



Regular Council Meeting Agenda

February 3, 2020, 6:00 pm

Essex Civic Centre

360 Fairview Avenue West

Essex, Ontario

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

Pages

1. **Call to Order**

2. **Closed Meeting Report**

3. **Declarations of Conflict of Interest**

4. **Adoption of Published Agenda**

4.1 **Regular Council Meeting Agenda for February 3, 2020**

Moved by _____

Seconded by _____

That the published agenda for the February 3, 2020 Regular Council Meeting be adopted as presented / amended.

5. **Adoption of Minutes**

5.1 **Regular Council Meeting Minutes for January 20, 2020**

1

Moved by _____

Seconded by _____

That the minutes of the Regular Council Meeting held January 20, 2020 be adopted as circulated.

5.2 **Special Council Meeting Minutes for December 9, 2019**

12

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held on December 9, 2019 for the purpose of introducing the Town of Essex 2020 Budget be adopted as circulated.

6. **Public Presentations**

6.1 **Fire Chief Rick Arnel**

Congratulation Ceremony for the following Fire Recruits on their successful completion of training

Aaron Langlois - Essex Station 1

Logan Malenfant - Essex Station 2

Jacob Morassut - Essex Station 2

Cayla Mursall - Essex Station 3

- Presentation of Essex Fire and Rescue Badges, **Project All In** and Essex Fire Coins

Moved by _____

Seconded by _____

That the presentation made by Fire Chief Rick Arnel to Fire Recruits Aaron Langlois - Essex Station 1, Logan Malenfant - Essex Station 2, Jacob Morassut - Essex Station 2, and Cayla Mursall - Essex Station 3 of their Essex Fire and Rescue Badges be received;

And that Council extends their congratulations on successfully completing the required training.

7. Unfinished Business

8. Reports from Administration

8.1 Fire and Rescue Services 2020-01 16

Re: Establishing and Regulating Fire Services Updated By-Law

8.1.1 By-Law 1870 20

Being a by-law to Establish and Regulate Fire Services.

Moved by _____

Seconded by _____

That Fire and Rescue Services Report 2020-01 entitled "Establishing and Regulating Fire Services Updated By-Law" dated February 3, 2020, prepared by Rick Arnel, Fire Chief, be received;

That By-law 1500 be hereby repealed; and

That By-law 1870 being a by-law to establish and regulate fire services be read a first, second and third time and finally passed on February 3, 2020.

8.2 Planning Report 2020-03 47

Re: Jakana Subdivision Removal of Holding Designation

8.2.1 By-Law 1884 50

Being a by-law to amend By-Law Number 1037, The Comprehensive Zoning By-law for the Town of Essex

Moved by _____

Seconded by _____

That Planning Report 2020-03 entitled "Jakana Subdivision Removal of Holding Designation" prepared by Jeff Watson, Planner, dated February 3, 2020 be received; and

That By-law 1884, being a bylaw to amend By-Law Number 1037, The Comprehensive Zoning By-Law for the Town of Essex be read a first, a second and a third time and finally passed on February 3, 2020. (Removal of Holding Zone from Lots 2 to 61, Registered Plan 12M600)

9. Reports from Youth Members

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

Moved by _____

Seconded by _____

That correspondence listed in Agenda Item 11.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

- 11.1.1 Township of Wainfleet 54
- Re: Requesting the activation of the Disaster Recovery Assistance for Ontarians program (DRAO) by the Government of Ontario to assist the residents of the Township of Wainfleet in recovery efforts following a wind storm and seiche along the north shore of Lake Erie on October 31, 2019.
- 11.1.2 Municipal Property Assessment Corporation (MPAC) 55
- Re: 2019 Year-End Assessment Report for the 2020 Tax Year
Appendix 1 - Assessment Change Summary by Property Tax Class
Appendix 2 - Assessment Base Distribution Summary by Property Class
- 11.1.3 Union Water Supply System 63
- Re: Joint Board of Management Minutes of the December 18, 2019 Meeting.
- 11.1.4 Town of Essex, Lakeshore, Lasalle, Tecumseh Dog Pound Committee 68
- Re: January 22, 2020 Agenda
- 11.1.5 Town of Tecumseh 121
- Re: Climate Change Emergency Declaration

11.2 Correspondence to be considered for receipt and support

- 11.2.1 City of Sarnia 139
- Re: Ontario Power Generation's Deep Geologic Repository Project
- Moved by _____
- Seconded by _____
- That correspondence from the City of Sarnia, dated January 24, 2020 seeking endorsement of a resolution passed by Sarnia City Council supporting the halting of the construction of the Deep Geological Repository Project in the Bruce Peninsular, so that less dangerous solutions can be found for the longer storage of nuclear waste be received; and
- That if Council chooses to support the City of Sarnia request, a letter of support be sent to Honourable Jonathan Wilkinson, Minister of the Environment and Climate Change and Chris Lewis, MP.

12. Committee Meeting Minutes

12.1 Committee of Adjustment - December 17, 2019 142

Moved by _____
Seconded by _____
That the Committee of Adjustment Meeting Minutes of December 17, 2019, together with any recommendations noted therein, be received, approved and adopted as circulated.

13. Financial

14. New Business

15. Notices of Motion

15.1 The following Notice of Motions were presented at the January 20, 2020 Regular Council Meeting and are being brought forward for consideration this evening:

- 15.1.1 Mayor Snively**

Re: Canada's National Anthem at Regular Council Meeting

Moved by Mayor Snively
Seconded by _____

That Canada's National Anthem "O Canada", be played at the commencement of each Regular Council Meeting for the Town of Essex.
- 15.1.2 Councillor Verbeek**

Re: Old Malden Road repairs

Moved by Councillor Verbeek
Seconded by _____

That Council consider the possibility of completing the Old Malden Road Project as part of the 2020 Budget, and direct Administration to investigate any funding options that might be available to facilitate the completion of this project in 2020.
- 15.1.3 Councillor Verbeek**

Re: Five Year Road Plan

Moved by Councillor Verbeek
Seconded by _____

That Council be provided with a five-year road plan so as to ensure the Old Malden Road Project can be completed if it is not possible to complete in 2020.

16. Reports and Announcements from Council Members

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1877 171

Being a by-law to amend By-Law 1143 being a by-law to adopt a Downtown Community Improvement plan for Downtown Harrow Centre.

Moved by _____

Seconded by _____

That By-Law 1877, being a by-law to amend By-law 1143 being a by-law to adopt a Downtown Community Improvement Plan for Downtown Harrow Centre, be read a third time and finally passed on February 3, 2020.

17.1.2 By-Law 1878 175

Being a by-law to amend By-Law 1314 being a by-law to adopt a Downtown Community Plan for part of Essex Centre.

Moved by _____

Seconded by _____

That By-law 1878, being a by-law to amend By-Law 1314, being a by-law to adopt a Downtown Community Plan for part of Essex Centre be read a third time and finally passed on February 3, 2020.

17.1.3 By-Law 1879 180

Being a by-law to amend By-Law 1612 being a by-law to adopt a Community Improvement Plan for part of Colchester Centre.

Moved by _____

Seconded by _____

That By-law 1879 being a by-law to adopt a Community Improvement Plan for part of Colchester Centre be read a third time and finally passed on February 3, 2020.

17.1.4 By-Law 1882 184

Being a by-law to confirm the proceedings of the January 20, 2020, Regular Meeting of Council of The Corporation of the Town of Essex.

Moved by _____

Seconded by _____

That By-law 1882, being a by-law to confirm the proceedings of the January 20, 2020, Regular Meeting of The Corporation of the Town of Essex, be read a third time and finally passed on February 3, 2020.

17.2 By-Laws that require a first, second, third and final reading

17.2.1 By-Law 1886 186

Being a by-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act.

Moved by _____

Seconded by _____

That By-Law 1886 being a by-law imposing special drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act be read a first, a second and a third time

and finally passed on February 3, 2020.

17.2.2

By-Law 1887

188

Being a by-law to Repeal By-law 1809, a by-law to raise money to aid in construction of Drainage Works under the Tile Drainage Act.

Moved by _____

Seconded by _____

That By-Law 1887 being a by-law to repeal By-Law 1809, a by-law to raise money to aid in the construction of Drainage Works under the Tile Drainage Act be read a first, a second and a third time and finally passed on February 3, 2020.

17.3

By-Laws that require a first and second reading

17.3.1

By-Law 1885

189

Being a by-law to confirm the proceedings of the February 3, 2020, Regular Meeting of Council of The Corporation of the Town of Essex.

Moved by _____

Seconded by _____

That By-Law 1885 being a by-law to confirm the proceedings of the February 3, 2020 Regular Meeting of The Corporation of the Town of Essex be read a first and second time and provisionally adopted February 3, 2020.

18.

Adjournment

Moved by _____

Seconded by _____

That the meeting be adjourned at [TIME].

19.

Future Meetings

19.1

Monday, February 10, 2020 - 5:00 PM - 7:00 PM - Special Council Meeting

2020 Council Roundtable Meeting
Location: Municipal Building, Large Meeting Room, 33 Talbot Street South, Essex

19.2

Thursday, February 13, 2020 - 6:00 - 8:00 PM - Special Council Meeting

Zoning By-law Amendment (ZBA-01-20) V/L on Gosfield Townline, Ward 1
Location: Shaheen Room, Essex Sports Complex, 60 Fairview Avenue West, Essex (for public consultation)

19.3

Tuesday, February 18, 2020 - 6:00 - 9:00 PM - Regular Council Meeting

Location: County of Essex Council Chambers, 360 Fairview Avenue West, Essex



The Corporation of the Town of Essex
Regular Council Meeting Minutes

January 20, 2020, 6:00 pm
Essex Civic Centre
360 Fairview Avenue West
Essex, Ontario

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Ward One Councillor Joe Garon
Ward One Councillor Morley Bowman
Ward Two Councillor Kim Verbeek
Ward Three Councillor Steve Bjorkman
Ward Three Councillor Chris Vander Doelen
Ward Four Councillor Sherry Bondy

Chris Nepszy, Chief Administrative Officer
Doug Sweet, Director, Community Services/Deputy CAO
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Also Present: Robert Auger, Town Solicitor, Legal and Legislative
Services/Clerk
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Robin Hall, Administrative Assistant

Ehva Hoffman, Youth Council Member
Norm Nussio, Manager, Operations and Drainage

- 1. Call to Order**
- 2. Closed Meeting Report**

Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services provided a verbal report on the Closed Meeting held prior to tonight's regular council meeting. He stated that it was held pursuant to the Municipal Act, R.S.O. 2001, c.25, as amended, Section 239(2) (b) personal matters about an identifiable individual, including municipal or local board employees; and (c) a proposed pending acquisition or disposition of land by the municipality or local board.

The Clerk advised that Council discussed personnel matters and gave direction concerning a potential land purchase.

- 3. Declarations of Conflict of Interest**

There were no declarations noted.

- 4. Adoption of Published Agenda**

4.1 Regular Council Meeting Agenda for January 20, 2020

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

(R20-01-001) That the published agenda for the January 20, 2020 Regular Council Meeting, be adopted with the following amendments:

- That Public Presentation, agenda item 6.2, Anderdon Public School Eco Team be moved to agenda item 6.1;
- That the late Delegation Request from William Baker, Vice President of the Harrow Chamber of Commerce be added as an addendum to agenda to be included with the Public Presentation agenda item 6.2.1, Planning Report 2020-01, Sign By-Law Amendment Application for 108 County Road 50 East, and
- That Council Verbeek has two Notices of Motion that she would like added to agenda this evening.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for December 16, 2019

Moved By Councillor Bowman
Seconded By Deputy Mayor Meloche

(R20-01-002) That the minutes of the Regular Council Meeting held December 16, 2019 be adopted as circulated.

Carried

5.2 Special Council Meeting Minutes for November 4, 2019

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

(R20-01-003) That the minutes of the Special Council Meeting held November 4, 2019 for the purpose of the Town's Economic Development Officer, Nelson Silveira to provide a presentation to Council regarding the Town of Essex's Streetscape Projects in Essex and Harrow Centres, be adopted as circulated.

Carried

6. Public Presentations

6.1 Anderdon Public School Eco Team

Grade 8 Eco Students from Anderson Public School - Addisyn Walker and Darragh Aston and Mrs. Jodi Nolin, Eco Teacher appeared before Council asking that Council consider a town-wide ban on single use plastics.

The team spoke to Council about animals that have died and or have been injured because of plastics. They spoke of the harmful chemicals that plastics contain and how that is harmful to our health. They noted various companies and places that have banned plastic straws and have asked Council to ban single use plastics locally.

Moved By Councillor Bjorkman
Seconded By Deputy Mayor Meloche

(R20-01-004)That the presentation by Addisyn Walker, Darragh Aston, Grade 8 Eco Students from Anderdon Public School and Mrs. Jodi Nolin, Eco Teacher, asking Essex Council to consider a town-wide ban on single use plastics, be received; and

That Administration be directed to prepare a report to look at banning single use plastic bags and straws and single use items that we have control over in the Town.

Carried

6.2 Bernard Gorski

RE: Site Specific Sign By-Law Amendment - CREW Winery, 108 County Road 50 East, Harrow

Mr. Gorski appeared before Council to explain their application for a Site Specific Sign By-Law Amendment. He told Council that the new sign is the same sign that was there previously but with a digital component. He said that the need for a sign permit prior to the installation of the new sign was an oversight on their behalf. He felt that the new sign is clear and easy to read, and only wanted to use the sign to advertise when they were open for business and what their business had to offer. He advised Council that they realize that the illumination could be intrusive in the evening and would agree to only turn it on during the daytime hours.

6.2.1 Planning Report 2020-01

RE: Sign By-Law Amendment Application for 108 County Road 50 East

6.2.1.1 William Baker, Vice President, Harrow and Colchester South Chamber of Commerce

RE: Town of Essex Sign By-Law Review

Mr. Baker appeared before Council on behalf of the Harrow and Colchester South Chamber of Commerce, to present a supporting letter from the Chamber in regards to Planning Report 2020-01. The letter asks Administration to do a review of the Town's sign by-law and the perimeters within. He advised that it is the position of the Chamber to support the business community with future innovation and modern signage technology, with controlled levels of illumination and daylight regulation criteria in place. He further stated that if Council choses to review the sign by-law the Chamber suggests taking into consideration the mixed use of signage within Agricultural Commercial and Residential.

Moved By Deputy Mayor Meloche
Seconded By Councillor Vander Doelen

(R02-01-005)That the Sign By-Law Amendment Application for 108 County Road 50 East for CREW Winery, be deferred until after a review of

the Town's sign by-law by Administration, including its review specific to signage for County Road 50 only; and

That Administration advise Mr. Bernard Gorski of CREW Winery of the restrictions for the sign at 108 County Road 50 East, to ensure that the electronic portion of the sign is disconnected to ensure the sign is not operational until the sign by-law has been reviewed and a decision has been rendered.

Carried

Moved By Councillor Bjorkman
Seconded By Deputy Mayor Meloche

(R02-01-006) That the public presentations by Mr. Bernard Gorski, applicant for a Site Specific By-Law Amendment Application for a sign at CREW Winery, 108 County Road 50 East, Harrow; and the presentation by Mr. William Baker, Vice President of the Harrow and Colchester South Chamber of Commerce, supporting a review of the Town's sign by-law, be received.

Carried

7. Unfinished Business

8. Reports from Administration

8.1 Building Department Report 2019-12

RE: December 2019 Building Report

- Development Overview 2019

Moved By Councillor Bowman
Seconded By Councillor Verbeek

(R02-01-007) That the Building Department Report 2019-12, entitled "December 2019 Building Report and Development Overview 2019", providing Council with an update on building activity within the Town of Essex for the month of December, be received.

Carried

8.2 Finance and Business Services Report 2020-01

2020 Water and Sanitary Sewer Rates

- Schedule A - Water and Sanitary Sewer Charges for the Year 2020
- By-Law 1876
Being a by-law to establish Water and Sanitary Sewer Rates and Charges

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

(R02-01-008) That Finance and Business Services Report 2020-01, entitled "2020 Water and Sanitary Sewer Rates", dated January 20, 2020, prepared by Jeffrey Morrison, Director, Corporate Services, be received and approved; and

That By-Law 1876 being a by-law to establish 2020 Water and Sanitary Sewer Rates and Charges, be read a first, a second and a third time and finally passed on January 20, 2020.

Carried

8.3 Chief Administrative Officer Verbal Report

RE: OPP Contract

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, advised that as a result of direction by Council at the Budget Meeting on Monday evening, Administration reviewed the OPP Contract in conjunction with the possibility of removing the OPP Contract Manager enhancement position. He confirmed that a one year written notice is required in order to remove this position from the current contract. The current OPP contract itself expires on December 31, 2021.

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

(R02-01-009) That Administration be directed to provide one year's written notice to the Ontario Provincial Police (OPP) advising of the Town's intention to eliminate the OPP Contract Manager enhancement position.

