L=2 (Possible)                  | L=3 (Likely)             | L=3 (Likely)                     | L=1 (Unlikely)                  | L=3 (Likely)              | L=2 (Possible)           |
| R=4   | R=2                              | R=6                             | R=12                     | R=15                             | R=6                             | R=21                      | R=16                     |

### Application of the Methodology to Inspection Results

Based on the results of a MRDWS inspection, an overall inspection risk rating is calculated. During an inspection, inspectors answer the questions related to regulatory compliance and input their “yes”, “no” or “not applicable” responses into the Ministry’s Laboratory and Waterworks Inspection System (LWIS) database. A “no” response indicates non-compliance. The maximum number of regulatory questions asked by an inspector varies by: system (i.e., distribution, stand-alone); type of inspection (i.e., focused, detailed); and source type (i.e., groundwater, surface water).

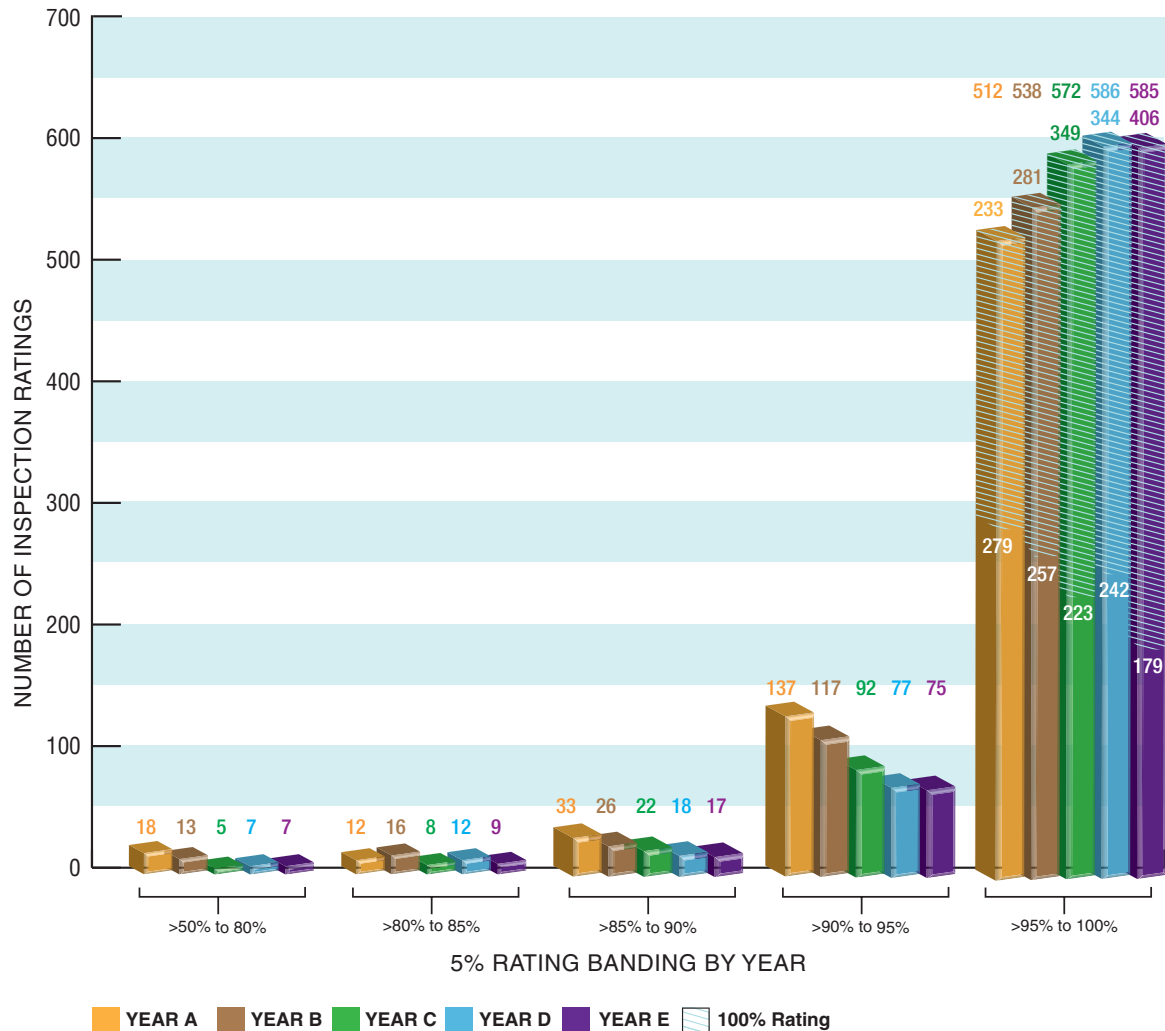
The risk ratings of all non-compliant answers are summed and divided by the sum of the risk ratings of all questions asked (maximum question rating). The resulting inspection risk rating (as a percentage) is subtracted from 100 per cent to arrive at the final inspection rating.

# Application of the Methodology for Public Reporting

The individual MRDWS Total Inspection Ratings are published with the ministry’s Chief Drinking Water Inspector’s Annual Report.

**Figure 1** presents the distribution of MRDWS ratings for a sample of annual inspections. Individual drinking water systems can compare against all the other inspected facilities over a period of inspection years.