Carried

8.4 Planning Report 2020-02

RE: Community Improvement Plan (CIP) Update

- By-Law 1877
Being a by-law to amend By-Law 1143, being a by-law to adopt a Downtown Community Improvement Plan for Downtown Harrow Centre
- By-Law 1878
Being a by-law to amend By-Law 1314, being a by-law to adopt a Community Improvement Plan for Part of Essex Centre
- By-Law 1879
Being a by-law to amend By-Law 1612, being a by-law to adopt a Community Improvement Plan for Part of Colchester Centre

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

(R02-01-010) That Planning Report 2020-02 entitled "Community Improvement Plan (CIP) Update, prepared by Rita Jabbour, Manager, Planning Services, dated January 20, 2020, be received; and

That By-Law 1877, being a by-law to amend By-Law 1143 being a by-law to adopt a Downtown Community Improvement Plan for Downtown Harrow Centre, be read a first and a second time and provisionally adopted on January 20, 2020;

That By-Law 1878, being a by-law to amend By-Law 1314 being a by-law to adopt a Community Improvement Plan for Part of Essex Centre, be read a first and a second time and provisionally adopted on January 20, 2020; and

That By-Law 1879, being a by-law to amend By-Law 1612 being a by-law to adopt a Community Improvement Plan for Part of Colchester Centre, be read a first and a second time and provisionally adopted on January 20, 2020.

Carried

9. Reports from Youth Members

Cameron Soucie, Youth Member advised that the Essex District High School Special Education Program is holding a Fundraiser at A-1 Chinese Food on January 27, 2020 from 11:00 AM - 8:00 PM. He advised that you need to mention supporting the "Essex District High School STEPS Program", and a portion of the meals ordered during that time will be donated to the program.

Ehva Hoffman, Youth Member advised that the Essex Youth Centre is now offering free tutoring.

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

(R02-01-011) That correspondence listed in agenda item 11.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

11.1.1 Recognition of Academic Achievement

Amy Fournier and Michael Woodiwiss - completion of the Third Course Program in Municipal Tax Administration

11.1.3 Ministry of Natural Resources and Forestry

RE: Town of Essex's concerns about Shoreline Protection and Phragmites.

Correspondence from the Ministry of Natural Resources and Forestry, Minister John Yakabuski, providing a follow-up from the meeting at the 2019 Association of Municipalities of Ontario Conference.

11.1.4 Town of Amherstburg

RE: Tiny House By-Law

Copy of correspondence from the Town of Amherstburg to the Association of Municipalities of Ontario (AMO), dated December 18, 2019 advising of a request for a Tiny House By-Law in the Town of Amherstburg.

11.1.5 Annual Drinking Water Reports

2018-2019 Chief Drinking Water Inspector Annual Report - <https://www.ontario.ca/page/2018-2019-chief-drinking-water-inspector-annual-report>

Minister's Annual Report on Drinking Water 2019 -
<https://www.ontario.ca/page/ministers-annual-report-drinking-water-2019>

Correspondence advising that the annual reports are available for viewing on the Ministry of the Environment, Conservation and Parks website

11.1.6 Union Water Supply System

RE: Joint Board of Management Minutes - November 20, 2019

11.1.7 Essex Region Conservation Authority (ERCA)

RE: 2020 Draft Budget - 30 Day Notice

11.1.8 Windsor-Essex County Environment Committee (WECEC)

Agenda - January 23, 2020

11.1.9 Union Water Supply System

Agenda - January 15, 2020

11.1.10 Ontario Provincial Police (OPP) Municipal Policing Bureau News Bulletin

RE: Second Issue, dated January 2020

11.1.2 Ministry of Children, Community and Social Services

RE: Ontario's Poverty Reduction Strategy

Correspondence dated December 16, 2019 advising that an online survey will be posted in January 2020 in an effort to receive ideas and feedback from the public to help identify solutions to reduce poverty in Ontario.

11.1.11 Town of Deep River

RE: Premiers to Develop Nuclear Reactor Technology

Correspondence, dated January 8, 2020 supporting the Premiers of Ontario, Saskatchewan and New Brunswick's intention to work together on the development of small modular reactors to help their province reduce carbon emissions and address the challenges of climate change.

11.1.12 City of Woodstock

RE: Ban of Single-Use Plastic Handled Shopping Bags Resolution

Correspondence, dated December 18, 2019 supporting a harmonized ban of single-use plastic shopping bags across the Province of Ontario.

11.2 Correspondence to be considered for receipt and support

11.2.1 Resignation from the Essex Accessibility Committee

RE: Resignation from Earl Brownell

Moved By Councillor Verbeek
Seconded By Councillor Garon

(R02-01-012) That the resignation from Earl Brownell from the Essex Accessibility Committee, effective January 8, 2020, be received with regret; and

That a letter of thanks be sent to Mr. Brownell for his time spent of the Committee, and that Schedule "A" to By-Law 1777, be updated accordingly.

Carried

12. Committee Meeting Minutes

Moved By Councillor Bowman

Seconded By Councillor Verbeek

(R02-01-013) That the minutes in agenda item 12, together with any recommendations noted therein, be received, approved and adopted as circulated.

Carried

12.1 Finance Committee - October 7, 2019

12.2 Essex Accessibility Advisory Committee - December 5, 2019

- (EAAC19-12-039) **Recommendation to Council** to support the Town investigating, purchasing, installing and utilizing software to enable real time transcription or closed captioning of the regular council meetings to better accommodate those in attendance with hearing impairment or challenges.

12.3 Arts, Culture, and Tourism Committee - December 11, 2019

12.4 Committee of Adjustment Meeting - November 19, 2019

12.5 Essex Police Services Board - December 12, 2019

12.6 Arts, Culture and Tourism Committee - January 8, 2020

13. Financial

13.1 October Bank Payments

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

(R02-01-014) That the October 2019 Bank Payments Report, including the October cheque register, cheque number 50384 to cheque number 50590 inclusive in the amount of \$1,808,223.96, the Preauthorized Payments for October in the amount of \$345,637.71 and Payroll for October in the amount of \$486,088.70, be ratified as submitted.

Carried

13.2 November Bank Payments

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

(R02-01-015) That the November 2019 Bank Payments Report, including the November cheque register, cheque number 50591 to cheque number

50782 inclusive in the amount of \$1,906,247.70, the Preauthorized Payments for November 2019 in the amount of \$418,342.88, and the Payroll for November 2019 in the amount of \$396,320.06, be ratified as submitted.

Carried

14. New Business

15. Notices of Motion

15.1 The following Notice of Motion will be presented at the February 3, 2020 Regular Council Meeting for Council's consideration:

15.1.1 Mayor Snively

RE: Canada's National Anthem at Regular Council Meeting

That Canada's National Anthem "O Canada", be played at the commencement of each Regular Council Meeting for the Town of Essex.

15.1.2 Councillor Verbeek

RE: Old Malden Road repairs

That Council consider the possibility of completing the Old Malden Road Project as part of the 2020 Budget, and direct Administration to investigate any funding options that might available to facilitate the completion of this Project in 2020.

15.1.3 Councillor Verbeek

RE: Five Year Road Plan

That Council be provided with a five-year road plan so as to ensure the Old Malden Road Project can be completed if it is not possible to complete in 2020.

16. Reports and Announcements from Council Members

Each of the Council members were provided an opportunity to discuss their latest news, upcoming events, and activities in the municipality.

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1871

Being a by-law to provide for the Shepley Drain: Replacement Bridges for Elwood Defour and Garry and Bonny Quick

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

(R02-01-016) That By-Law 1871 being a by-law to provide for the Shepley Drain: Replacement Bridges for Elwood Defour and Garry and Bonny Quick, be read a third time and finally passed on January 20, 2020.

Carried

17.1.2 By-Law 1875

Being a by-law to confirm the proceedings of the December 16, 2019 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved By Councillor Bjorkman

Seconded By Councillor Garon

(R02-01-017) That By-Law 1875 being a by-law to confirm the proceedings of the December 16, 2019 Regular Meeting of The Corporation of the Town of Essex, be read a third time and finally adopted January 20, 2019.

Carried

17.2 By-Laws that require a first, second, third and final reading

17.2.1 By-Law 1880

Being a by-law to provide for an interim tax levy and to provide for the payment of taxes and to provide for penalty and interest

Moved By Councillor Verbeek

Seconded By Councillor Vander Doelen

(R02-01-018) That By-Law 1880 being a by-law to provide for an interim tax levy and to provide for the payment of taxes and to provide for penalty and interest, be read a first, a second and a third time and finally passed on January 20, 2020.

Carried

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1882

Being a by-law to confirm the proceedings of the January 20, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

(R02-01-019) That By-Law 1882 being a by-law to confirm the proceedings of the January 20, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a first and a second time and provisionally adopted on January 20, 2020.

Carried

18. **Adjournment**

Moved By Deputy Mayor Meloche
Seconded By Councillor Garon

(R20-01-020) That the meeting be adjourned at 7:37 PM.

Carried

Mayor

Clerk



Special Council Meeting Minutes

Monday, December 9, 2019 6:00 PM

Harrow Community Centre

243 McAfee, Harrow, Ontario

1. Roll Call

Present:

- Mayor Larry Snively
- Deputy Mayor Richard Meloche
- Ward 1 Councillor Joe Garon
- Ward 1 Councillor Morley Bowman
- Ward 2 Kim Verbeek
- Ward 3 Councillor Chris Vander Doelen
- Ward 3 Councillor Steve Bjorkman
- Ward 4 Councillor Sherry Bondy

Also Present:

- Chris Nepszy Chief Administrative Officer
- Doug Sweet, Director, Community Services/Deputy CAO
- Jeffrey Morrison, Director, Corporate Services/Treasurer
- Lori Chadwick, Director, Development Services
- Heather MacDonald, Manager, Finance and Business Services
- Peter Mullins, Assistant Manager, Finance
- Robert Auger, Town Solicitor/Clerk
- Shelley Brown, Deputy Clerk

2. Declarations of Conflict of Interest

Councillor Bondy declared a conflict of interest regarding the HVAC replacement at the Harrow Daycare located inside the Harrow Arena as her children attend the daycare.

3. Adoption of Published Agenda

Special Council Meeting Agenda

Moved by Deputy Mayor Meloche

Seconded by Councillor Garon

(SP19-12-001) That the published agenda for the December 9, 2019 Special Council Meeting be adopted as presented.

"Carried"

4. Reports from Administration

a) Chris Nepszy, Chief Administrative Officer

Mr. Nepszy provided an introduction to the 2020 Budget highlighting the changes to the document this year and providing comparables to other municipalities in the County of Essex.

b) Jeffrey Morrison, Director, Corporate Services/Treasurer

Mr. Morrison provided an overview of the 2020 Proposed Budget document explaining the new format of the document and reviewing the additional operating and capital budget information provided in said document.

Moved by Councillor Bjorkman

Seconded by Councillor Garon

(SP19-12-002) That the presentation entitled “2020 Budget Walkthrough”, presented by Jeffrey Morrison, Director/Corporate Services/Treasurer be received.

“Carried”

5. Public Presentations

Ryan Heridik, Resident

Mr. Heridik inquired, regarding the Asset Management Plan, as to who determines when repairs are to be performed and who the Town procures to perform the repairs.

In reply, Jeffrey Morrison, Director, Corporate Services/Treasurer stated that the Asset Management Plan is a requirement of the provincial government and condition assessments (for determining required repairs or replacements) are part of the Plan.

Chris Nepszy, Chief Administrative Officer further explained that the determination of when and who does the repairs is a collaborative effort from staff.

Mr. Heridik then inquired about the Development Charges and License and Permit Fees on page 12 of the Budget document re: Operating Summary and why there was a 75% increase.

Mr. Morrison explained that they did a 3-year analysis of the revenues based on actual revenues received.

Scott McLean, Resident.

Mr. McLean inquired if the Gore Road would be done using cold rolled processing and why the 5th Concession between County Road 11 and Smith Road was \$75,000 more.

Mr. Nepszy explained that the Town uses different processes for different roads and that the 5th Concession is beyond being able to use the cold rolled process to repair.

Collette McLean, Resident.

Ms. McLean inquired why Gore Road at County Road 20 is breaking up.

In reply, Mr. Nepszy stated that the intersections are asphalt and they are trying to do better. Hot days after being laid down causes it regardless.

Ms. McLean then inquired as to how long the Climate Change staff member would be employed.

Lori Chadwick, Director, Development Services replied that she is on contract and would be done once the term has concluded in 2021.

Ms. McLean asked why the current staff was not able to do the adaptation plan.

Mr. Morrison stated that this is typically outsourced and that staff workloads did not permit the time to prepare the plan. The Town received a specific grant for the position.

Ms. McLean then asked if the Streetscape Plan would provide for additional parking or improved parking.

Mr. Nepszy stated that he does not believe there would be any major impacts to parking as a result of the streetscape plans with the exception of some small bump outs for pedestrians.

Ms. Chadwick further added that 2 studies were completed with consultations that included opportunity for public input. The Essex Streetscape Plan was done in 2014 and the Harrow Streetscape Plan was done in 2018. The results of both plans are available to the public and both plans have been adopted by council.

Mike Janisse, Resident.

Mr. Janisse asked how the projections for future years were calculated.

Mr. Morrison replied that they used a combination of inflationary (CPI) and where available, other controlled/known factors.

Darlene Snyder, Resident.

Ms. Snyder inquired as to why the Office of the CAO had a 39% increase in the budget cost centre (page 25 of the budget document).

Mr. Morrison replied that in 2019 there was revenue from reserve that is no longer available and so the current CAO budget is reflective of that.

Ms. Snyder then inquired about the reduction in expenses for arenas.

Mr. Morrison replied that some of the Long-Term Debt was now paid in full and a thorough review of the prior years' actual allowed for more accurate budgeting.

Ms. Snyder further inquired about the increase of \$126,000 in Infrastructure Services – Administration.

Mr. Morrison stated that the increase is due to transfers to and from Reserve Funds as well as Long-Term Debt Charges.

6. Adjournment

Moved by Deputy Mayor Meloche

Seconded by Councillor Bowman

(SP19-12-003) That the meeting be adjourned at 8:15.

“Carried”



Report to Council

Department: Community Services
Division: Fire and Rescue Services
Date: February 3, 2020
Prepared by: Rick Arnel, Fire Chief
Report Number: Fire and Rescue Services-2020-01
Subject: Establishing and Regulating Fire Services Updated By-Law
Number of Pages: Thirty (30)

Recommendation(s)

The following recommendations are provided for Council's consideration:

1. That Fire Report 2020-01 entitled " Establishing and Regulating Fire Services Updated By-Law" **be received**; and further
2. That By-Law 1500 be repealed and replaced with By-Law 1870 Establish and Regulate Fire Services.

Purpose

All responsible to provide for Fire Protection Services. All municipalities must establish a public education program with respect to fire safety as well as certain components of fire prevention, and provide such other fire protection services as it determines may be necessary in accordance with each municipality's needs and circumstances.

Part II

Responsibility for Fire Protection Services

As per the ACT the Municipal responsibilities are:

2 (1) Every Municipality shall,

- (a) Establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
- (b) Provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

Background and Discussion

The Establishing and Regulating Fire Services By-Law is a document that provide the authority to the Fire Service to operate and sets out how service will be provided within the municipality. This bylaw provides the legal protection for the Essex Fire and Rescue Service to operate. The services to be provided are listed in the By-Law such that Council is aware of what will be provided, and enacting this By-Law provides the authority of the Fire Chief and the Fire Service to deliver those services. Services include fire suppression, along with rescue services; fire prevention activities, including code compliance and public education, technical rescue operations, including ice-water rescue; motor vehicle collisions response; hazardous material response; confined space rescue; high angle rescue; emergency medical services; plus the training required for staff to provide this service.

The revised By-Law 1870 provides the most up to date services provided by Essex Fire and Rescue as approved by Council

Financial Impact

All costs associated with providing fire services as per By-Law 1870 are incorporated into the annual operating and capital budgets as approved by Council.

Consultations

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☒ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Establishing and Regulate By-Law 1870 - Fire and Rescue Services-2020-01.docx
Attachments:	- By-law 1870.doc
Final Approval Date:	Jan 24, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Doug Sweet", with a stylized flourish at the end.

Doug Sweet, Director, Community Services/Deputy CAO - Jan 23, 2020 - 8:55 AM

A handwritten signature in black ink, appearing to read "Chris Nepszy", with a stylized flourish at the end.

Chris Nepszy, Chief Administrative Officer - Jan 24, 2020 - 2:02 PM

The Corporation of the Town of Essex

By-Law Number 1870

Being a by-law to Establish and Regulate Fire Services

WHEREAS Section 2 of the Fire Protection and Prevention Act 1997, S.O. 1997, c. 4, as amended, requires every municipality to establish a program which must include public safety and certain components of fire prevention, and to provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances;

AND WHEREAS Section 5 of the said Fire Protections and Prevention Act authorizes the Council of a municipality to establish, maintain and operate a fire department to provide fire suppression services and other fire protection services in the municipality;

AND WHEREAS Sections 8 and 11 of the Municipal Act 2001, S.O. 2001 c.25 as amended, authorize a municipality to provide any service that the municipality considers necessary or desirable for the public, and to pass by-laws respecting, inter alia, health, safety and wellbeing of persons, protection of persons and property, and services that the municipality is authorized to provide;

AND WHEREAS Section 391 of the Municipal Act authorizes a municipality to impose fees or charges on persons for services or activities provided by the municipality, and for costs payable by the municipality for services or activities provided or done by or on behalf of any other municipality;

AND WHEREAS Section 425 of the Municipal Act provides that the Council of a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS Section 446 of the Municipal Act provides that if a municipality has the authority under that or any other act, or under a by-law under that or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS on April 4, 2016 the Council of the Corporation of the Town of Essex enacted By-law Number 1500, Being a by-law to Establish and Regulate Fire Services;

AND WHEREAS the Council of the Corporation of Town of Essex deems it desirable, necessary and expedient to amend, consolidate, revise and update its by-law to establish and regulate a fire department for the Town of Essex;

AND WHEREAS the Council of the Corporation of the Town of Essex accordingly deems it desirous to repeal and replace By-law Number 1500, Being a by-law to Establish and Regulate Fire Services;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ESSEX HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law, unless the context otherwise requires:
 - a) **“Approved”** means approved by Council.
 - b) **“Automatic Aid”** means an Approved agreement under which a municipality that is capable of responding more quickly to an area agrees to provide an initial response to fires, rescues, and emergencies in another municipality, or where a municipality agrees to provide a supplemental response to fires, rescues, or emergencies that may occur in another municipality.
 - c) **“Corporation”** means The Corporation of the Town of Essex;
 - d) **“Council”** means the Council of The Corporation of the Town of Essex, comprised of the Mayor, Deputy Mayor and Councilors;
 - e) **“Assistant Deputy Fire Chief”** means the person employed in, or appointed to, the Fire Department and assigned to assist the Deputy Fire Chief in the organization and direction of the Fire Department in order to ensure that loss of life, property or injury as a result of fire is prevented and/or minimized.
 - f) **“Deputy Fire Chief”** means the person appointed by Council to act on behalf of the Fire Chief of the Fire Department in the case of an absence or a vacancy in the office of Fire Chief.
 - g) **“Emergency Management and Civil Protection Act”** means Emergency Management and Civil Protection Act, 1990, S.O. 1990, c. E.9, as amended, and any successor legislation.

- h) **“Fire Chief”** means the person appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the Fire Protection and Prevention Act, 1997.
- i) **“Fire Department”** means Essex Fire and Rescue Services.
- j) **“Fire Code”** means Ontario Regulation 213/07, as amended, and any successor regulation.
- k) **“Firefighter”** means the Fire Chief and any other person employed in, or appointed to, the Fire Department and assigned to undertake fire protection services, and includes a Volunteer Firefighter.
- l) **“Fire Protection and Prevention Act” means** the Fire Protection and Prevention Act, 1997, S.O.1997, c.4, as amended, and any successor legislation.
- m) **“Fire Protection Services”** includes fire suppression, rescue and emergency services, fire prevention, public fire safety education, mitigation, prevention and safety education of the risk created by unsafe levels of carbon monoxide, communication, training of personnel involved in the provision of Fire Protection Services, and the delivery of all those services.
- n) **“Limited Services”** means a variation of services significantly differentiating from the norm as a result of extenuating circumstances, such as deployment of Volunteer Firefighters in insufficient numbers to safely carry out the delivery of Fire Protection Services, environmental factors, remote properties, impeded access, private roadways, lanes and drives, obstructions, or extraordinary hazards or unsafe conditions.
- o) **“Municipal Act” means** the Municipal Act, 2001, S.O. 2001,c.25, as amended, and any successor legislation.
- p) **“Mutual Aid”** means a plan established pursuant to section 7 of the Fire Protection and Prevention Act under which fire departments that serve a designated area agree to assist each other on a reciprocal basis in the event of a major fire or emergency.
- q) **“Officer”** means Fire Chief, Deputy Fire Chief, and Assistant Deputy Fire Chief, District Chief, Chief Training Officer, Captain, Acting Captain, and any person designated by the Fire Chief to supervise Firefighters.
- r) **“Town”** means The Corporation of the Town of Essex.

- s) **“Volunteer Firefighter”** means a firefighter who provides Fire Protection Services voluntarily or for a nominal consideration, honorarium, or training or activity allowance and includes Probationary Firefighters.

ESTABLISHMENT

- 2. A fire department for the Town of Essex to be known as Essex Fire and Rescue Services is hereby established and the head of the fire department shall be known as the Fire Chief.

DEPARTMENT STRUCTURE

- 3. Council shall appoint a Fire Chief who shall be the highest ranking Officer and director of the fire department.
- 4. In addition to the Fire Chief, Council shall appoint a Deputy Fire Chief who shall report to the Fire Chief as the second highest ranking Officer of the Fire Department and who, in the absence of the Fire Chief, shall have the powers and perform the duties of the Fire Chief.
- 5. In addition to the Fire Chief and Deputy Fire Chief, the Fire Department shall consist of Assistant Deputy Fire Chief, District Chiefs, Officers, Volunteer Firefighters, and other Members as deemed necessary and appointed by the Fire Chief to provide Fire Protection Services.
- 6. The Fire Department shall be structured in conformance with the Approved Fire Department Organizational Chart as set out in Schedule “A” attached hereto and forming part of this by-law.
- 7. Working conditions, remuneration, and procedures for termination of employment for Firefighters other than Volunteer Firefighters shall be determined by Council in conformance with the provisions of Part IX of the Fire Protection and Prevention Act.

APPROVED SERVICES AND PROGRAMS

- 8. The Fire Department shall provide such Fire Protection Services and programs as approved by Council in accordance with Part II of the Fire Protection and Prevention Act, and set out in Schedule “B” attached hereto and forming part of this by-law.

LIMITED SERVICES

9. In consideration of the reliance by the Fire Department on the response of Volunteer Firefighters, whose deployment to emergencies in sufficient numbers cannot in all instances be guaranteed due to adverse climate conditions, delays or unavailability of specialized equipment required by the Fire Department, or such other extraordinary circumstances which may impede the delivery of Fire Protection Services, any Approved service set out in Schedule "B" may from time to time be provided as Limited Services as defined in this by-law, all as determined at the discretion of the Fire Chief, his or her designate, or the highest ranking Officer in charge of a response.
10. The Corporation shall accept no liability that may result due to the any delay or inability to supply and of the services set out in Schedule "B" of this agreement and or the provision of Limited Services as deemed necessary by the Fire Department acting reasonably.

RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

11. The Fire Department shall not respond outside the limits of the municipality except with respect to a fire, rescue or emergency;
 - a) That, in the opinion of the Fire Chief or designate, threatens property in the municipality, or property situated outside the municipality that is owned or occupied by the municipality;
 - b) That is in a municipality with which an Approved agreement has been entered into to provide fire protection services which may include automatic aid;
 - c) That is on property with which an Approved agreement has been entered into with any person or corporation to provide fire protection services;
 - d) That at the discretion of the Fire Chief or designate, is in a municipality authorized to participate in any county, district or regional mutual aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; or
 - e) That is on property that is beyond the municipal boundary but is where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assume command or establish alternative measures acceptable to the Fire Chief or designate.

FIRE CHIEF RESPONSIBILITIES AND AUTHORITY

12. The Fire Chief shall be ultimately responsible to Council as set out in subsection 6(3) of the Fire Protection and Prevention Act for the proper administration and operation of the Fire Department, including delivery of Approved services and programs.
13. The Fire Chief shall be deemed to be the Chief Fire Official of the municipality for the purposes of the Fire Protection and Prevention Act and regulations enacted thereunder, and shall have all statutory authority and shall carry out all prescribed duties and responsibilities in respect thereof.
14. Without limiting the generality of the forgoing, the Fire Chief's authority and responsibility shall include the following:
 - a) Performing all statutory duties of the Fire Protection and Prevention Act, the Emergency Management and Civil Protection Act and any other legislation applicable to the administration or operation of the Fire Department.
 - b) Reporting to Council as required by the Fire Protection and Prevention Act and in accordance with the provisions established by the Emergency Management Civil Act.
 - c) Enforcement of this by-law and any regulations established under this by-law, and the enforcement of any other by-laws of the Corporation respecting the administration and operation of the Fire Department.
 - d) Periodically reviewing this by-law and any other by-laws of the Corporation respecting the administration and operation of the Fire Department..
 - e) Recommending to Council amendments to this by-law, or any other by-law of the Corporation, that the Fire Chief considers relevant and appropriate.
 - f) Developing, establishing, and implementing policies, standard operating procedures and guidelines, general orders, and rules of the Fire Department, and the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department.
 - g) Periodically reviewing, revising, or revoking as required, all policies, standard operating procedures and guidelines, general orders, and rules of the Fire Department, and the Fire Chief may establish an advisory committee from time to time to assist in discharging these duties.
 - h) Arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department.
 - i) The proper care and protection of all Fire Department property.
 - j) Arranging and implementation of automatic aid, mutual aid and other negotiated and/or approved fire protection and emergency service agreements between the Town and other Municipalities.

- k) Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities of all Members of the Fire Department.
 - l) Appointment, subject to Approved hiring policies, of any qualified person as a Member of the Fire Department.
 - m) The conduct and discipline of all Members of the Fire Department, including disciplinary actions as required which may range from reprimand to dismissal.
 - n) Keeping an accurate record of all fires, rescues and emergencies responded to by the Fire Department, all fire safety inspections and fire investigations, and other such records as may be required by Council in a manner consistent with applicable records management policies of the Corporation, and for retaining such records for a period prescribed by Approved records retention policies and statutory requirements.
 - o) Enforcement of the Fire Code, reporting all fires to the Fire Marshal, and complying with all Fire Marshal's directives as mandated by the Fire Protection and Prevention Act.
 - p) Reporting to the appropriate Crown Attorney or other prosecutor, or law enforcement or other officer, the facts upon the evidence in any case in which there is reason to believe that a fire has been the result of criminal intent or negligence, or in which there is reason to believe that an offence has been committed under the Fire Protection and Prevention Act, or other applicable regulation or statute.
 - q) Preparing and presenting annual reports and periodic reports to Council as deemed necessary by the Fire Chief, and any other specific reports as directed by Council.
 - r) Preparing and submitting annual budget estimates for approval by Council, and effectively administering, monitoring, and controlling the Fire Department operating and capital budgets.
15. The Fire Chief shall be responsible for coordinating the Town of Essex Emergency Management Program, and assisting with the preparation, implementation, and maintenance of the municipal Emergency Plan pursuant to the Emergency Management and Civil Protection Act.
 16. The Fire Chief shall be responsible for assisting other public officials in an emergency declared by the Head of Council, the Premier of Ontario, or the Prime Minister of Canada.

POWERS

17. The Fire Chief shall exercise all powers and duties prescribed by the Fire Protection and Prevention Act, and shall be empowered to take all reasonable and proper measures for the prevention, control, and extinguishment of fires, and for the protection of life, property and the environment, and for the management of emergencies within the jurisdiction of the municipality.
18. Without limiting the generality of the foregoing, the Fire Chief and his/her designates shall be empowered and authorized to carry out the following:
- a) Enforcement of all municipal by-laws in respect of fire safety and fire prevention.
 - b) Pulling down or demolishing any building or structure when necessary to prevent the spread of fire.
 - c) Any necessary action to guard against fire or other danger, risk, or accident, which may include boarding up or barricading of buildings or property, when unable to contact the owner of the property.
 - d) Recovery of costs incurred by such necessary actions for the Corporation in a manner provided by the Municipal Act and the Fire Protection and Prevention Act.
 - e) Taking any and all steps as set out in Parts V, VI and VII of the Fire Protection and Prevention Act.
19. As set out in the Fire Protection and Prevention Act, the Fire Chief may delegate any of his/her powers or duties to the Deputy Fire Chief or any Officer or member that the Fire Chief deems appropriate, subject to such limitations, restrictions or conditions as may be set out in the delegation, and such Officer or Member so delegated shall have all the powers and shall perform all duties as delegated.

RECOVERY OF COSTS

20. If as a result of a Fire Department response to a fire, rescue or other emergency, the Fire Chief, his or her designate, or the highest ranking Officer in charge determines that it is necessary to retain a private contractor, rent special equipment, or use consumable materials other than water in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, remove hazardous materials, assist in or otherwise conduct an investigation to determine the cause of a fire, or otherwise control or eliminate an emergency situation, the Corporation shall recover the costs incurred by the for taking such actions from the owner of the property on which the fire or other emergency occurred.
21. The Corporation may recover costs incurred by such necessary actions in a manner provided by the Municipal Act and the Fire Protection and Prevention Act in

accordance with the fees prescribed by the applicable Fees and Charges By-Law of the Corporation from time to time.

22. A fee imposed upon a person under this by-law, including an interest, penalty charges and costs of collection, constitutes a debt of the person to the Corporation, and a person who is charged a fee under this by-law and fails to pay the fee within thirty days of receipt of an invoice shall be charged interest in accordance with the applicable Fees and Charges By-law of the Corporation.
23. If a property owner who is charged a fee under this by-law fails to pay the fee within ninety days of receipt of an invoice, the Corporation may add the fee, including penalty and interest, to the tax roll for any real property in the Town of Essex registered in the name of the owner and collect the fee, including penalty and interest, in like manner as a municipal taxes.

VOLUNTEER FIREFIGHTER EMPLOYMENT

24. The Fire Chief may appoint, from time to time, any eligible person as a Volunteer Firefighter in order to maintain a sufficient complement of Firefighters in accordance with the Approved Fire Department Organizational Chart as set out in Schedule "A" attached hereto and forming part of this By-law, and subject to Approved hiring policies.
25. The employment of Volunteer Firefighters shall be governed by the Volunteer Firefighters Terms and Conditions of Employment as set out in the Schedule "C" attached hereto and forming part of this by-law

OBSTRUCTION

26. No person shall obstruct, hinder, or interfere with the Fire Chief or any Member of the Fire Department in the performance of his or her duties in accordance with this by-law and the Fire Protection and Prevention Act.

OFFENCES

27. Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty established by the Provincial Offences Act, R.S.O. 1990, c.P.33, as may be amended from time to time, and any successor legislation.

SEVERABILITY

28. Should a court of competent jurisdiction find any section or provision, or part thereof, of this by-law to be invalid or to be of no force and effect, such section or provision or part thereof shall be deemed to be severable, and all other sections or provisions or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

REPEAL AND MISCELLANEOUS

29. By-law No. 1500, as amended, of the Corporation of the Town of Essex by and is hereby repealed.
30. The appointments of the Fire Chief, the Deputy Fire Chief, and all other Members of the Fire Department who were appointed under the provisions of By-law No. 1500, that existed and were in effect on the day on which the by-law was repealed shall survive and remain in force and effect after the by-law is repealed.
31. For greater certainty Schedules A, B , C and D are attached hereto and are expressly incorporated into this By-law.