**Figure 1: Year Over Year Distribution of MRDWS Ratings**



## Reporting Results to MRDWS Owners/Operators

A summary of inspection findings for each system is generated in the form of an Inspection Rating Record (IRR). The findings are grouped into the 15 possible modules of the inspection protocol,

which would provide the system owner/operator with information on the areas where they need to improve. The 15 modules are:

1. Source

2. Permit to Take Water

3. Capacity Assessment

4. Treatment Processes
5. Treatment Process Monitoring

6. Process Wastewater

7. Distribution System

8. Operations Manuals
9. Logbooks

10. Contingency and Emergency Planning

11. Consumer Relations

12. Certification and Training
13. Water Quality Monitoring

14. Reporting, Notification and Corrective Actions

15. Other Inspection Findings

For further information, please visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater)



**Ministry of the Environment, Conservation and Parks**

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**Appendix B**

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**B. MOE Inspection Summary Rating Record**

|  |  |
|--|--|
| <b>DWS Name:</b>                         | NIAGARA-ON-THE-LAKE DISTRIBUTION SYSTEM        |
| <b>DWS Number:</b>                       | 260001380                                      |
| <b>DWS Owner:</b>                        | CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE |
| <b>Municipal Location:</b>               | NIAGARA-ON-THE-LAKE                            |
| <b>Regulation:</b>                       | O.REG. 170/03                                  |
| <b>DWS Category:</b>                     | DW Municipal Residential                       |
| <b>Type of Inspection:</b>               | Focused  |
| <b>Compliance Assessment Start Date:</b> | Jul-8-2024                                     |
| <b>Ministry Office:</b>                  | Niagara District Office                        |

Maximum Risk Rating: 198

| Inspection Module              | Non Compliance Risk (X out of Y) |
|--------------------------------|----------------------------------|
| Certification and Training     | 0/28                             |
| Logbooks                       | 0/14                             |
| Operations Manuals             | 0/14                             |
| Reporting & Corrective Actions | 0/45                             |
| Treatment Processes            | 0/46                             |
| Water Quality Monitoring       | 0/51                             |
| <b>Overall - Calculated</b>    | <b>0/198</b>                     |

|                         |       |
|-------------------------|-------|
| Inspection Risk Rating: | 0.00% |
|-------------------------|-------|

|                          |         |
|--------------------------|---------|
| Final Inspection Rating: | 100.00% |
|--------------------------|---------|

**DWS Name:** NIAGARA-ON-THE-LAKE DISTRIBUTION SYSTEM  
**DWS Number:** 260001380  
**DWS Owner Name:** CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
**Municipal Location:** NIAGARA-ON-THE-LAKE

**Regulation:** O.REG. 170/03  
**DWS Category:** DW Municipal Residential  
**Type of Inspection:** Focused  
**Compliance Assessment Start Date:** Jul-8-2024  
**Ministry Office:** Niagara District Office

*All legislative requirements were met. No detailed rating scores.*

Maximum Question Rating: 198

Inspection Risk Rating: 0.00%

FINAL INSPECTION RATING: 100.00%

Ministry of the Environment,  
Conservation and Parks  
Drinking Water and Environmental  
Compliance Division  
West Central Region  
Hamilton District Office

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Hamilton, Ontario L8P 4Y7  
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Ministère de l'Environnement de la  
Protection de la nature et des Parcs  
Division de la conformité en matière  
d'eau potable et d'environnement  
Direction régionale du Centre-Ouest  
Bureau de district de Hamilton

119 rue King Ouest, 9<sup>e</sup> étage  
Hamilton (Ontario) L8P 4Y7  
Tél.: 905 521-7650  
Télééc.: 905 521-7806



July 31, 2024

Darrin Wills  
Engineering Technologist, DWQMS  
Town of Niagara-on-the-Lake 1593  
Four Mile Creek Rd Virgil, ON  
Darrin.Wills@notl.com

**Re: MECP Inspection - Bevan Heights Distribution System (DWS# 260062452)**

Dear Mr. Wills,

Please find the enclosed copy of the inspection report # 1-369368142 for the Bevan Heights Distribution System completed under the Ministry's focused inspection protocol to assess compliance with Safe Drinking Water legislation. The report is based on conditions encountered at the time of inspection, and subsequent follow-up.

If applicable, any items with found within the section entitled "Non-Compliance/Non-Conformance Items" which have sections under legislative requirements outline non-compliance with regulatory requirements contained within an Act, a Regulation, or site-specific approvals, licenses, permits, orders, or guidelines. Please ensure that the required actions are completed within the prescribed timeframe, if applicable.

The items with "Not Applicable" legislative requirements provide information to the owner or operating authority outlining practices or standards established through existing and emerging industry standards that should be considered in order to advance current efforts. These items do not, in themselves, constitute violations. More recommendations may also be provided within the body of the report.

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation & Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection

Summary Rating Record (IRR), included as an Appendix of the inspection report, provides the Ministry, the system owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance. IRR ratings are published (for the previous inspection year) in the Ministry's Chief

Drinking Water Inspectors' Annual Report. Please note, the IRR will be sent separately and prior to any public release (typically within 1-2 month of the completion of the inspection).