FORCE AND EFFECT

32. This By-law shall come into force and effect on the day on which it is passed.

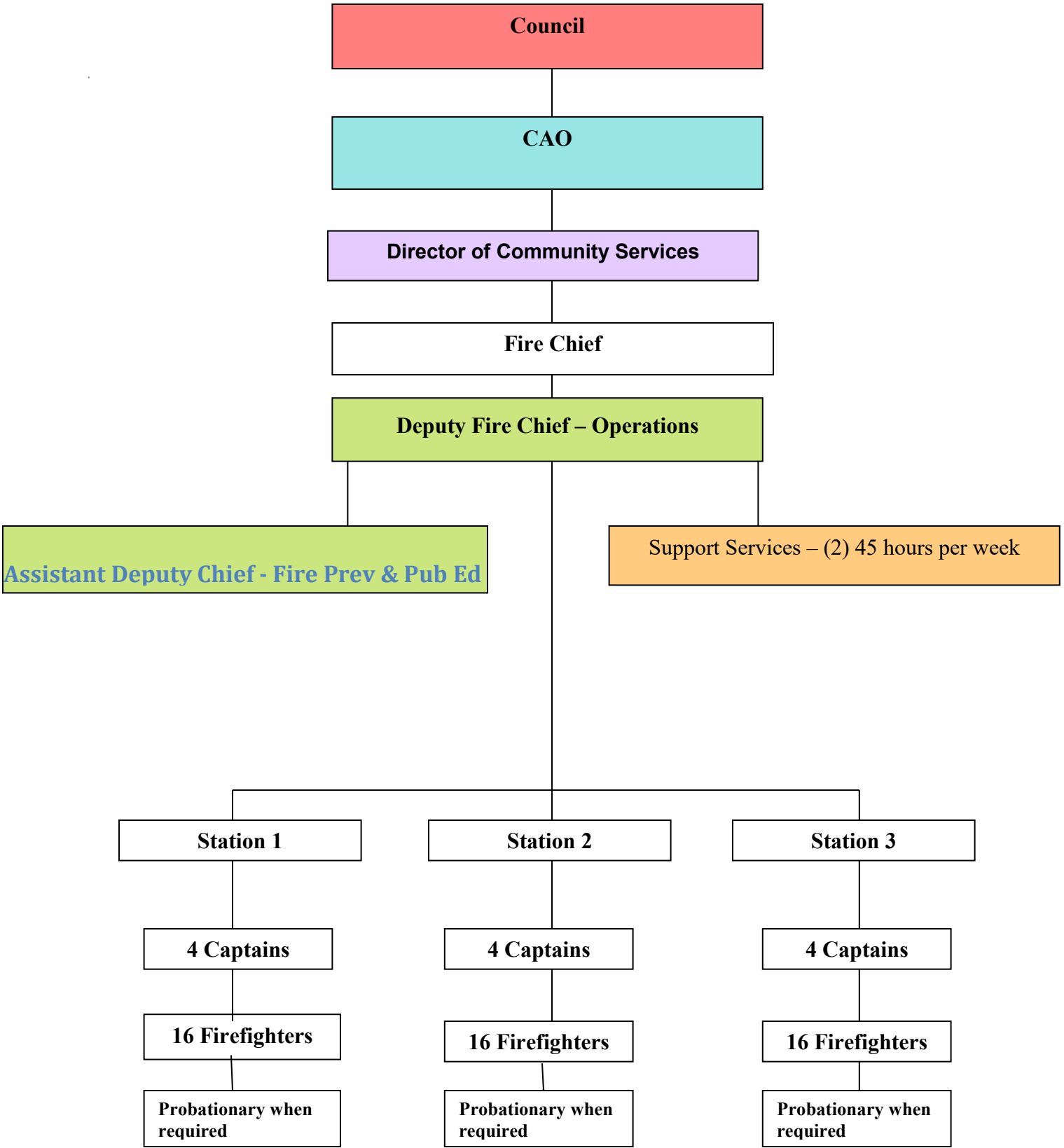
Read a first, a second and a third time and finally passed on February 3, 2020.

Mayor

Clerk

Schedule "A"
By-law No. 1870

Essex Fire and Rescue Organizational Chart:



**Schedule “B”
By-law No. 1870**

**ESSEX FIRE AND RESCUE SERVICES
APPROVED SERVICES AND PROGRAM**

The Fire Department shall provide the following services and programs:

B.1 Emergency Response

B.1.1 Basic Firefighting Services:

- The Fire Department shall respond to fires, alarms of fire, and per-fire conditions to provide fire suppression services, and shall exercise best efforts to conform to the most recent edition of National Fire Protection Association (NFPA) 1720, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments as revised from time to time.

B.1.2 Structural Firefighting Services:

- a) For the purpose of this Schedule, “Structural Firefighting” shall have the same meaning as Structural Firefighting as defined by NFPA 1720, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments.
- b) Interior Search and Rescue – Shall be provided when possible and as appropriate in accordance with the following:
 - Service shall be provided to search for and rescue endangered, trapped or potentially trapped persons within the structure.
 - Service shall be provided only when, in the opinion of the Fire Chief or most senior Officer in charge, all of the following are true:
 - i. A scene risk assessment has been completed, and the level of risk reasonably justifies entry into the structure;
 - ii. Building integrity permits entry into the structure;
 - iii. Sufficient Firefighter staffing is deployed at the fire ground;
 - iv. Reliable water supply with adequate flow can be sustained;
 - v. Adequate fire ground supervision and support is provided.
- c) Interior Fire Suppression (Offensive Operations) – Shall be provided when possible and as appropriate in accordance with the following:
 - Service shall be provided to contain the fire and prevent further loss of property.

- Service shall be provided only when, in the opinion of the Fire Chief or most senior Officer in charge, all of the following are true:
 - i. A scene risk assessment has been completed, and level of risk reasonably justifies Firefighter entry into the structure;
 - ii. Building integrity permits entry into the structure;
 - iii. Sufficient Firefighter staffing is deployed at the fire ground;
 - iv. Reliable water supply with adequate flow can be sustained;
 - v. Adequate fire ground supervision and support is provided.
- d) Exterior Fire Suppression (Defensive Operations) – Shall be provided when possible and as appropriate in the opinion of the Fire Chief or most senior Officer in charge, in accordance with the following:
 - There shall be no expected rescue component with this service.
 - Service shall be provided to prevent fire spread to adjacent areas.
 - Service shall be provided when Interior Fire Suppression is not possible or appropriate.
 - Service shall be provided as water supply permits.

B.1.3 Rural Firefighting Operations:

- Rural firefighting operations using tanker shuttle service shall be provided in areas without municipal water supply and best efforts shall be exercised to conform to NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting.

B.1.4 Vehicle Firefighting Services:

- Service shall be provided to control and extinguish vehicle fires.
- NFPA 1001 Level II, Standard for Fire Fighter Professional Qualifications.

B.1.5 Grass, Brush, and Forestry Firefighting Services:

- Service shall be provided and best efforts shall be shall be provided in accordance to NFPA 1001 Level II, Standard for Fire Fighter Professional Qualifications.

B.1.6 Marine Firefighting Services:

- Marine firefighting service shall be limited to shore-based, defensive firefighting operations only.

B.1.7 Automatic Aid Response Services:

- Service shall be provided in accordance with any Automatic Aid agreements approved by Council.

B.1.8. Mutual Aid Response Services:

- Service shall be provided in accordance with the Mutual Aid Plan established in respect to the municipalities within the Region of Essex County pursuant to clause 7(2)(a) of the Fire Protection and Prevention Act.

B.1.9 Tiered Medical Assistance Service

- Service shall be provided in accordance with the Emergency Medical Tiered Response Agreement between the Region of Essex / Windsor, Emergency Medical Services and the Town of Essex. As set out in Schedule "E" attached hereto and forming part of this By-law.
- Service shall be provided in accordance with the local medical direction will review the current International Liaison Committee on Resuscitation guidelines, the current MOH<C Standards of Practice in Resuscitation, the Ontario Base Hospital Group protocols and the direction of the Provincial Medical Advisory Committee.

B.1.10 Ambulance Assistance Services:

- Service shall be provided to assist Emergency Medical Services with emergency and non-emergency situations with respect to providing access and/or the provision of care to patients.

B.1.11 Police Assistance Services:

- Service shall be provided to assist Police with emergency and non-emergency situations for with the Fire Department has equipment and/or specialized skills to assist in the mitigation.

B.1.12 Public Assistance Services:

- Service shall be provided to assist the public with emergency and non-emergency situations for which the Fire Department has the equipment and/or specialized skills to mitigate the incident.

B.1.13 Public Hazard Assistance Services:

- a) Carbon Monoxide Incidents – Response shall be provided to carbon monoxide alarms and emergencies.
- b) Public Utility Incidents – Response shall be provided to public utility incidents that pose a public hazard, including:
 - i. Electrical utility emergencies;
 - ii. Natural gas utility emergencies.

B.1.14 Vehicle Accident Services

- The Fire Department shall respond to vehicle accidents to provide the following services:
 - i. Stabilizing the scene of the accident;
 - ii. Stabilizing the vehicles involved in the accident;
 - iii. Providing aid to injured or trapped persons;
 - iv. Mitigating adverse effects to the natural environment.

B.1.15 Vehicle Extrication Services

- Vehicle search and rescue services, including extrication, shall be provided in accordance with NFPA 1001 Level II, Standard for Fire Fighter Professional Qualifications.

B.1.16 Transportation Incidents Involving Vehicles, Trains, Aircraft, Watercraft:

- Response shall be provided to large-scale transportation incidents that may involve large numbers of casualties, widespread damage to property, and/or significant environmental impact.

B.1.17 Highway Incident Services:

- Fire Protection Services shall be provided to the King's Highway of Ontario, known as Highway 3.
- Costs associated with Fire Department response to provincial highways shall be recovered in accordance with applicable provincial fire service agreements.

B.1.18 Hazardous Materials Response Services:

- Service shall be provided at the Operations Level in accordance with NFPA 1072, Standard for Competence of Responders to Hazardous Materials Incidents.
- Hazardous materials response services at the NFPA 1072 Technician Level shall not be provided by the Fire Department.
- Notwithstanding the foregoing, the Fire Chief shall be authorized to designate all firefighters to participate in annual Hazmat awareness training with Windsor Fire Department Hazmat Response Team.
- Hazardous Materials response at the NFPA 472 Technician Level shall be provided by Windsor Fire and Rescue - Hazmat Response Team.

B.1.19 Water and Ice Rescue Services

- a) Service shall be provided at the Awareness Level in accordance with NFPA 1670, the Department will provide a ten (10) Firefighter Ice Water Rescue Team which is comprised from all three (3) Stations and administration, and these firefighters shall be trained to Surface Water Rescue, Swift Water Rescue, and Ice Rescue as noted below;
- b) Surface Water Rescue – Service shall be provided at the Technician Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents, and may include shore based, water entry.
- c) Swift Water Rescue – Service shall be provided at the Technician Level in accordance with the NFPA 1670 standard.
- d) Ice Rescue – Service shall be provided at the Technician Level in accordance with the NFPA 1670 standard.
- e) Dive Rescue – Service shall be provided at the Awareness Level only in accordance with NFPA 1670 standard.
- f) Recovery services to retrieve animals, property, or human remains by entering into or onto a body of water, or onto ice over a body of water, shall not be provided by the Fire Department.
- g) Watercraft Search and Rescue – shall be provided by Kingsville or Amherstburg Fire Department's upon request.

B.1.20 Structural Collapse Search and Rescue Services:

- Fire Department response to urban search and rescue incidents shall be limited to providing Structural Collapse Search and Rescue services at the Awareness Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue incidents.
- Urban search and rescue service require structural collapse search and rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.
- Structural Collapse Search and Rescue - Operations and Technical Levels shall be provided by Provincial Heavy Urban Search and Rescue Team (HUSAR) provided upon request through Provincial Emergency Operations Centre (PEOC).

B.1.21 Rope Rescue Services:

- Rope rescue services, such as high-angle and low-angle rescue services, shall be provided at the Awareness Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue incidents.
- Rope rescue service at the Operations or Technical Levels shall not be provided by the Fire Department.
- Rope Rescue Services – such as high-angle and low-angle rescue shall be provided by Kingsville Fire Department upon request.

B.1.22 Confined Space Rescue:

- Service shall be provided at the Awareness Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue incidents.
- Confined space rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.
- Confined Space Rescue – shall be provided by contacting the Provincial Emergency Operations Centre upon request.

B.1.23 Trench Rescue Services:

- Service shall be provided at the Awareness Level in accordance with NFPA 1670, Standard for Operations and Training for Technical for Technical Search and Rescue incidents.
- Trench rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.
- Trench Rescue – shall be provided by contacting the Provincial Emergency Operations Centre upon request.

B.1.24 Cave, Mine, and Tunnel Rescue Services:

- Service shall be provided at the Awareness Level in accordance to NFPA 1670, Standard for Operations and Training for Technical Search and Rescue incidents.
- Cave, mine, and tunnel rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.

B.1.25 Farm and Silo Rescue Services:

- Fire Department response to farm and silo rescue incidents that involve a rope rescue and/or a confined space rescue component shall be limited to providing such technical rescue services at the Awareness Level in accordance with the NFPA 1670 standard.
- Farm and silo rescue incidents requiring rope rescue and/or confined space rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.
- Rope Rescue Services – such as high-angle and low-angle rescue shall be provided by Kingsville Fire Department upon request.
- Confined Space Rescue – shall be provided by contacting the Provincial Emergency Operations Centre upon request.

B.1.26 Industrial and Machinery Rescue Services:

- Service shall be provided at the Awareness Level in accordance with NFPA 1670, Standard for Technical Search and Rescue incidents.

B.1.27 Community Emergency Plan Response Services:

- Service shall be provided in accordance with the Approved Town of Essex Emergency Response Plan.

B.1.28 Assistant to the Fire Marshal Services – Fire Suppression:

- Duties of Assistant to the Fire Marshal shall be carried out as prescribed by the Fire Protection and Prevention Act.

B.2 Fire Prevention and Public Education

B.2.1 Fire Inspection Services:

- (a) Conducting complaints inspections.
- (b) Conducting vulnerable occupancy inspections.
- (c) Conducting requested inspections.
- (d) Conducting routine inspections.
- (e) Conducting licensing inspections.
- (f) Systems checking, testing and approval.
- (g) Enforcing code compliance.

- (h) Enforcing municipal by-laws.
- (i) Issuing permits.
- (j) Preparing reports and issuing written responses to requests.

B.2.1 Public Education Services

- (a) Providing fire and life safety public education programs.
- (b) Facilitating smoke alarm and carbon monoxide alarm initiatives.
- (c) Distributing public safety messaging to the media.
- (d) Delivery of specialized programs.

B.2.3 Fire Investigation Services:

- (a) Determining cause and origin of fires and explosions.
- (b) Assessing code compliance.
- (c) Determining effectiveness of built-in suppression features.
- (d) Determining compliance with building standards.
- (e) Interacting with police, fire investigators, and other agencies.
- (f) Supporting criminal prosecutions, including appearances in court.

**Schedule “C”
By-law No. 1870**

Mission Statement & Goals

The Town of Essex

Essex Fire and Rescue Services

Mandate of Essex Fire and Rescue Services

The mandate of Essex Fire and Rescue Services is to provide fire protection services and emergency response, public fire and life safety education, and fire prevention initiatives to protect the lives and property of the citizens, businesses and visitors to the Town of Essex.

Vision of Essex Fire and Rescue Services

The vision of Essex Fire and Rescue Services is to be a well-planned, well-trained and well-equipped emergency response agency where the safety and well-being of all involved in any emergency response is paramount.

Primary Goals of Essex Fire and Rescue Services

The primary goals of Essex Fire and Rescue Services are

- (1) to provide fire protection and rescue services through a range of programs designed to protect the lives and property of inhabitants from the adverse effects of fire, sudden medical emergencies, or exposure to dangerous conditions created by man or nature;
- (2) to provide fire protection and rescue services to those municipalities requiring assistance through authorized emergency fire service plan and program (mutual aid) activities; and
- (3) to provide fire protection and rescue services to those municipalities provided fire protection by Essex Fire and Rescue Services via authorized agreement.

Primary Objectives of Essex Fire and Rescue Services

In order to achieve the goals of Essex Fire and Rescue Services, necessary funding must be in place and the following objectives met:

- (1) Identify and review the fire and rescue services requirements of the municipality;
- (2) Provide an administrative process consistent with the needs of the department;
- (3) Ensure that firefighting equipment and operating personnel are available within the municipality to provide adequate response to a citizen’s call within a reasonable length of time;
- (4) Provide departmental training, to an accepted standard, which will ensure the continuous upgrading of all personnel in the latest techniques of fire prevention, firefighting and control of emergency situations and to co-operate with other municipal departments with respect to management training and other programs;
- (5) Provide a maintenance program to ensure all fire protection apparatus, including all equipment, is ready to respond to emergency calls;
- (6) Provide an effective Fire Prevention Program to:

- (a) Ensure, through plan examination and inspection, that required fire protective equipment is installed and maintained within buildings;
 - (b) Reduce and/or eliminate fire hazards; and
 - (c) Ensure compliance with applicable municipal, provincial and federal fire prevention legislation, statutes, codes and regulations in respect to fire safety;
- (7) Develop and maintain an effective public information system and educational program, with particular emphasis on school fire safety programs, and commercial, industrial and institutional staff training.
- (8) Ensure in the event of a major catastrophe in the municipality, assistance to cope with the situation is available from outside departments and other agencies.
- (9) Develop and maintain a good working relationship with all federal, provincial and municipal departments, utilities and agencies, related to the protection of life and property.
- (10) Interact with other Municipal departments respecting the aspects of fire or any given programs.
- (11) Ensure these objectives are not in conflict with any other Municipal department.

Schedule "D"
By-law No. 1870

MEDICAL TIERED RESPONSE AGREEMENT

BETWEEN:

Essex Windsor EMS

(EWEMS)

-and-

City of Windsor and County of Essex Fire Services

(Fire Services)

The following agreement defines the criteria for EWEMS to initiate a Medical Tiered Response request for Fire Services. It is understood that the Windsor Central Ambulance Communications Centre (W-CACC) is the communication link between EWEMS and local Fire Services. W-CACC is responsible for all Medical Tiered Response communication between the agencies.









































It is assumed that Fire Services will be tiered to calls in which their assistance is required as part of their responsibilities identified in the Fire Protection and Prevention Act, 1997 and any other applicable provincial and municipal legislation.

The Medical Tiered Response Agreement is a separate document that encompasses the following Emergency Call Types, Response Criteria Table and associated definitions;

Emergency Call Types

- a) Multi-Casualty Incidents
- b) Industrial Accidents
- c) Entrapment, Extrication and other Rescues
- d) Motor Vehicle Collision requiring EWEMS

Response Criteria Table

Fire Service	Cardiac Respiratory Arrest	Airway Obstruction	Unconscious Unresponsive	Significant delay	When requested by Paramedics
Windsor					
Lakeshore					
LaSalle					
Amherstburg					
Essex					
Kingsville					
Tecumseh					
Leamington					

Definitions:

Fire Services include:

- City of Windsor
- Town of Lakeshore
- Town of LaSalle
- Town of Amherstburg
- Town of Essex
- Town of Kingsville
- Town of Leamington
- Town of Tecumseh

Industrial Accident

An injury at an industrial or construction setting that meets what is defined or perceived as a *critical injury* or involves entrapment.

** Ford Canada, accessed from Henry Ford Boulevard is not included in Windsor Fire & Rescue Response area. Ford Security must be contacted.

Critical Injury

Places life or limb in jeopardy including, but not limited to;

Patient is unconscious **or**

Possibility of substantial loss of blood **or**

Possibility of fracture to leg or arm but not finger or toe **or**

Amputation of leg, arm, hand or foot, but not finger or toe **or**

Consists of burns to major portion of body **or**

Causes loss of sight in an eye

Motor Vehicle Collision (MVC) includes any of the following;

Code 4 EMS response for a MVC including;

Air bag deployment **or**

Entrapment of occupants **or**

Hazards including but not limited to; electrical wires down, vehicle fluids leaking, natural gas leaks and ice or water rescue

Cardiac/ Respiratory Arrest

Cardiac Arrest is the sudden, unexpected loss of heart function (pulse rate), breathing (respiratory rate) and consciousness (awareness of self and surroundings). Respiratory Arrest is the sudden, unexpected loss of breathing (respiratory rate) and consciousness (awareness of self and surroundings) but will still have a palpable pulse rate.

Airway Obstruction

Is the partial or complete blockage of the breathing passages to the lungs. Without intervention, will lead to Cardiac/respiratory Arrest

Unconscious Unresponsive

Is the Interruption of awareness of oneself and one's surroundings, lack of the ability to notice or respond to stimuli in the environment. Without intervention, may lead to Cardiac/Respiratory Arrest.

Significant Delay

When a staffed ambulance that normally services the area in question is not available or if a standby vehicle is not located in that area then it is accepted that an ambulance call in that area would encounter a delay in the normally expected response for a code 4 call.

When Requested by Paramedics

When an EMS resource is on scene and requires the assistance of the Fire Services for the following, but not limited to;

Lift assistance that overwhelms the resources of the EMS Crew **or**

Extrication for a scene that requires the expertise and resources of the Fire Services **or**

Access and egress to the scene utilizing the staff and resources of the Fire Services **or**
MVC that is not identified upon receipt of response **or**
Hazardous scene

Exceptions

Fire Services shall not be tiered when the following apply;

- Patient is known to have a Do Not Resuscitate Validity Form
- The response id to a Long Term Care facility or Health Care facility where the staff are able to provide the same level of service as the responding Fire Service.

Disclosure

This agreement recognizes that the fire services may not be able to respond when occupied with a fire or for any other reason as determined by the senior on-duty fire officer. Further, Fire Service response is based upon circumstances and resources available at the time of the occurrence. This Medical Tiered Response Agreement will be maintained, reviewed and revised as required by the agencies involved.

Windsor CACC will not be held responsible for any associated financial cost with the application or interpretation of this agreement.

Tiered Medical Response Fire Service Grant

As per the Essex County Council Report 2007-R0005-LA-07-18-BB (attached), Fire Service Annual Grant, Essex Windsor EMS will grant the following Fire Services One Thousand dollars (\$1,000) per defibrillator;

- City of Windsor
- Town of Tecumseh
- Town of LaSalle
- Town of Lakeshore
- Town of Amherstburg
- Town of Essex
- Town of Kingsville

The grant funding is intended for the ongoing preventative maintenance programs of each defibrillator, replacement of defibrillators, ongoing supplies and associated training. At the commencement of each calendar year, each Fire service must submit an inventory list of Tiered Response Defibrillator to determine eligibility for the grant funding.

Expendable Medical Equipment/Supplies

Essex Windsor EMS will supply expendable medical supplies used by the Fire Service partners at medical response incidents. Such items include;

- Medical oxygen cylinders
- Defibrillator Pads

- Oxygen Masks
- Oropharyngeal airways
- Burn gel dressings

Replacement of supplies will be on a one for one basis and must be associated to a medical response. A Windsor CACC Ambulance Run Number must be placed with any orders. In some circumstances Fire Service may replace from the EMS Ambulance, understanding this should not delay transport or reduce stock in the ambulances below Standard.

If expendable supplies are scheduled to expire, EWEMS will exchange such equipment no later than six (6) months prior to the expiry date. Any items expiring within six (6) months or have expired, are the responsibility of the Fire Service to replace.

EWEMS will share vendors' lists and pricing to ensure the Fire Services experience the same pricing template as EWEMS.

Defibrillators

It is understood that the Fire Service defibrillators are the property of the individual Fire Services. Replacement or enhancement of defibrillators is also the responsibility of each Fire Service. EWEMS will provide guidance and consultation on the selection of any defibrillators to ensure compatibility and compliance, with both EMS and Public Access Defibrillation (PAD)

EWEMS will ensure Fire Services are aware of any future EWEMS replacement plans or decisions to ensure compatibility and compliance and to ensure any replacement is fiscally responsible to all parties.

Defibrillator Preventative Inspection Program (PIP)

EWEMS will coordinate a contract to ensure each Fire Service defibrillator is inspected by the manufacturer biometrics department. Preventative Inspection Program (PIP) reports on each defibrillator listed in the Grant Funding Inventory must be submitted annually to EWEMS for verification of Grant Funding responsibilities.

Ongoing maintenance and damage repair is the responsibility of the Fire Service.

Continuing Quality Assurance (CQI)

Training

EWEMS, in collaboration with the Fire Services and local medical direction will review the current International Liaison Committee On Resuscitation (ILCOR) guidelines, the current MOH<C Standards of Practice in Resuscitation, the Ontario Base Hospital Group (OBHG) protocols and the direction of the Provincial Medical Advisory Committee (MAC) to determine the current and future best practice in developing a robust, comprehensive and consistent resuscitation training curriculum to be delivered the respective fire services.

The intent is to deliver comprehensive, seamless and consistent resuscitation to the residents and visitors of Windsor and Essex County.

EWEMS, local medical direction and the fire services agree to train the trainers to allow for the local fire service to schedule, maintain and review the training provided. The medical director has oversight of all training being delivered to the local fire services.

EWEMS and the local fire services agree to utilize and share any resources or equipment to provide the ongoing annual training.

Training shall be completed annually and be comprised of:

- CPR
- AED Operation
- Review of current ILCOR and Provincial Protocols
- Review of local Protocols and equipment

Costs associated for all training is the responsibility of the individual Fire Service.

Call Response Audit

Upon completion of any Medical Assist Response (MAR), the Fire service shall, as soon as operationally feasible;

- Complete a MAR form and submit to EWEMS
- Download the applicable AED data and send to EWEMS, if available
- If Download is not available, Professional Standards Division will arrange for a defibrillator loaner while the download process is complete.
- Submit a expendable supply replacement form to EWEMS

Upon receipt of the above, EWEMS will, as soon as operationally feasible;

- Review the MAR form and attach to the corresponding eACR
- Review the AED download and attach to the corresponding eACR
- Review the AED download and complete a CPR Process report and submit to the applicable Fire Service
- Review and complete a restocking of the resupply order and notify the applicable Fire Service

This agreement shall remain in force until any party provides written notification of their intent to change or discontinue the practices herein referenced. This Agreement shall be reviewed by all parties at the request of any participating agency.

Signed on this _____ day of _____ 2020.

Chief Essex Windsor EMS
Bruce Krauter

Mayor



Report to Council

Department: Development Services
Division: Planning
Date: February 3, 2020
Prepared by: Jeff Watson, Planner
Report Number: Planning-2020-03
Subject: Jakana Subdivision Removal of Holding Designation
Number of Pages: 7, including attachments

Recommendation(s)

That "Planning-2020-03" entitled "Jakana Subdivision Removal of Holding Designation" prepared by "Jeff Watson" dated "February 3, 2020," be received, and

That "By-law 1884" to remove the Holding 'H' designation for the Jakana subdivision, located on the west side of Hanlan Street, north of Fairview Avenue, be approved.

Purpose

To remove the Holding designation to permit the issuance of building permits for the Jakana subdivision in Essex Centre.

Background and Discussion



The Jakana subdivision located on the west side of Hanlan Street north of Fairview Avenue is zoned HR1.1, the 'H' being a hold on the issuance of building permits until specific development preconditions have been met. The preconditions included plan of subdivision approval and the execution of the servicing agreement. The Jakana subdivision was more recently the subject of a servicing review to bring storm water management in the subdivision into conformity with today's development standards. This has been satisfied such that it is appropriate to remove the hold to permit the issuance of model home permits and the ongoing development of the subdivision. The R1.1 zoning permits single detached dwellings, secondary dwelling units and accessory uses. Removal of the holding 'H' designation by By-law approved by Council is not subject to the giving of notice to the general public. Notice is given strictly to the proponent.

Financial Impact

All servicing of the subdivision and associated costs are the obligation of the developer.

Consultations

Lori Chadwick, Director of Development Services

Rita Jabbour, Manager of Planning Services

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

The Corporation of the Town of Essex

By-Law Number 1884

Being a By-Law to Amend By-Law Number 1037

The Comprehensive Zoning By-Law for the Town of Essex

Whereas By-law Number 1037 is the Town's Comprehensive Zoning By-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Essex;

And whereas the Council of the Corporation of the Town of Essex deems it expedient and in the best interests of proper planning to amend By-law Number 1037

Now therefore the Corporation of the Town of Essex enacts and amends By-law Number 1037 as follows:

1. For the lands comprising Lots 2 to 61, both inclusive, Registered Plan 12M-600, west of Hanlan Street South, north of Fairview Avenue, the zoning is hereby changed from Holding Residential 1.1 (HR1.1) to Residential 1.1 (R1.1) and Zoning District Map 3, of the said By-law Number 1037, is hereby amended accordingly.
2. This By-law shall come into force and take effect on the date of its passing thereof by Council.

Read a first, second and third time and final passed on February 3, 2020.

Mayor

Clerk

Notice of Passing of a Zoning By-law Amendment

By the Corporation of the Town of Essex

Take notice that the Council of the Town of Essex has passed By-law Number 1884 on the 3rd day of February, 2020, under Section 34 of the Planning Act, which authorizes the Town to amend its general zoning by-law, By-law 1037, when deemed appropriate by Council, when an Official Plan is in effect for the municipality.

By-law 1884 applies to the lands comprising Lots 2 to 61, both inclusive, Registered Plan 12M-600, west of Hanlan Street South, north of Fairview Avenue. The property is designated "Residential" in the Town of Essex Official Plan and zoned HR1.1, a residential zoning category permitting single detached dwellings and uses accessory thereto upon the removal of the holding 'H' designation. By-law 1884 changes the zoning to R1.1 by removing the holding 'H' designation.

And take notice that only individuals, corporations and public bodies may appeal a zoning by-law to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf. No person or public body shall be added as a party to the hearing of the appeal of the decision unless, before the by-law was passed, that person or public body made oral submissions at a public meeting or written submissions to the Council, or in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body.

An appeal to the Local Planning Appeal Tribunal in respect of the by-law may be completed by filing with the Clerk of the Town of Essex not later than February 24, 2020, a notice of appeal setting out the objection to the By-law and the reasons in support of the objection accompanied by the required fee of \$300 (subject to change) by certified cheque or money order made payable to the Minister of Finance. The appeal must state specific reasons why the

by-law fails to meet the policies of the Town of Essex Official Plan, the Provincial Policy Statement and or such other policies of the Province of Ontario.

Dated at the Town of Essex February 5, 2020.

Robert Auger, Clerk

Town of Essex

33 Talbot Street South

Essex, Ontario

N8M 1A8

Telephone: 519-776-7336, extension 32

Email: rauger@essex.ca

Explanatory Note

By-law 1884 applies to lands comprising the jacana subdivision located on the west side of Hanlan Street South, north of Fairview Avenue. The subject lands are zoned HR1.1, with the H being a hold on the issuance of building permits pending its removal. This amending by-law removes the holding designation such that the zoning of the property becomes R1.1, as the conditions required for the removal of the Hold have been met.

Key Map showing the location of the lands to be rezoned:





TOWNSHIP OF WAINFLEET

31940 Highway #3, P.O. Box 40, Wainfleet, ON L0S 1V0
Tel: 905-899-3463 Fax: 905-899-2340 www.wainfleet.ca

January 13, 2020

Honourable Steve Clark
Minister of Municipal Affairs and Housing
17th Floor
777 Bay St.
Toronto, ON M5G 2E5

Dear Minister Clark,

We are writing to you on behalf of the citizens of Wainfleet as part of our ongoing disaster recovery efforts arising from the October 31, 2019 wind storm and seiche along the north shore of Lake Erie.


During that event, citizens in the Township experienced considerable damage and loss to property and private infrastructure. These properties will continue to be at risk during recovery efforts, should other extreme weather events occur.

With this in mind, we respectfully request that you activate the Disaster Recovery Assistance for Ontarians program (DRAO) to assist our efforts.


We have every confidence that your support in this matter will allow our residents to recover, rebuild and resume their lives after what has been a very difficult and trying ordeal.

On behalf of the Township of Wainfleet, we thank you for your consideration and will continue to work diligently with Ministry staff going forward.

Respectfully,


Kevin Gibson
Mayor


William Kolasa
Chief Administrative Officer


Morgan Alcock
Fire Chief/CEMC



cc: Fort Erie, Port Colborne, Welland, Haldimand County, Norfolk County, Bayham, Malahide, Central Elgin, Southwold, Dutton Dunwich, West Elgin, Chatham-Kent, Leamington, Kingsville, Essex, Amherstburg, LaSalle





2019 Year-End Assessment Report

for the 2020 tax year

As of December 2019



MUNICIPAL
PROPERTY
ASSESSMENT
CORPORATION
Page 55 of 190

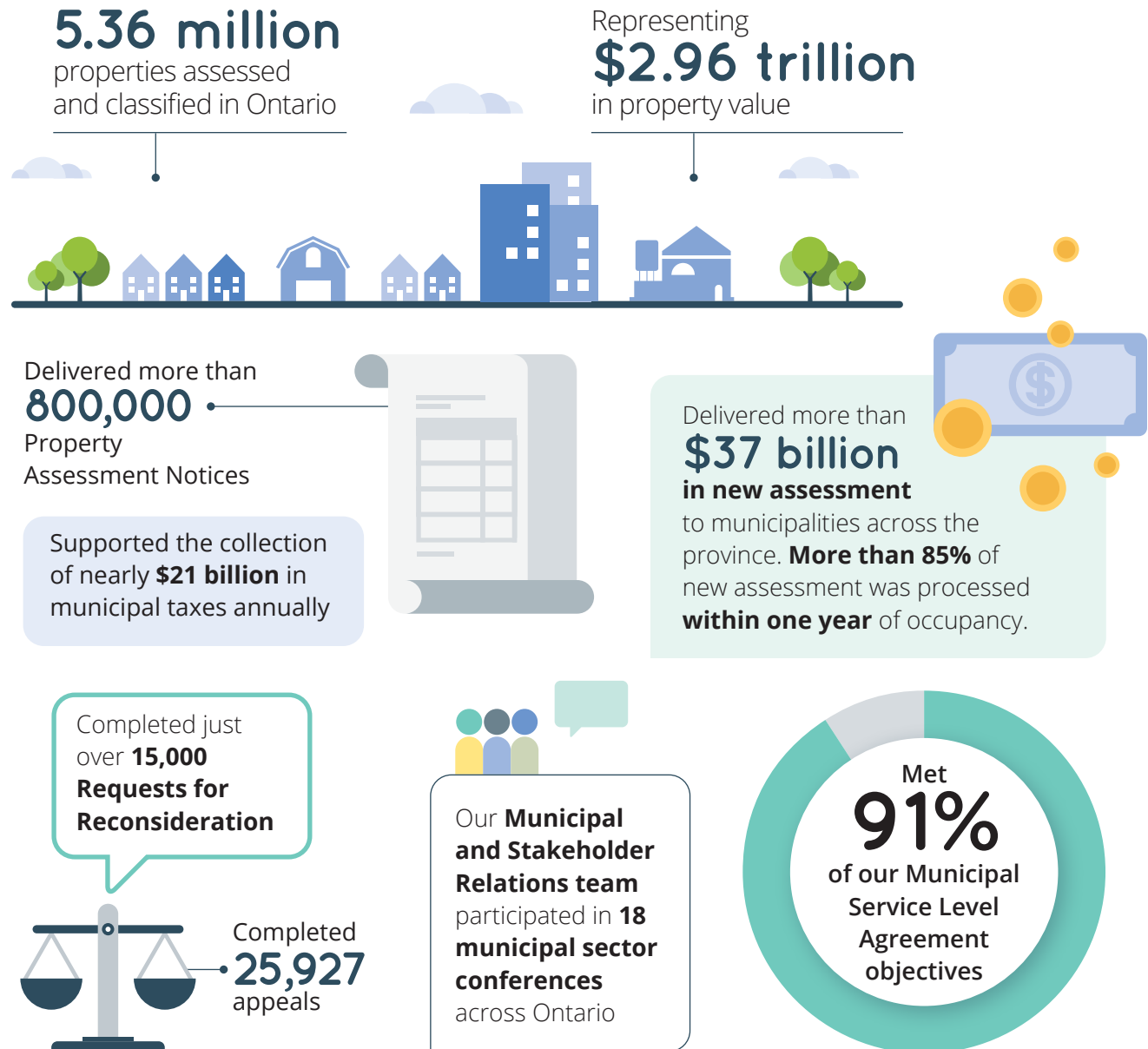
Valuing Ontario

In Ontario, there are more than 5 million properties representing \$2.96 trillion in property value. It's MPAC's role to assess and classify every property, supporting the collection of nearly \$21 billion in municipal taxes annually.