Thank you for your time and assistance during the inspection process. If you have any questions or concerns, do not hesitate to contact me or Elizabeth Chee Sing, Water Compliance Supervisor, West Central Region at 519-400-6731 or [Elizabeth.cheesing@ontario.ca](mailto:Elizabeth.cheesing@ontario.ca) .

Sincerely,

A handwritten signature in cursive script that reads "Karl VanHeyst".

Karl VanHeyst  
Provincial Officer  
Drinking Water and Environmental Compliance Division

cc:

Darren Mackenzie- Manager Of Public Works, Town of Niagara-on-the-Lake

Colin Horne - Niagara Public Health Department

Jason Wolf - Niagara Public Health Department

Leilani Lee-Yates - Niagara Peninsula Conservation Authority

Thomas Proks- Niagara Peninsula Conservation Authority

Elizabeth Chee Sing – Water Compliance Supervisor, MECP

File

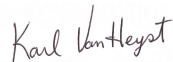


BEVAN HEIGHTS DISTRIBUTION SYSTEM

NIAGARA-ON-THE-LAKE, ON

## INSPECTION REPORT

System Number: 260062452  
Entity: CORPORATION OF THE TOWN  
OF NIAGARA-ON-THE-LAKE  
Inspection Start Date: July 24, 2024  
Inspection End Date: July 29, 2024  
Inspected By: Karl VanHeyst  
Badge #: 1143



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(signature)



**Ministry of the Environment, Conservation and Parks**

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**B. Inspection Rating Record**

## INTRODUCTION

### Scope

The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment, and distribution components as well as management practices.

This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O. Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.

This is a virtual focused (desktop) inspection, there was no site visit for this inspection.

This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

### Facility Contacts and Dates

On June 17, 2024, water compliance officer Karl VanHeyst contacted the Town of Niagara-on-the-Lake that he was planning an announced virtual (desktop) focused inspection of the Niagara-on-the-Lake Distribution System, DWS # 260001380.

During the Inspection, the Inspector liaised with Darrin Wills, Engineering Technologist to obtain the required documentation and information. The water compliance officer asked that the requested documentation be available for inspection by July 8, 2024.

The inspection period was from September 1st, 2023 – June 15, 2024.

### Systems/Components

The Town of Niagara-on-the-Lake is the Owner and Operator of the Town's two separate drinking water distribution systems:

- The Niagara-on-the-Lake Distribution System (DS), DWS # 260001380, which receives treated water from the St. Catharines (DeCew) Water Treatment Plant and the Niagara Falls Water Treatment Plant.

•The Bevan Heights Distribution System, DWS # 260062452, receives treated water from the City of Niagara Falls Distribution System. This water is treated by the Niagara Falls Water Treatment Plant which is owned and operated by the Region of Niagara.

Both Niagara-on-the-Lake Distribution Systems utilize the same management system (i.e. same operations and maintenance manual, procedures, and staff) and much of the information is similar, however, this report focuses solely on the Bevan Heights Distribution System. The Bevan Heights Distribution System is a class 1 small municipal residential system that receives treated water from the City of Niagara Falls Distribution system.

The Bevan Heights Distribution System serves approximately 80 customers, through approximately 2 km of Town watermains which are 150 mm in size. The system consists primarily of PVC watermains and there are approximately 16 fire hydrants and 19 valves located throughout the system.

### **Permissions/Approvals**

#### **DRINKING WATER WORKS PERMIT**

Permit Number: 069-202, Issue Number: 5

#### **MUNICIPAL DRINKING WATER LICENCE**

Licence Number: 069-102, Issue Number: 4

## **NON-COMPLIANCE**

This should not be construed as a confirmation of full compliance with all potential applicable legal requirements. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the signed Provincial Officer.

## RECOMMENDATIONS

This should not be construed as a confirmation of full conformance with all potential applicable BMPs. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the signed Provincial Officer.

## INSPECTION DETAILS

This section includes all questions that were assessed during the inspection.

**Ministry Program:** DRINKING WATER | **Regulated Activity:** DW Municipal Residential

| Question ID   | DWMR1034001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   7-2   (5); SDWA   O. Reg. 170/03   7-2   (6);   |             |               |             |
| <b>Question:</b><br>Was secondary disinfectant residual tested as required for the small municipal residential distribution system?   |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Secondary disinfectant residual was tested as required.<br><br>The Town is required to take two sets of free chlorine residual (FCR) samples per week, at least 48 hours apart. |             |               |             |

| Question ID  | DWMR1099001 | Question Type | Information |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>Not Applicable   |             |               |             |
| <b>Question:</b><br>Do records show that water provided by the drinking water system met the Ontario Drinking Water Quality Standards?                               |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Records showed that all water sample results met the Ontario Drinking Water Quality Standards. |             |               |             |

| Question ID  | DWMR1082001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   11-2   (1); SDWA   O. Reg. 170/03   11-2   (2); SDWA   O. Reg. 170/03   11-2   (6);  |             |               |             |
| <b>Question:</b><br>Were distribution microbiological sampling requirements prescribed by Schedule 11-2 of O. Reg. 170/03 for small municipal residential systems met?   |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Distribution microbiological sampling requirements were met.<br><br>The Bevan Heights DS is required to take one microbiological sample per week. In addition, |             |               |             |

at least 25% of these samples must also be tested for Heterotrophic Plate Count (HPC). All distribution bacteriological sample requirements were met during the inspection period..