This report provides an overview of the work we undertook throughout 2019 to support municipalities and stakeholders, meet service level standards, and deliver an updated and stable assessment roll.

*As of October 31, 2019

2019 by the numbers*



Building and strengthening municipal partnerships

In early 2019, we made a strategic change so that we could serve you better. Under the leadership of Carmelo Lipsi, Vice-President and Chief Operating Officer, our municipal relationship experts joined the same business unit as our assessors. This integration has strengthened our collective knowledge and understanding of your communities, how we can support you, and enabled us to be more efficient in our customer service.

We welcomed many new municipal elected officials after the October 2018 elections and, in 2019, we have enjoyed orienting these new leaders about who we are, what we do and how we can support municipalities. We continue to do this through Council presentations, meetings with local municipal partners and informational materials.

We are committed to keeping these conversations with you going, especially as we prepare to deliver the 2020 Assessment Update.



Partnerships in action

We're proud of the municipal partnerships we've developed and are working hard to demonstrate our value to you, to listen to you and to continuously improve. These stories from the field highlight some of the ways we're doing just that.

Supporting the City of Ottawa through spring flooding

MPAC continues to review properties during non-Assessment Update years, and will update an assessment if a change occurs. But what happens if these changes are due to damage from natural disasters like flooding, tornados or other extreme weather events? In this case, property owners of buildings damaged to the point of being unusable might contact their municipality asking about a property tax reduction or refund.

When these unfortunate situations happen, municipalities can rely on MPAC to provide the information they need to make informed decisions about tax applications and process the applications quickly.

"Many properties along the Ottawa River experienced flooding this spring, creating uncertainty and stress for many of our residents," says Mishele Joanis, Program Manager, Customer Accounts Branch, City of Ottawa. "We were again impressed with MPAC's highly collaborative approach to managing the situation. Together, we were able to find solutions so that property owners got the information they needed faster."

Delivering exceptional customer service to Tarbutt Township

Whether presenting at a Council meeting, looking into a property owner's concern, or sharing information with municipal partners at industry conferences, MPAC's knowledgeable and professional employees are committed to delivering exceptional customer service.

"In a time where customer service seems to be lacking, I think MPAC has achieved a high customer service standard," explains Caryn Orchard, Deputy Clerk-Treasurer, Tarbutt Township. "From the dealings that I have had with your employees, they have been nothing short of kind, helpful and knowledgeable. I feel that going forward with MPAC and the culture that it is trying to represent, you have some excellent staff to get you there."



Partnering with the Town of Lakeshore to find solutions

When there are bumps in the road, your local Municipal and Stakeholder Relations team is ready to help by bringing together the right people and resources to find a solution.

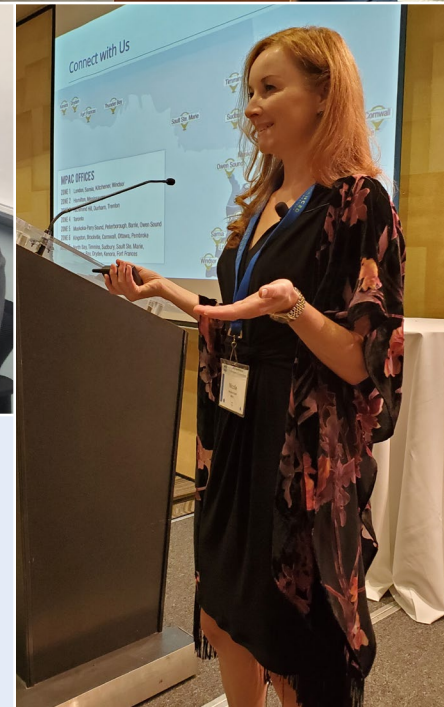
A web service submission feature recently had a system error that was causing building permits submitted by the Town of Lakeshore to be rejected. The local Account Manager quickly arranged a meeting with Lakeshore's IT, finance and building department staff, the municipal vendor, and MPAC's IT and Central Processing Facility experts.

"As soon as we brought the issue forward, our Account Manager proactively reached out to all the relevant parties and organized a series of meetings where we isolated the cause and fixed the problem," says Michelle Heslop, Supervisor of Revenue, Town of Lakeshore. "It's that kind of proactive customer service that makes MPAC a valued partner."



"This year marks our 20th anniversary as Ontario's property assessment agency. As a customer-focused organization, we're committed to continually innovating to keep your trust."

Nicole McNeill, President and CAO
2019 AMO Conference, Ottawa



What's next?

With delivery of the 2019 assessment roll on December 10, 2019, we are shifting focus to the province-wide Assessment Update in 2020, when we update the assessed value of every property in Ontario. We understand how important early engagement is to you so you can understand the assessments in your community, and we know that you want to be part of the conversation.

You'll hear more about opportunities for engagement in early 2020. We look forward to your insights and feedback as we work toward this next milestone together. Your local [Municipal and Stakeholder Relations](#) team is available to support you with any of our products or services. Please contact your Regional Manager or Account Manager, if you have any questions about this report.

Connect with us For information and timely updates

Follow Us:



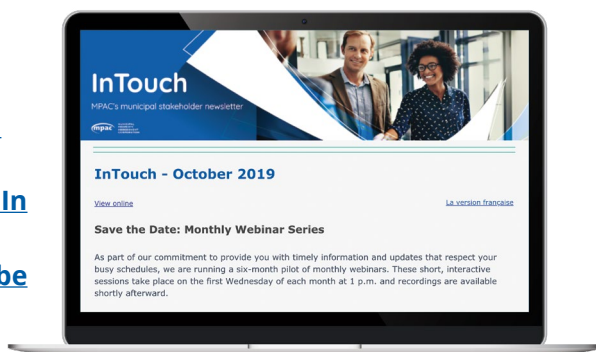
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[MPAC on YouTube](#)



→ Read ***InTouch***, our monthly newsletter

→ Join the conversation at our **monthly webinar**

See us at
municipal
conferences
in 2020!

Have a question?

Visit mpac.ca/municipalities to find your local representative

About MPAC

The Municipal Property Assessment Corporation (MPAC) is an independent, not-for-profit corporation funded by all Ontario municipalities, accountable to the Province, municipalities and property taxpayers through its 13-member Board of Directors. Our role is to accurately assess and classify all properties in Ontario in compliance with the *Assessment Act* and regulations set by the Government of Ontario. We are the largest assessment jurisdiction in North America, assessing and classifying more than 5.3 million properties with an estimated total value of \$2.96 trillion.

Si vous avez des besoins d'une copie de cette material en français, veuillez contactez-nous.



MUNICIPAL
PROPERTY
ASSESSMENT
CORPORATION

APPENDIX 1

Assessment Change Summary by Property Class Town of Essex

The following chart provides a comparison of the total assessment for the 2016 base year, and a comparison of the assessment change for 2019 and 2020 property tax year by property class.

Property Class/Realty Tax Class	2016 Full CVA	2019 Phased-In CVA	2020 Phased-In CVA	Percent Change 2019 to 2020
R Residential	1,625,118,796	1,588,684,392	1,625,118,796	2.29%
M Multi-Residential	11,155,600	10,671,350	11,155,600	4.54%
C Commercial	105,484,283	102,997,247	105,484,283	2.41%
S Shopping Centre	928,300	822,725	928,300	12.83%
G Parking Lot	221,500	219,573	221,500	0.88%
X Commercial (New Construction)	22,182,400	21,911,226	22,182,400	1.24%
I Industrial	12,327,500	12,037,678	12,327,500	2.41%
L Large Industrial	11,210,000	11,210,000	11,210,000	0.00%
J Industrial (New Construction)	13,246,200	12,721,911	13,246,200	4.12%
K Large Industrial (New Construction)	6,602,000	6,602,000	6,602,000	0.00%
P Pipeline	10,552,000	10,369,424	10,552,000	1.76%
F Farm	338,941,266	325,028,976	338,941,266	4.28%
T Managed Forests	2,511,000	2,405,075	2,511,000	4.40%
(PIL) R Residential	5,792,100	5,582,930	5,792,100	3.75%
(PIL) C Commercial	14,469,100	14,036,219	14,469,100	3.08%
(PIL) H Landfill	2,135,700	2,043,882	2,135,700	4.49%
E Exempt	102,332,464	100,837,809	102,332,464	1.48%
TOTAL	2,285,210,209	2,228,182,417	2,285,210,209	2.56%

APPENDIX 2

Assessment Base Distribution Summary by Property Class Town of Essex

This chart provides a comparison of the distribution of the total assessment for the 2016 base year, and the 2019 and 2020 phased-in assessment, which includes the percentage of the total assessment base by property class.

Property Class/Realty Tax Class	2016 Full CVA	Percentage of Total 2016 CVA	2019 Phased-In CVA	Percentage of Total 2019 Phased-In CVA	2020 Phased-In CVA	Percentage of Total 2020 Phased-In CVA
M Multi-Residential	11,155,600	0.49%	10,671,350	0.48%	11,155,600	0.49%
R Residential	1,625,118,796	71.11%	1,588,684,392	71.30%	1,625,118,796	71.11%
C Commercial	105,484,283	4.62%	102,997,247	4.62%	105,484,283	4.62%
S Shopping Centre	928,300	0.04%	822,725	0.04%	928,300	0.04%
G Parking Lot	221,500	0.01%	219,573	0.01%	221,500	0.01%
X Commercial (New Construction)	22,182,400	0.97%	21,911,226	0.98%	22,182,400	0.97%
I Industrial	12,327,500	0.54%	12,037,678	0.54%	12,327,500	0.54%
L Large Industrial	11,210,000	0.49%	11,210,000	0.50%	11,210,000	0.49%
J Industrial (New Construction)	13,246,200	0.58%	12,721,911	0.57%	13,246,200	0.58%
K Large Industrial (New Construction)	6,602,000	0.29%	6,602,000	0.30%	6,602,000	0.29%
P Pipeline	10,552,000	0.46%	10,369,424	0.47%	10,552,000	0.46%
F Farm	338,941,266	14.83%	325,028,976	14.59%	338,941,266	14.83%
T Managed Forests	2,511,000	0.11%	2,405,075	0.11%	2,511,000	0.11%
(PIL) R Residential	5,792,100	0.25%	5,582,930	0.25%	5,792,100	0.25%
(PIL) C Commercial	14,469,100	0.63%	14,036,219	0.63%	14,469,100	0.63%
(PIL) H Landfill	2,135,700	0.09%	2,043,882	0.09%	2,135,700	0.09%
E Exempt	102,332,464	4.48%	100,837,809	4.53%	102,332,464	4.48%
TOTAL	2,285,210,209	100.00%	2,228,182,417	100.00%	2,285,210,209	100.00%



JOINT BOARD OF MANAGEMENT

Wednesday, December 18, 2019
9:00 AM

Unico Community Room

37 Beech Street, Kingsville

MINUTES

Members Present: Mayor MacDonald (Chair); Deputy Mayor Verbeke, Councillors Dunn, Hammond, Jacobs, Wilkinson - Leamington
Mayor Nelson Santos (Vice-Chair); Deputy Mayor Queen,
Councillors DeYong, Neufeld, Patterson - Kingsville
Councillor VanderDoelen - Essex
Councillor Walstedt - Lakeshore

Staff Present: Andy Graf - Essex
Andrew Plancke, Shaun Martinho - Kingsville
Kevin Girard - Lakeshore
Nelson Carvalho - Leamington

OCWA Staff Present: Dale Dillen

Call to Order: 9:01 am

Disclosures of Pecuniary Interest: none

Adoption of Board Minutes:

No. UW-55-19

Moved by: Councillor Dunn

Seconded by: Deputy Mayor Verbeke

That Minutes of the UWSS Joint Board of Management meeting of Wednesday, December 18, 2019 be received.

Carried

Business Arising Out of the Minutes:

There was none.

Report UW/33/19 dated December 13, 2019 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to December 13, 2019

The Manager reviews his report with board members. He notes that the team is still working on completing a number of projects throughout the system.

He notes that Clarifier #2 and #3 have been removed from service for the winter and have been cleaned and inspected. He reminds members that only two (2) clarifiers need to be in service during the winter months.

He provides an update on the SCADA project. He confirms a slight delay and notes that this project and the CO2 project now need to work in conjunction to bring to completion. Both projects need to integrate together and he feels that the delay should be small, with the project being completed by the end of February.

The Manager explains that some of the new SCADA equipment is up and running. The Leamington Water Tower (LWT) and the Kingsville Water Tower (KWT) valve chamber #16 are in operation. The operators at the Ruthven WTP seem to like the screen. He notes that there will be a break over the Christmas holidays but another FAT test is scheduled for early January. There should be no additional charges for the delays.

The Manager reminds members of the Board of the retention of Associated Engineering (AE) for the historical review of the secondary disinfection. The report has been received and will be discussed under a separate cover.

The flows trends continue to move upward and the UWSS is still receiving greenhouse applications.

No. UW-56-19

Moved by: Councillor Patterson

Seconded by: Councillor Walstedt

That report UW/33/19 dated December 13, 2019 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to December 13, 2019 is received.

Carried (UW/33/19)

Report UW/34/19 dated December 12, 2019 re: UWSS Secondary Disinfection Review Report

The Manager discusses his report. He explains that AE was hired to do an evaluation on the secondary disinfection that is used at the Ruthven WTP. He notes that chloramination had been used since 2004, based on recommendations at the time regarding boil water advisories (BWA).

The Manager continues with a historical background for the members of the Board. He explains that that UWSS has used Free Chlorine several times over the past few years,

called a chlorine burn, in order to clean the system. However, this is not a practice recommended too often as it can create issues with the scaling inside the pipes. Therefore, as of June 4th, 2018 the UWSS has been running on free chlorine. The intent was to run free chlorine through a full year to collect water quality data from spring, summer, fall and winter seasons to evaluate free chlorine as compared to chloramination.

The consultants at AE also reviewed all historical data and presented UWSS and Municipal staff members with an evaluation. Their conclusion was that UWSS should return to its original secondary disinfection of free chlorine. The Municipal members reviewed the data and report provided and supported the decision to revert to free chlorine secondary disinfection.

The Manager reviews with members of the Board the process the consultants went through to make their determination, including the data reviewed, the triple bottom line plus risk evaluation, scoring consideration and any possible alternatives. He shows members with the report the consultants provided and explains the process and how the conclusions were reached.

The Manager answers a few questions from members regarding pipe corrosion and what end users can expect. There is a brief discussion on lead sampling and the lead sampling program.

Counillor Walstedt leaves at 9:33.

No. UW-57-19

Moved by: Deputy Mayor Queen

Seconded by: Councillor DeYong

That the Union Water Supply Joint Board of Management (UWSS Board) receives this report for information;

And further, that the UWSS Board endorses the recommendations of the Technical Memorandum prepared by Associated Engineering on "Union Water Supply System Review of Historical Secondary Disinfection Practices" dated November 2019 Report to implement chlorine secondary disinfection on a permanent basis for the entire UWSS supplied distribution system.

Carried (UW34/19)

Report UW/35/19 dated December 13, 2019 re: 2020 UWSS Operations and Capital Budget

The Manager reminds members of the Board of his presentation of the draft budget during the November meeting. He notes that only a few changes have been made since that time. He explains the higher than anticipated flows and has revised a few project numbers. He also explains some of the items that were unexpected in 2019, namely the travel expenses, which were incurred as part of the ongoing SCADA project. He notes that UWSS covered expenses for OCWA staff members to attend several meetings in Etobicoke.

The Manager reviews the rate increase with the members and confirms that he is following the rate structure set out in the approved Water Rate Study, presented to the Board in 2018.

No. UW-58-19

Moved by: Councillor Wilkinson

Seconded by: Councillor Patterson

That the Union Water Supply System Joint Board of Management (UWSS Board) adopts the Draft 2020 Operational and Capital Budget for the Union Water Supply System;

And further, that the UWSS Board adopts an increase of \$0.0261 per cubic metre for the UWSS Wholesale Rate. The new proposed UWSS Wholesale Rate for 2020 would be \$0.6458 per cubic meter.

And further, that the UWSS General Manager be provided the delegated authority to implement the 2020 UWSS Operations & Maintenance Budget and 2020 Capital Program

Carried (UW35/19)

Dates for the Union Water Supply System Joint Board of Management for 2020

The Manager explains that most of the meetings will be held at the Ruthven Water Treatment Plant, unless he feels there will not be enough room to accommodate the number of people attending.

No. UW-59-19

Moved by: Deputy Mayor Verbeke

Seconded by: Councillor VanderDoelen

Carried

Report UW/36/19 dated December 13, 2019 re: Payments from 2019

No. UW-60-19

Moved by: Councillor Jacobs

Seconded by: Councillor Dunn

That report UW/36/19 dated December 13, 2019 re: Payments from November 1 to December 13, 2019 is received.

Carried (UW/36/19)

New Business:

The Chair wishes everyone a very Merry Christmas and thanks UWSS and OCWA staff for all of their work over the past year. Councillor Hammond thanks the recording secretary for the treats.

Adjournment:**No. UW-61-19**

Moved by: Councillor Hammond

Seconded by: Councillor DeYong

That the meeting adjourn at 9:50

Carried

Date of Next Meeting: Wednesday, January 15, 2020, at the Ruthven WTP.

/kmj

Town of Essex, Lakeshore, Lasalle, Tecumseh

DOG POUND COMMITTEE

AGENDA

January 22, 2020
6:00 PM

Town of Lakeshore
Atlas Tube Centre
Boardroom
447 Renaud Line
Belle River

List of Business

1. Call to Order

2. Disclosures of Pecuniary Interest

3. Adoption of Minutes

- a) Dog Pound Committee Minutes of July 31, 2019

Recommendation:

That the Dog Pound Committee Minutes of July 31, 2019 be approved.

4. Delegations

- a) Betsy Wismer – Overview of St. Clair College Veterinary Technician Program

5. Correspondence

None.

6. New Business

- a) 2019 Overall Dog Pound Statistics - January to December 2019

Recommendation:

Receive the 2019 Overall Dog Pound Statistics report presented at the January 22, 2020 Dog Pound Committee meeting.

- b) 2020 Budget

Recommendation:

Approve the 2020 Dog Pound Budget, including Option #_____ as described in the report by the Manager of Legislative Services dated January 17, 2020.

- c) Provincial Animal Welfare Services Act, 2019

Recommendation:

Receive the report of the Manager of Legislative Services entitled “Provincial Animal Welfare Services Act, 2019”, presented at the January 22, 2020 Dog Pound Committee meeting.

7. Date of Next Meeting

Recommendation:

That the next meeting of the Dog Pound Committee be scheduled for March 25, 2020 at 6:00 PM.

8. Adjournment

Recommendation:

That the meeting adjourn at _____ PM.

Dog Pound Committee

Minutes of Regular Meeting

Held Wednesday, July 31st 2019 at 6:00 PM

In Room 1A, 419 Notre Dame Street, Belle River

Members Present: Lakeshore Councillor Steven Wilder (Chair)
Essex Councillor Sherry Bondy
LaSalle Councillor Anita Riccio-Spagnuolo
Tecumseh Councillor Brian Houston

Staff Present: Director of Legislative & Legal Services, Kristen Newman
Manager of Legislative Services, Brianna Coughlin

Call to Order

Chair Wilder called the meeting to order at 6:10 PM.

Disclosures of Pecuniary Interest

None.

Adoption of Minutes

a) Dog Pound Committee Minutes of February 15, 2018

01-07-2019 - Houston/Riccio-Spagnuolo

That the Dog Pound Committee Minutes of February 15, 2018 be approved.

Carried Unanimously

Delegations

None.

Correspondence

a) Inspection Report – Ministry of Agriculture, Food and Rural Affairs

Administration reported that inspections typically happen on a yearly basis unannounced. There was discussion regarding air conditioning in the kennel area of the Pound.

02-07-2019 - Bondy/Houston

That the inspection report by the Ministry of Agriculture, Food and Rural Affairs dated July 19, 2018 be received.

Carried Unanimously

New Business

a) 2018 Overall Dog Pound Statistics – January to December 2018

03-07-2019 - Riccio-Spagnulolo/Houston

That the 2018 Overall Dog Pound Statistics be received.

Carried Unanimously

b) Review of Dog Pound Policy

Members discussed the possibility of increasing impound fees, reviewing policy regarding abandonment and notification associated with abandonment and medical care criteria. Staff will incorporate these considerations in the policy review, as well as additional security measures. Members discussed the fact that Poundkeepers are not trained to evaluate adopters or dogs for adoption and supported sending unclaimed dogs to the Windsor Essex County Humane Society or other avenue for adoption.

Administration advised that it would invite members of the Windsor Essex County Humane Society and St. Clair College Veterinary Technician Program and to attend the policy discussion. The Committee will review the draft policy and then recommend it for review at the respective Councils.

04-07-2019 – Houston/Bondy

Direct the Town of Lakeshore Administration to undertake a review of Dog Pound Policy AD-347 and bring back a report with recommendations to the next Dog Pound Committee meeting.

Carried Unanimously

c) 2019 Budget

05-07-2019 – Bondy/Houston

1. Approve the 2019 Dog Pound Budget as presented in the report by the Manager of Legislative Services dated July 24, 2019; and
2. Pre-approve a one-time transfer to the Capital Reserve of \$20,000 in 2020 to replenish the cost of capital improvements undertaken in 2019; and
3. Direct Administration to undertake a review of dog redemption fees and bring back a report for consideration at the next Dog Pound Committee meeting.

Carried Unanimously

Adjournment

06-07-2019 – Bondy/Houston

That the Dog Pound Committee adjourn its meeting at 7:05 PM and the next meeting of the Dog Pound Committee be scheduled for October 30, 2019 at 6:00 PM.

Carried Unanimously

Steven Wilder
Chair

Kristen Newman
**Director of Legislative &
Legal Services**

/bc

Area 3 Dog Pound Summary

Pound card submissions for the period: 2019 Year-To-Date

Municipality	Sum of # of dog days	Sum of Fine charged	Sum of Dog tags sold	Sum of Services (Daily Rate) & Other Fees
Chatham-Kent	26	103.00	0.00	\$0.00
Essex	59	1,154.00	270.00	\$902.06
Lakeshore	136	1,393.00	700.00	\$710.00
LaSalle	33	276.00	208.00	\$270.00
Tecumseh	69	229.00	55.00	\$433.10
Grand Total	323	\$3,155.00	\$1,233.00	\$2,315.16
Per GL Difference				6,703.16

Dog Days for cost allocation:

	Total	%-age
Essex	59	18.27
Lakeshore	136	42.11
LaSalle	33	10.22
Tecumseh	69	21.36
Chatham Kent	26	8.05

NOT including C-K	
%-age of total dog days	# of dogs impounded
0.00%	3
19.87%	22
45.79%	41
11.11%	12
23.23%	10
100.00%	88

Breakdown of disposals	total #	% of total dogs impounded
Research - SCC	9	9.89%
Redeemed	74	81.32%
Rescue	0	0.00%
Humane Society/OSPCA	4	4.40%
Adoption	0	0.00%
Carcass	3	3.30%
Euthanized - reason a (owner written request)	0	0.00%
Euthanized - reason b (veternarian order)	0	0.00%
Euthanized - reason c (captured; no other choice)	0	0.00%
Euthanized - reason d (captured; uncurable)	1	1.10%
	91	100.01%

TOWN OF LAKESHORE
LEGISLATIVE & LEGAL SERVICES

TO: Dog Pound Committee Members

FROM: Brianna Coughlin, Manager of Legislative Services

DATE: January 17, 2020

SUBJECT: 2020 Dog Pound Budget

RECOMMENDATION:

It is recommended that the Dog Pound Committee:

Approve the 2020 Dog Pound Budget, including Option #_____ as described in the report by the Manager of Legislative Services dated January 17, 2020.

BACKGROUND:

The 2020 budget for the Dog Pound is being presented to the Committee for review and approval. The draft budget recognizes the ongoing maintenance and operating costs, as well as a one-time transfer from the Capital Reserve that was pre-approved July 31, 2019 for the capital improvements undertaken at the facility this year.

COMMENTS:

Construction Costs

\$45,800 was included in the 2019 Budget for construction costs for the Dog Pound. The following is an overview of the capital projects undertaken in 2019:

Capital Project	2019 Budget	2019 Actual
Accessible access/walkway	\$30,000	\$11,574.19 + \$1,759.55 for fence
Fire and security alarm	\$2,000	No capital cost, monthly fee only
Ventilation (work order)	\$3,000	\$1,897.82
New door with buzzer	\$4,000	\$3,284.81
Half wall for office area	\$800	\$423.75
Camera updates	\$6,000	\$7,131.75
Furnace Repair	-	\$3,358.08
Total:	\$45,800	\$29,429.95

The capital project has come in approximately \$20,000 under budget. However, part of those savings were used to replace the furnace in the kennel, which was at the end of its lifespan. This brought the total cost of capital expenditures to \$29,429.95 (approximately \$16,400 under budget).

In July 2019, the Dog Pound Committee pre-approved \$20,000 to replenish the Capital Reserve in order to offset the construction costs. However, with the construction costs being lower than expected, only \$3,600 will be needed.

In light of this, it is recommended that the Dog Pound Committee consider the following two options:

Option 1: maintain the \$20,000 transfer to the Capital Reserve as approved in July 2019, in order to prepare for future capital costs.

Option 2: reduce the transfer to the Capital Reserve to \$3,600 for 2020.

The proposed 2020 budget also includes \$5,000 for capital expenditures in order to upgrade the computer, allowing for online dog tag applications and payments, as well as the installation of LED lighting to reduce utility costs in the future.

Operating Costs

The recommended budget for operating costs is based on historical costs for the operation of the Dog Pound, as well as anticipated increases. Notably, wages and benefits as well as grass cutting and snow plowing have increased slightly over 2019 rates.

The 2020 draft budget provides for \$76,430 in operating expenses.

Revenue

In the past, the Dog Pound has received revenue from the Municipality of Chatham-Kent as part of the service agreement. This agreement ended March 31, 2019 and as such this revenue stream has not been included in the 2020 Budget.

As part of the 2019 Budget deliberations, the Dog Pound Committee approved a review of the dog redemption fees. It is Administration's intention to bring forward a report on the matter, with environmental scan of best practices, to the next Dog Pound Committee meeting. Until such time as the dog redemption fees are changed, the 2020 Budget is estimating income based on the 2019 rate.

FINANCIAL IMPACTS:

Should the Dog Pound Committee choose Option #1 for the 2020, which includes the \$20,000 transfer to reserves as pre-approved in 2019, the total net budget presented is \$119,830, representing a 2.4% increase from 2019.

If Option #2 is chosen, the transfer to reserves would decrease to \$5,850 with an overall net budget of \$103,430. This would represent an 11.6% decrease from 2019.

Attachment(s): Draft 2020 Dog Pound Budget

	Town of Lakeshore Area #3 Dog Pound									
	Budget									
	For the year ended December 31, 2020									
		Budget	Actual	Budget	Actual	Budget	Actual	Budget	YTD Actual	Budget
		2016	2016	2017	2017	2018	2018	2019	2019	2020
Account #	Revenues:									
	Revenue from Municipalities									
03.25.6641.2504	Impound Fees	5,500	4,402	5,500	7,096	5,500	5,588	2,500	3,530	2,500
	Expenses:									
03.25.1111.2504	Wages and benefits	45,400	46,122	45,400	46,003	45,400	50,363	50,000	48,922	50,500
	Mileage							300	-	300
03.25.1462.2504	Education and training	700	926	700	100	700		400	-	750
	Memberships						100	100	100	100
03.25.1612.2504	Emergency care	2,000	820	2,000	-	2,000	-	2,000	178	2,000
03.25.1321.2504	Feed	1,700	-	1,700	118	1,000	324	1,000	-	500
03.25.1436.2504	Insurance	80	39	80	40	80	40	40	-	40
03.25.1311.2504	Supplies	1,300	1,282	1,300	194	1,300	715	1,000	2,018	1,000
03.25.1445.2504	Maintenance	2,500	1,981	3,600	1,945	5,500	10,700	5,500	3,881	5,500
03.25.1447.2504	Grass cutting & snow removal	5,100	4,015	5,000	4,811	5,000	5,190	5,000	5,414	5,500
03.25.1391.2504	Utilities and heat	6,300	6,573	9,400	8,178	7,000	7,412	7,500	6,636	7,500
03.25.1381.2504	Telephone	2,300	2,325	2,400	2,377	2,300	2,342	2,500	2,244	2,500
03.25.1426.2504	Legal and audit	1,120	1,119	1,120	1,119	1,120	1,140	1,140	1,140	1,140
03.25.1417.2504	Administration	6,000	5,225	6,000	5,225	5,500	5,591	13,900	13,900	13,900
03.25.1412.2504	Disposal costs	3,000	2,137	3,000	2,366	3,000	2,274	3,000	2,259	3,000
03.25.1444.2504	Alarm monitoring					300	-	300	-	600
		77,500	72,564	81,700	72,476	80,200	86,190	93,680	86,692	94,830
	Net Operating Expense	72,000	68,162	76,200	65,380	74,700	80,602	91,180	83,162	92,330
	Capital Expense									5000
03.25.1441.2504	Construction costs	2,500	-	2,500	8,548	39,000	1,060	45,800	29,430	-
03.04.0901.2504	Transfer to/from capital reserve	2,500	2,500	2,500	(6,050)	2,500	2,500	(20,000)		22,500
03.04.0872.2504	Total Net Budget	77,000	70,662	81,200	67,878	116,200	84,162	116,980	112,592	119,830
Note:	Capital Reserve Balance	27,500	30,000	32,500	23,950	26,450	26,450	6,450		28,950

TOWN OF LAKESHORE
LEGISLATIVE & LEGAL SERVICES

TO: Dog Pound Committee Members

FROM: Brianna Coughlin, Manager of Legislative Services

DATE: January 17, 2020

SUBJECT: *Provincial Animal Welfare Services Act, 2019*

RECOMMENDATION:

It is recommended that the Dog Pound Committee:

Receive the report of the Manager of Legislative Services entitled “Provincial Animal Welfare Services Act, 2019”, presented at the January 22, 2020 Dog Pound Committee meeting.

BACKGROUND:

Animal cruelty and animal welfare concerns have traditionally been handled by the Ontario Society for the Prevention of Cruelty to Animals (OSPCA), a private registered charity that has been enforcing animal cruelty and welfare laws on behalf of the Province of Ontario since 1919. The OSPCA was granted this authority by way of the *Ontario Society for the Prevention of Cruelty to Animals Act* (the “Act”).

In January 2019, a Superior Court decision ruled that sections of the Act violated the Canadian Charter of Rights and Freedoms, as giving police powers to a private body without transparency and accountability is unconstitutional. The Province was given one year to make changes to the Act to ensure more transparency and accountability in animal welfare enforcement in Ontario.

In March 2019, the OSPCA announced that they will end their work in investigating and enforcing animal cruelty laws in Ontario, and is “moving forward with plans to provide animal-related services as support to law enforcement.”ⁱ

On April 1st, the Province announced a transitional period whereby the OSPCA would continue to provide animal welfare enforcement services until June 28, 2019, with the exception of complaints relating to livestock and horses.

Bill 117, *an Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act* (the “Interim Act”), was given royal assent June 6, 2019. The Interim Act allowed the Solicitor General to appoint a Chief Inspector, who may then appoint any person as an inspector for the interim period (until January 1, 2020). The Windsor/Essex County

Humane Society (WECHS) was appointed by the Chief Inspector as an inspector for the area until January 1, 2020.

At the time the Interim Act was introduced, the Province was in the process of developing a new structure for animal welfare investigations. There was concern that the Province could download the responsibilities to municipalities or the police, which could have a large impact on staff and budgets.

COMMENTS:

On October 29, 2019, the Province enacted the *Provincial Animal Welfare Services Act, 2019* (the “PAWS Act”). This Act creates an animal welfare program enforced by provincial inspectors. The Province has confirmed that all enforcement mechanisms will be performed by them.