| Question ID  | DWMR1096001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   6-3   (1);   |             |               |             |
| <b>Question:</b><br>Did records confirm that chlorine residual tests were conducted at the same time and location as microbiological samples?    |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Records confirmed that chlorine residual tests were conducted as required. |             |               |             |

| Question ID   | DWMR1086001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   13-6.1   (1); SDWA   O. Reg. 170/03   13-6.1   (2); SDWA   O. Reg. 170/03   13-6.1   (3); SDWA   O. Reg. 170/03   13-6.1   (4); SDWA   O. Reg. 170/03   13-6.1   (5); SDWA   O. Reg. 170/03   13-6.1   (6);                       |             |               |             |
| <b>Question:</b><br>Were haloacetic acid sampling requirements prescribed by Schedule 13-6 of O. Reg. 170/03 met?   |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Haloacetic acid sampling requirements were met.<br><br>Haloacetic Acid (HAA) samples were collected and tested on a quarterly basis with an annual running average of 14.5 ug/L. The limit for this parameter is 80 ug/L. |             |               |             |

| Question ID   | DWMR1087001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   13-6   (1); SDWA   O. Reg. 170/03   13-6   (2); SDWA   O. Reg. 170/03   13-6   (3); SDWA   O. Reg. 170/03   13-6   (4); SDWA   O. Reg. 170/03   13-6   (5); SDWA   O. Reg. 170/03   13-6   (6); |             |               |             |
| <b>Question:</b><br>Were trihalomethane sampling requirements prescribed by Schedule 13-6 of O. Reg. 170/03 met?  |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Trihalomethane sampling requirements were met.<br><br>Trihalomethane (THM) samples were collected and tested on a quarterly basis with an annual running average of 33.2 ug/L.          |             |               |             |

The drinking water standard for THMs is 100 ug/L, expressed as a running annual average.

| Question ID  | DWMR1060001 | Question Type | Legislative |
|--|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   31   (1);   |             |               |             |
| <b>Question:</b><br>Did the operations and maintenance manual(s) meet the requirements of the Municipal Drinking Water Licence?  |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>The operations and maintenance manual(s) met the requirements of the Municipal Drinking Water Licence. |             |               |             |

| Question ID   | DWMR1062001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 170/03   7-5;  |             |               |             |
| <b>Question:</b><br>Did records or other record keeping mechanisms confirm that operational testing not performed by continuous monitoring equipment was done by a certified operator, water quality analyst, or person who met the requirements of Schedule 7-5 of O. Reg. 170/03?   |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was done by a certified operator, water quality analyst, or person who met the requirements of Schedule 7-5 of O. Reg. 170/03. |             |               |             |

| Question ID   | DWMR1073001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 128/04   23   (1);   |             |               |             |
| <b>Question:</b><br>Was an overall responsible operator designated for all subsystems which comprise the drinking water system?   |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>An overall responsible operator was designated for all subsystem.<br><br>According to the DWQMS Personnel Coverage document provided, (PW-DW-PRO-007001-Revision 6, Dated May 2017). The Town has designated the Engineering Technologist, DWQMS as the Primary ORO for both of the Town of Niagara-on-the-Lake's DWS's. In the absence of the ORO (i.e., training, vacation, illness, etc.), the Lead Hand - Water/Wastewater acts as a Backup ORO for the Town. |             |               |             |

In the absence of both the Primary and Backup ORO, another qualified operator will act as the back-up ORO, as appointed by the Department Supervisor.

Bevan Heights DS is classified as a Class 1 Distribution System which received Certificate #5064 on April 24, 2007.

The designated ORO is Darrin Wills, who holds a valid Class 2 license, expiring Aug 31, 2025.

| Question ID   | DWMR1074001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 128/04   25   (1);   |             |               |             |
| <b>Question:</b><br>Were operators-in-charge designated for all subsystems which comprise the drinking water system?          |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>Operators-in-charge were designated for all subsystems. |             |               |             |

| Question ID   | DWMR1075001 | Question Type | Legislative |
|---|-------------|---------------|-------------|
| <b>Legislative Requirement(s):</b><br>SDWA   O. Reg. 128/04   22;   |             |               |             |
| <b>Question:</b><br>Were all operators certified as required?   |             |               |             |
| <b>Compliance Response(s)/Corrective Action(s)/Observation(s):</b><br>All operators were certified as required. |             |               |             |

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## Appendix A

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### A. Stakeholder Appendix

# APPLICATION OF THE RISK METHODOLOGY USED FOR MEASURING MUNICIPAL RESIDENTIAL DRINKING WATER SYSTEM INSPECTION RESULTS



The Ministry of the Environment (MOE) has a rigorous and comprehensive inspection program for municipal residential drinking water systems (MRDWS). Its objective is to determine the compliance of MRDWS with requirements under the Safe Drinking Water Act and associated regulations. It is the responsibility of the municipal residential drinking water system owner to ensure their drinking water systems are in compliance with all applicable legal requirements.

This document describes the risk rating methodology, which has been applied to the findings of the Ministry's MRDWS inspection

results since fiscal year 2008-09. The primary goals of this assessment are to encourage ongoing improvement of these systems and to establish a way to measure this progress.

MOE reviews the risk rating methodology every three years.

The Ministry's Municipal Residential Drinking Water Inspection Protocol contains 15 inspection modules consisting of approximately 100 regulatory questions. Those protocol questions are also linked to definitive guidance that ministry inspectors use when conducting MRDWS inspections.

[ontario.ca/drinkingwater](http://ontario.ca/drinkingwater)

The questions address a wide range of regulatory issues, from administrative procedures to drinking water quality monitoring. The inspection protocol also contains a number of non-regulatory questions.

A team of drinking water specialists in the ministry assessed each of the inspection protocol regulatory questions to determine the risk (not complying with the regulation) to the delivery of safe drinking water. This assessment was based on established provincial risk assessment principles, with each question receiving a risk rating referred to as the Question Risk Rating. Based on the number of areas where a system is deemed to be non-compliant during the inspection, and the significance of these areas to administrative, environmental, and health consequences, a risk-based inspection rating is calculated by the ministry for each drinking water system.

It is important to be aware that an inspection rating less than 100 per cent does not mean the drinking water from the system is unsafe. It shows areas where a system’s operation can improve. The ministry works with owners and operators of systems to make sure they know what they need to do to achieve full compliance.

The inspection rating reflects the inspection results of the specific drinking water system for the reporting year. Since the methodology is applied consistently over a period of years, it serves as a comparative measure both provincially and in relation to the individual system. Both the drinking water system and the public are able to track the performance over time, which encourages continuous improvement and allows systems to identify specific areas requiring attention.

The ministry’s annual inspection program is an important aspect of our drinking water safety net. The ministry and its partners share a common commitment to excellence and we continue to work toward the goal of 100 per cent regulatory compliance.

## Determining Potential to Compromise the Delivery of Safe Water

The risk management approach used for MRDWS is aligned with the Government of Ontario’s Risk Management Framework. Risk management is a systematic approach to identifying potential hazards, understanding the likelihood and consequences of the hazards, and taking steps to reduce their risk if necessary and as appropriate.

The Risk Management Framework provides a formula to be used in the determination of risk:

**RISK = LIKELIHOOD × CONSEQUENCE**  
(of the consequence)

Every regulatory question in the inspection protocol possesses a likelihood value (L) for an assigned consequence value (C) as described in **Table 1** and **Table 2**.

| TABLE 1:                                  |                  |
|---|------------------|
| Likelihood of Consequence Occurring       | Likelihood Value |
| 0% - 0.99% (Possible but Highly Unlikely) | L = 0            |
| 1 – 10% (Unlikely)                        | L = 1            |
| 11 – 49% (Possible)                       | L = 2            |
| 50 – 89% (Likely)                         | L = 3            |
| 90 – 100% (Almost Certain)                | L = 4            |

| TABLE 2:                          |                   |
|-----------------------------------|-------------------|
| Consequence                       | Consequence Value |
| Medium Administrative Consequence | C = 1             |
| Major Administrative Consequence  | C = 2             |
| Minor Environmental Consequence   | C = 3             |
| Minor Health Consequence          | C = 4             |
| Medium Environmental Consequence  | C = 5             |
| Major Environmental Consequence   | C = 6             |
| Medium Health Consequence         | C = 7             |
| Major Health Consequence          | C = 8             |

The consequence values (0 through 8) are selected to align with other risk-based programs and projects currently under development or in use within the ministry as outlined in **Table 2**.

The Question Risk Rating for each regulatory inspection question is derived from an evaluation of every identified consequence and its corresponding likelihood of occurrence:

- All levels of consequence are evaluated for their potential to occur
- Greatest of all the combinations is selected.

The Question Risk Rating quantifies the risk of non-compliance of each question relative to the others. Questions with higher values are those with a potentially more significant impact on drinking water safety and a higher likelihood of occurrence. The highest possible value would be 32 (4×8) and the lowest would be 0 (0×1).

**Table 3** presents a sample question showing the risk rating determination process.

| TABLE 3:  |                                  |                                 |                          |                                  |                                 |                           |                          |
|---|----------------------------------|---------------------------------|--------------------------|----------------------------------|---------------------------------|---------------------------|--------------------------|
| Does the Operator in Charge ensure that the equipment and processes are monitored, inspected and evaluated? |                                  |                                 |                          |                                  |                                 |                           |                          |
| Risk = Likelihood × Consequence   |                                  |                                 |                          |                                  |                                 |                           |                          |
| C=1   | C=2                              | C=3                             | C=4                      | C=5                              | C=6                             | C=7                       | C=8                      |
| Medium Administrative Consequence   | Major Administrative Consequence | Minor Environmental Consequence | Minor Health Consequence | Medium Environmental Consequence | Major Environmental Consequence | Medium Health Consequence | Major Health Consequence |
| L=4 (Almost Certain)  | L=1 (Unlikely)                   | L=2 (Possible)                  | L=3 (Likely)             | L=3 (Likely)                     | L=1 (Unlikely)                  | L=3 (Likely)              | L=2 (Possible)           |
| R=4   | R=2                              | R=6                             | R=12                     | R=15                             | R=6                             | R=21                      | R=16                     |

### Application of the Methodology to Inspection Results

Based on the results of a MRDWS inspection, an overall inspection risk rating is calculated. During an inspection, inspectors answer the questions related to regulatory compliance and input their “yes”, “no” or “not applicable” responses into the Ministry’s Laboratory and Waterworks Inspection System (LWIS) database. A “no” response indicates non-compliance. The maximum number of regulatory questions asked by an inspector varies by: system (i.e., distribution, stand-alone); type of inspection (i.e., focused, detailed); and source type (i.e., groundwater, surface water).

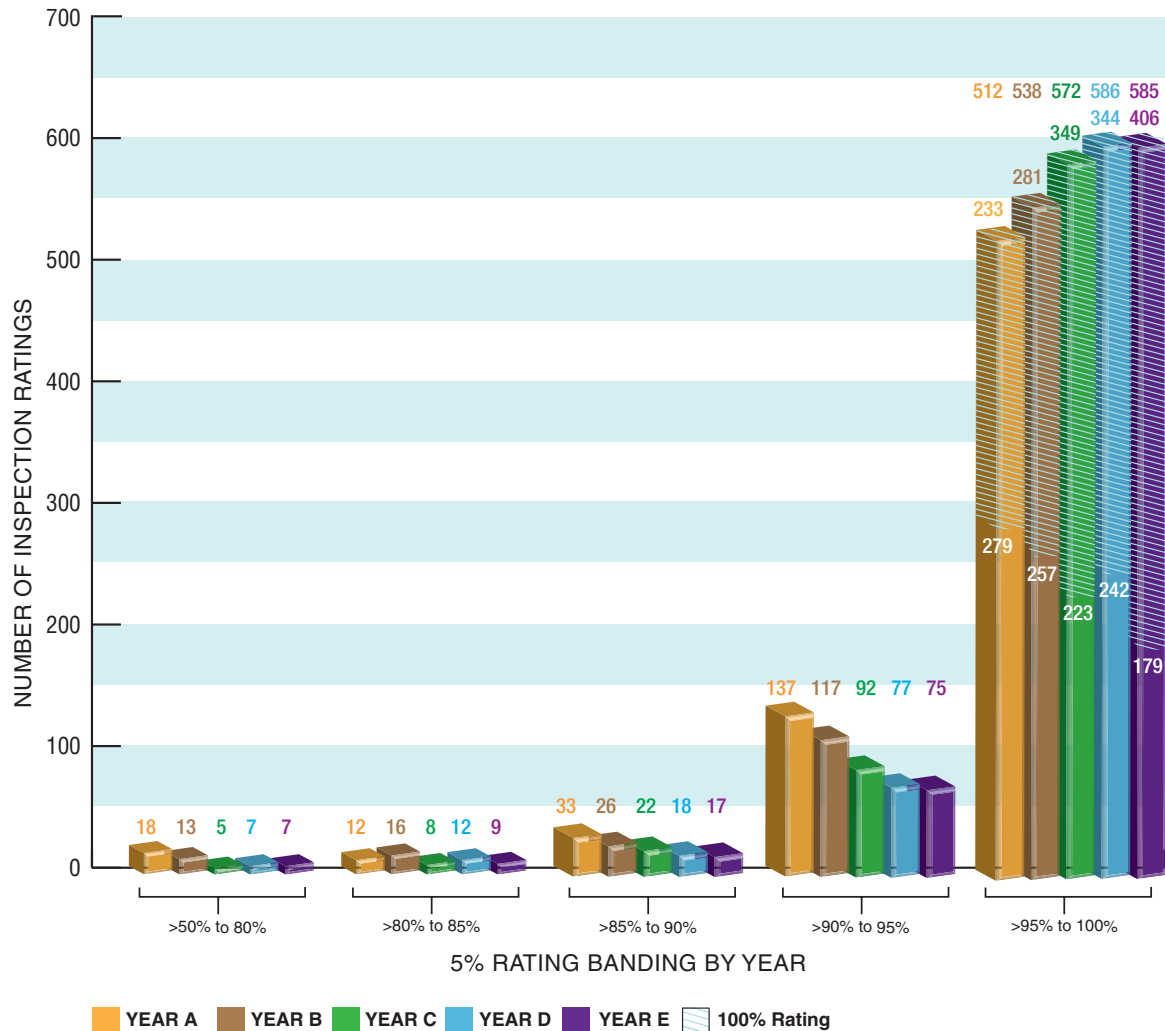
The risk ratings of all non-compliant answers are summed and divided by the sum of the risk ratings of all questions asked (maximum question rating). The resulting inspection risk rating (as a percentage) is subtracted from 100 per cent to arrive at the final inspection rating.

## Application of the Methodology for Public Reporting

The individual MRDWS Total Inspection Ratings are published with the ministry’s Chief Drinking Water Inspector’s Annual Report.

**Figure 1** presents the distribution of MRDWS ratings for a sample of annual inspections. Individual drinking water systems can compare against all the other inspected facilities over a period of inspection years.

**Figure 1: Year Over Year Distribution of MRDWS Ratings**



## Reporting Results to MRDWS Owners/Operators

A summary of inspection findings for each system is generated in the form of an Inspection Rating Record (IRR). The findings are grouped into the 15 possible modules of the inspection protocol,

which would provide the system owner/operator with information on the areas where they need to improve. The 15 modules are:

- |                         |                                 |  |  |
|-------------------------|---------------------------------|--|--|
| 1. Source               | 5. Treatment Process Monitoring | 9. Logbooks                            | 13. Water Quality Monitoring                       |
| 2. Permit to Take Water | 6. Process Wastewater           | 10. Contingency and Emergency Planning | 14. Reporting, Notification and Corrective Actions |
| 3. Capacity Assessment  | 7. Distribution System          | 11. Consumer Relations                 | 15. Other Inspection Findings                      |
| 4. Treatment Processes  | 8. Operations Manuals           | 12. Certification and Training         |  |

For further information, please visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater)



**Ministry of the Environment, Conservation and Parks**

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**Appendix B**

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**B. MOE Inspection Summary Rating Record**

**DWS Name:** BEVAN HEIGHTS DISTRIBUTION SYSTEM  
**DWS Number:** 260062452  
**DWS Owner:** CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
**Municipal Location:** NIAGARA-ON-THE-LAKE

**Regulation:** O.REG. 170/03  
**DWS Category:** DW Municipal Residential  
**Type of Inspection:** Focused  
**Compliance Assessment Start Date:** Jul-24-2024  
**Ministry Office:** Niagara District Office

**Maximum Risk Rating:** 128

| Inspection Module           | Non Compliance Risk (X out of Y) |
|-----------------------------|----------------------------------|
| Certification and Training  | 0/28                             |
| Logbooks                    | 0/14                             |
| Operations Manuals          | 0/14                             |
| Treatment Processes         | 0/21                             |
| Water Quality Monitoring    | 0/51                             |
| <b>Overall - Calculated</b> | <b>0/128</b>                     |

**Inspection Risk Rating:** 0.00%

**Final Inspection Rating:** 100.00%

**DWS Name:** BEVAN HEIGHTS DISTRIBUTION SYSTEM  
**DWS Number:** 260062452  
**DWS Owner Name:** CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
**Municipal Location:** NIAGARA-ON-THE-LAKE

**Regulation:** O.REG. 170/03  
**DWS Category:** DW Municipal Residential  
**Type of Inspection:** Focused  
**Compliance Assessment Start Date:** Jul-24-2024  
**Ministry Office:** Niagara District Office

*All legislative requirements were met. No detailed rating scores.*

Maximum Question Rating: 128

Inspection Risk Rating: 0.00%

FINAL INSPECTION RATING: 100.00%

### Water Loss Reduction Initiatives Update

The Water Operational Audit Procedures Report by Deloitte, dated November 2020 identified opportunities to reduce the Town's unaccounted for water. Some of the areas identified as best suited for reducing the amount of unaccounted for water are; replacing under-reading meters, theft investigation and leak detection.

Aging water meters are one of the primary sources of apparent losses in water billing. As water meters age they tend to under-read the actual amount of water that flows through them because the mechanical parts inside don't turn as freely as they did when they were new. Following recommendations from the Audit Report, Town staff are continually replacing water meters that are aging beyond reliability.

Water theft is another reason the Town does not invoice and collect for water registered by metering. Unauthorised use from fire hydrants has been found and locks have been installed on private hydrants to prevent this. There may be more hydrants around Town, specifically in areas that are more out of public sight which could be locked also to prevent unauthorised use. Another example of water theft is water users, typically in commercial facilities that open valves in their plumbing systems to allow water to flow around by-passes therefore not registering through the meter. By-pass valve locks are recommended for all these locations to ensure that all water entering the building is going through the meter for billing purposes. Many locations have already been inspected and now have bypass valves locked and ongoing inspections are continuing.

Water main leaks underground are another potential source of unaccounted for water that could contribute to significant monetary losses. The Water Audit Report also recommends the implementation of a leak detection program. The estimated cost of a correlation survey with external sensors to find repairable leaks was approximately \$176,000. at the time of the report. Several leaks have been located and repaired by staff already and contractors to conduct a correlation survey of the municipal water mains are being reviewed for efficiency and return on investment.

The most recent numbers we had calculated for total water loss throughout the Town were shown in the Deloitte report from 2020. Those figures showed the percentage **losses of 22% for 2018 and 25% for 2019**. While all numbers required for calculation

are not yet in for 2024, the following numbers in cubic meters have been calculated for 2023;

|   |           |
|---|-----------|
| Total water purchased from the Region         | 2,989,000 |
| Total water billed through NOTK Hydro         | 2,381,542 |
| Total water used through bulk water stations  | 52,183    |
| Total water billed through hydrant irrigation | 12,328    |
| Estimate used for hydrant and WM flushing     | 12,047    |
| Estimate used for fire fighting and training  | 8,900     |
| Subtotal of water billed and estimated use    | 2,467,000 |

Based on the numbers shown above, the calculated **water loss for 2023 is 17.5%**

This shows a significant improvement in our water efficiency over the past few years and we are confident that our continuing efforts will continue to improve the financial efficiency of our water systems management.

## The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

**SUBJECT:** By-law Enforcement Metrics 2024  
**DATE:** 2025-03-18  
**REPORT #:** FES-25-004  
**PREPARED BY:** Erin Montanaro  
**DEPARTMENT:** Fire & Emergency Services

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### BACKGROUND INFORMATION

This report provides Council with By-law Enforcement metrics for the Town of Niagara-on-the-Lake during 2024. By-law Enforcement is part of the Fire & Emergency Services Division and is responsible for investigating and resolving by-law violation complaints. The Municipal Act 2001 allows municipalities to pass by-laws to regulate many areas affecting health, safety, and the enjoyment of property. Currently all by-law metrics are posted on the Town's webpage, updated monthly.

#### **By-law Enforcement Metrics for 2024**

The following information is a snapshot of all By-law activity between **January 1, 2024, and December 31, 2024.**

In 2024, Staff undertook **114** Municipal Law Enforcement (MLE) investigations and **160** Property Standards Investigations. Additionally, Town Staff issued **29** AMPS tickets. By-law Enforcement Staff met the daily requirements of the municipality and made significant progress over the last number of years toward the Town's enforcement initiatives.

Within 2024, By-law Enforcement Staff were also issued **19,280** parking penalties, representing a **44%** increase in the number of tickets compared to 2023. Parking penalties are issued by the Department's seasonal and full-time Parking Enforcement Officers.

Throughout 2024, By-law Staff continued to gain compliance with the Short-Term Rental (STR) By-law, through a proactive approach. Staff take an educational approach as a first step in achieving compliance, followed by enforcement through penalties should compliance not be achieved voluntarily.

STR compliance remains a high priority within the By-law Division. There were **20** AMPS tickets issued in 2024 for STR non-compliance. As non-compliance numbers can change daily, By-law Staff anticipates non-compliant STR locations will be less than 10 at any given time.

The table below provides an annual overview of the service requests directly related to the By-law Enforcement Division, including a comparison to the previous year.

| Town of Niagara-on-the-Lake By-law Data    |        |        |
|--|--------|--------|
|  | 2023   | 2024   |
| Parking Penalty Notices Issued             | 13,362 | 19,280 |
| Screenings for Parking Notices             | 353    | 239    |
| Special Enforcement Area Penalties Issued* | 42     | 78     |
|  |        |        |
| By-law MLE Investigations                  | 153    | 114    |
| Property Standards Investigations**        | 149    | 160    |
|  |        |        |
| Tree Permit Exemptions                     | 127    | 132    |
| Tree Permits Issued                        | 82     | 71     |
| Tree Permit Denials                        | 4      | 14     |
| Tree Investigations                        | 21     | 10     |
| Tree By-law Penalties Issued               | 0      | 1      |
|  |        |        |
| Short-Term Rental Investigations           | 58     | 45     |
| Short-Term Rental Penalties Issued         | 57     | 20     |
|  |        |        |
| Other By-law Penalties Issued              | 11     | 29     |
|  |        |        |
| Total AMPS Penalties Issued                | 68     | 50     |

#### Notes

- *Special Enforcement Area increased fines are in place from March 15 to November 15 in accordance with the By-law.*
- *Property Standards Investigations include Property Standards, Long Grass, and Clean Yards.*

Attached as **Appendix I** is the By-law Metrics Infographic for 2024.

#### NEXT STEP / CONCLUSION

The Town's By-law Enforcement Department will continue to provide monthly statistics posted on the Town's website. A report to Council will continue to be provided on an annual basis.

#### ATTACHMENTS

- **Appendix I** – By-law Metrics Infographic for 2024

# TOWN OF NIAGARA-ON-THE-LAKE

## APPENDIX I

### BY-LAW BREAKDOWN FOR 2024

50



AMPS\* Tickets  
(Total)

20



Short Term  
Rental Penalty  
Notices

160



Property Standards  
Investigations

114



By-law  
Investigations

19280



Parking Tickets



## NEWS RELEASE

# Niagara-on-the-Lake's Temporary Patio Program to Conclude in 2025

For Immediate Release

March 7, 2025

At its February 25, 2025, meeting, Council directed Staff to conclude the Temporary Patio Program on December 31, 2025, discontinue work on the proposed Seasonal Patio Program, and report back on the development of a potential Queen Street Secondary Plan.

The Program remains in effect until December 31, 2025. Eligible businesses in the urban area can continue to apply for patio permits for the 2025 spring and summer seasons as of March 1, 2025.

The Temporary Patio Program was introduced in 2020 to support local businesses recovering from the COVID-19 pandemic. Since its inception, Council has extended the program annually, allowing Staff to evaluate its long-term viability and explore a permanent Seasonal Patio Program. Following deliberations, Council has decided to end the Temporary Patio Program across the municipality. Therefore, after December 31, 2025, the Town will no longer have a Patio Program.

"The Temporary Patio Program has been a valuable tool in supporting our local business community and driving post-pandemic economic recovery, and will continue to be in place for the remainder of 2025," stated Lord Mayor Gary Zalepa. "As we transition away from the program, I look forward to Staff providing insights into what would be required to develop a comprehensive vision for the Queen Street area."

"Moving forward, our team will gather insights and report back to Council on what a Secondary Plan might entail and how it could shape the character of Old Town and the Queen Street Heritage Conservation District," stated CAO Bruce Zvaniga.

The Town thanks all participating patio operators for their collaboration, adaptability, and commitment to enhancing Niagara-on-the-Lake's dining experience, supporting our local economy and fostering a welcoming atmosphere for all.

*For immediate alerts, follow the Town of Niagara-on-the-Lake on [Facebook](#), [Twitter](#), and [Instagram](#).*

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