The following is a broad overview of provisions found in the PAWS Act that came into force January 1, 2020:

- Every person who owns or has custody of an animal is required to comply with standards of care and administrative requirements outlined in the PAWS Act, with specific exceptions for certain agricultural and veterinary activities;
- Veterinarians have a duty to report abuse, undue physical or psychological hardship, privation or neglect;
- Harming or attempting to cause harm to law enforcement or service animals is prohibited;
- There are several prohibitions relating to animal fights, including the prohibition to possess equipment or structures used in animal fights;
- Animal welfare inspectors may enter and inspect places to determine compliance with the PAWS Act. A warrant is required to enter a dwelling unless the occupant consents to the entry, however the inspector may enter without a warrant if the time required to obtain a warrant may result in serious injury or death to the animal;
- Animal welfare inspectors may apply for warrants to investigate potential offences. Warrantless searches may be authorized if the inspector has reasonable grounds to believe that the time required to obtain the warrant would result in the loss, removal or destruction of evidence;
- Animal welfare inspectors may take possession of animals in distress if orders to comply with the PAWS Act are not complied with, if the owners or custodian cannot be found quickly or on the advice of a veterinarian. The Chief Animal Welfare Inspector may keep an animal if there are concerns about returning the animal to the owner or custodian;

- Animals seized as a result of animal fighting are automatically forfeited to the Province.
- Animal welfare inspectors are subject to a code of conduct.

Animal welfare concerns may be reported 24 hours/day by calling 1-833-9ANIMAL (1-833-926-4625).

It is important to note that, should there be a conflict between a municipal by-law and the PAWS Act, the provision that affords the greater protection to animals will prevail. For example, when the Town of Lakeshore enacts the 4-hour tethering limit under the new animal control by-law, complaints will be directed to the Windsor/Essex County Humane Society.

FINANCIAL IMPACTS:

There are no financial impacts as a result of receiving this report. However, it is acknowledged that the provincial animal welfare system is still being implemented and that the Province has indicated that only 100 inspectors are to be appointed throughout Ontario. Should an urgent animal cruelty matter be identified, it is likely that local police will be requested to investigate and intervene, which may result in additional call-for-service costs for local municipalities, as well as requests to hold animals at local dog pound or veterinary facilities.

Attachment(s): 1. *Provincial Animal Welfare Services Act, 2019*
 2. Ontario SPCA Update regarding Bill 117

ⁱ Ontario SPCA "Update regarding Bill 117" dated June 6, 2019, p.1



Bill 136

An Act to enact the Provincial Animal Welfare Services Act, 2019 and make consequential amendments with respect to animal protection

The Hon. S. Jones
Solicitor General

Government Bill

1st Reading October 29, 2019

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Provincial Animal Welfare Services Act, 2019*, repeals the *Ontario Society for the Prevention of Cruelty to Animals Act* and makes consequential amendments to other Acts. The major elements of the Bill are described below.

Part I (Interpretation)

This Part defines terms that are used throughout the Act.

Part II (Chief Animal Welfare Inspector)

This Part establishes a Chief Animal Welfare Inspector.

The Minister appoints the Chief Animal Welfare Inspector and may appoint deputy Chief Animal Welfare Inspectors. The Minister has duties to monitor the Chief Animal Welfare Inspector and handle complaints about him or her. In addition, the Minister may establish policies and give directions to the Chief Animal Welfare Inspector.

The Chief Animal Welfare Inspector has several duties related to the appointment and oversight of animal welfare inspectors as well as the provision of necessities for animals in the Chief Animal Welfare Inspector's care. He or she is an animal welfare inspector by virtue of being the Chief Animal Welfare Inspector.

The Chief Animal Welfare Inspector appoints animal welfare inspectors. These appointments may be subject to conditions or limitations and may be amended, suspended or revoked by the Chief Animal Welfare Inspector. The animal welfare inspectors, including the Chief Animal Welfare Inspector, are subject to a code of conduct.

Part III (Complaints)

This Part governs complaints about the conduct of animal welfare inspectors, including the Chief Animal Welfare Inspector. The Minister handles complaints about the Chief Animal Welfare Inspector, and the Chief Animal Welfare Inspector handles all other complaints.

The Chief Animal Welfare Inspector and the Minister shall investigate complaints if they believe the matter complained of warrants investigation. If they discover that the animal welfare inspector who is the subject of the complaint has failed to comply with the code of conduct, they can take several actions against them, up to and including revoking their appointment.

Part IV (Duties and Prohibitions)

This Part sets out several duties and prohibitions in respect of animals.

Every person who owns or has custody or care of an animal must comply with the standards of care and administrative requirements with respect to the animals. These standards and requirements are established by regulation. There are exceptions for certain agricultural and veterinary activities. Veterinarians have a duty to report abuse, undue physical or psychological hardship, privation or neglect.

No person shall cause an animal to be in distress, permit an animal to be in distress or knowingly or recklessly cause an animal to be exposed to an undue risk of distress, subject to certain exceptions.

There are several prohibitions relating to animal fights, including prohibitions on the possession of equipment or structures used in animal fights. There is a separate prohibition for causing harm or attempting to cause harm to law enforcement or service animals.

No person shall possess or breed an animal that has been prescribed by the regulations as a prohibited animal. Orca possession and breeding continues to be prohibited. In addition, the possession or breeding of animals that are prescribed by the regulations as a restricted animal requires authorization by the regulations.

Engaging in prescribed activities without an authorization and causing animals to undergo prescribed procedures are also prohibited.

Part V (Protection of Animals)

This Part sets out some of the powers animal welfare inspectors have to determine compliance with the Act and protect animals.

Animal welfare inspectors may enter and inspect places to determine compliance with certain requirements in the Act. They may apply for warrants to enter certain places, and require a warrant to enter a dwelling unless the occupier of the dwelling consents to the entry. They may ask for police assistance and may use reasonable force to execute a warrant.

Their inspection powers include the powers to inspect certain animals or things, to require the production of any animal or thing that is relevant to the inspection, to ask questions relevant to the inspection and to make reasonable inquiries.

Animal welfare inspectors may also enter and search a place with the consent of the occupier if they believe on reasonable grounds that there is an animal in distress to be found there. They may also apply for a warrant to search the place.

Inspectors may enter any place, other than a dwelling, without a warrant if they have reasonable grounds to believe that an animal is in critical distress and may enter a dwelling if the time required to obtain a warrant may result in serious injury or death to the animal.

An animal welfare inspector who has reasonable grounds to believe that an animal is in distress may order the owner or custodian to take certain actions to relieve its distress or have the animal examined and treated by a veterinarian at the expense of the owner or custodian.

Animal welfare inspectors may take possession of animals in distress if these orders aren't complied with. They may also take possession on the advice of a veterinarian or in cases where the owner or custodian cannot be found promptly, or in cases where the animal is being trained to, or participating in, an animal fight. The police may be called to assist and reasonable force may be used to take possession of the animal. The Chief Animal Welfare Inspector may then decide to keep an animal in the Chief Animal Welfare Inspector's care if certain concerns about returning the animal apply. Animal welfare inspectors may also cause an animal to be euthanized with the consent of the owner or custodian or in accordance with a veterinarian's opinion.

Persons to be prescribed in regulation are authorized to enter motor vehicles to relieve animals in critical distress. They may cause reasonable damage in entering the vehicle. They must promptly notify an animal welfare inspector and must allow the inspector to inspect the animal and determine whether to take possession of it.

Owners or custodians are liable for the Chief Animal Welfare Inspector's expenses in providing necessities to animals in the Chief Animal Welfare Inspector's care.

Part VI (Animal Care Review Board)

The Animal Care Review Board is continued. Owners or custodians of animals may appeal certain orders and decisions of the Chief Animal Welfare Inspector and other animal welfare inspectors to the Board. The Board has the power to confirm, revoke or modify these orders and decisions and to order that animals be returned to their owner or custodian.

Part VII (Enforcement)

This Part sets out the powers of animal welfare inspectors to investigate offences under the Act. The inspectors may apply for warrants to investigate potential offences. A warrantless search may be authorized if the inspector has reasonable grounds to believe that the time required to obtain a warrant would lead to the loss, removal or destruction of evidence.

Inspectors may ask the court to issue production orders to a person, other than a person under investigation for an offence, and may seize certain animals or things related to the commission of an offence under the Act. Animals seized as a result of a contravention of the prohibitions against animal fighting are automatically forfeited to the Crown in right of Ontario. Similarly, animals or things whose possession is prohibited are also forfeited to the Crown.

Animal welfare inspectors who have reasonable grounds to believe a person is contravening, has contravened or is about to contravene certain provisions of this Act may require the person to give his or her name and address. The inspectors may call upon police to assist the inspector and may use whatever force is reasonably necessary to exercise their powers under this Part.

Part VIII (Offences and Penalties)

This Part sets out both minor and major offences under the Act, which are subject to different penalties.

It also provides for administrative penalties for contraventions of conditions of authorizations issued under section 20 (Restricted animal possession or breeding) or 21 (Prescribed activities) or for other prescribed provisions. It allows the Chief Animal Welfare Inspector to issue notices of contravention in respect of these contraventions and sets out a scheme for enforcing and collecting on these penalties.

A separate section provides for orders to remove orcas that are possessed in Ontario in contravention of section 19.

Part IX (General)

This Part sets out some of the powers of police officers and First Nations Constables in respect of animals. It also sets out the ability of veterinarians to euthanize animals.

General rules for forfeitures under the Act are set out. An immunity provision provides for protection from personal liability for a number of different persons.

Part X (Regulations)

This Part sets out the regulation-making powers of the Lieutenant Governor in Council and the Minister.

Part XI (Transition)

This Part sets out transitional rules in respect of the repealed *Ontario Society for the Prevention of Cruelty to Animals Act*.

Part XII (Self-Amendments, Consequential Amendments and Repeal)

This Part repeals the *Ontario Society for the Prevention of Cruelty to Animals Act*.

Consequential amendments are also made to several other Acts.

Part XIII (Commencement and Short Title)

This Part sets out the commencement and short title of the Act. Most of the Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

**An Act to enact the Provincial Animal Welfare Services Act, 2019
and make consequential amendments with respect to animal protection**

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

**PART I
INTERPRETATION**

Definitions

1 (1) In this Act,

“accredited veterinary facility” means a veterinary facility as defined in the *Veterinarians Act* that is accredited under that Act; (“établissement vétérinaire agréé”)

“administrative requirement” means an administrative requirement prescribed by the Lieutenant Governor in Council; (“exigence administrative”)

“Board” means the Animal Care Review Board; (“Commission”)

“business day” means a weekday, excluding a day that is a holiday; (“jour ouvrable”)

“Chief Animal Welfare Inspector” means the Chief Animal Welfare Inspector appointed under subsection 2 (1); (“inspecteur en chef du bien-être des animaux”)

“chief of police” has the same meaning as in the *Police Services Act*; (“chef de police”)

“critical distress” means distress that requires immediate intervention in order to prevent serious injury or to preserve life; (“détresse critique”)

“distress” means the state of being,

- (a) in need of proper care, water, food or shelter,
- (b) injured, sick, in pain or suffering, or
- (c) abused or subject to undue physical or psychological hardship, privation or neglect; (“détresse”)

“First Nations Constable” means a First Nations Constable appointed under the *Police Services Act*; (“agent des Premières Nations”)

“justice” has the same meaning as in the *Provincial Offences Act*; (“juge”)

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

“motor vehicle” means a motor vehicle as defined in the *Highway Traffic Act*; (“véhicule automobile”)

“orca” means a member of the species *Orcinus orca*; (“épaulard”)

“personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“place” includes any land, building, vehicle or vessel; (“lieu”)

“police officer” has the same meaning as in the *Police Services Act*; (“agent de police”)

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

“prohibited animal” means an animal that has been prescribed as a prohibited animal; (“animal interdit”)

“public sector body” means,

- (a) a Ministry, commission, board or other administrative unit of the Government of Ontario, including any agency thereof,
- (b) a municipality,
- (c) a local board as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*,
- (d) a municipally-controlled corporation as defined in section 223.1 of the *Municipal Act, 2001*, and
- (e) a city-controlled corporation as defined in section 156 of the *City of Toronto Act, 2006*; (“organisme du secteur public”)

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

“restricted animal” means an animal that has been prescribed as a restricted animal; (“animal faisant l’objet de restrictions”)

“service animal” means an animal described in subsection (2); (“animal d’assistance”)

“standard of care” means a standard of care prescribed by the Lieutenant Governor in Council; (“norme de soins”)

“veterinarian” means a person licensed as a veterinarian by the College of Veterinarians of Ontario. (“vétérinaire”)

Service animal

(2) For the purposes of this Act, an animal is a service animal if,

- (a) the animal is required by a person with a disability for assistance; and
- (b) the person has documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to their disability:
 - (i) A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
 - (ii) A member of the College of Chiropractors of Ontario.
 - (iii) A member of the College of Nurses of Ontario.
 - (iv) A member of the College of Occupational Therapists of Ontario.
 - (v) A member of the College of Optometrists of Ontario.
 - (vi) A member of the College of Physicians and Surgeons of Ontario.
 - (vii) A member of the College of Physiotherapists of Ontario.
 - (viii) A member of the College of Psychologists of Ontario.
 - (ix) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.

Minor owner, custodian

(3) Where the owner or custodian of an animal is a minor, the owner or custodian for the purposes of this Act is deemed to be the minor’s parents or guardians.

PART II

CHIEF ANIMAL WELFARE INSPECTOR

CHIEF ANIMAL WELFARE INSPECTOR

Chief Animal Welfare Inspector

2 (1) The Minister shall appoint a Chief Animal Welfare Inspector and may appoint one or more deputy Chief Animal Welfare Inspectors.

Duties of the Chief Animal Welfare Inspector

(2) The duties of the Chief Animal Welfare Inspector are as follows:

- 1. To appoint animal welfare inspectors.
- 2. To supervise, direct and control animal welfare inspectors in the performance of their duties and in the exercise of their powers.
- 3. To ensure that animal welfare inspectors receive appropriate training respecting their powers and duties.
- 4. To handle complaints about animal welfare inspectors other than the Chief Animal Welfare Inspector.
- 5. To arrange for the provision of necessities to, and otherwise arrange for the care of, any animal in the Chief Animal Welfare Inspector’s care or otherwise in the possession of an animal welfare inspector.
- 6. To arrange for analyses in relation to the following:
 - i. The management or allocation of resources related to this Act.
 - ii. The delivery of programs and services related to this Act.
 - iii. The evaluation of programs and services related to this Act.
- 7. To perform such other duties as are assigned to him or her by or under this or any other Act, including any duties prescribed by the Lieutenant Governor in Council.

Required training

(3) The Chief Animal Welfare Inspector, and any deputy Chief Animal Welfare Inspector, shall not perform any of their duties or exercise any of their powers under this Act unless they have successfully completed the prescribed training, if any.

Direction

(4) The Chief Animal Welfare Inspector may issue a direction to another animal welfare inspector with regard to the performance of the inspector's duties or the exercise of an inspector's powers under this Act, including a direction to conduct, not conduct or discontinue an inspection or investigation of an offence or of an animal in distress, or to transfer an inspection or investigation to another animal welfare inspector.

Delegation

(5) The Chief Animal Welfare Inspector may delegate any of his or her powers and duties under this Act or the regulations to a deputy Chief Animal Welfare Inspector or another animal welfare inspector, subject to any limitations, conditions or requirements set out in the delegation.

Deputy Chief Animal Welfare Inspector

(6) A deputy Chief Animal Welfare Inspector shall act in the place of the Chief Animal Welfare Inspector if he or she is absent or unable to act and, when so acting, shall perform all the duties and may exercise all the powers of the Chief Animal Welfare Inspector.

Power to disclose personal information

(7) Despite any other Act, the Chief Animal Welfare Inspector, or person designated by the Chief Animal Welfare Inspector for the purpose of this section, may disclose personal information about an individual in accordance with the regulations.

Purpose of disclosure

(8) Any disclosure made under subsection (7) shall be deemed to be in compliance with clauses 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act* and 32 (e) of the *Municipal Freedom of Information and Protection of Privacy Act*.

Same

(9) If personal information is disclosed under subsection (7) to an institution within the meaning of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*, the institution shall collect such information and subsections 39 (2) of the *Freedom of Information and Protection of Privacy Act* and 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act* do not apply to that collection of personal information.

MINISTER

Minister's duties

3 (1) The Minister shall,

- (a) monitor the Chief Animal Welfare Inspector's performance of his or her duties and the exercise of his or her powers under this Act;
- (b) handle complaints about the Chief Animal Welfare Inspector;
- (c) monitor the Chief Animal Welfare Inspector's handling of complaints about animal welfare inspectors and deputy Chief Animal Welfare Inspectors; and
- (d) monitor the disclosure by the Chief Animal Welfare Inspector of personal information about individuals.

Policies and directions

(2) The Minister may establish policies regarding the performance of the Chief Animal Welfare Inspector's duties and the exercise of his or her powers and may issue directions to the Chief Animal Welfare Inspector regarding the performance of those duties and the exercise of those powers.

No policies or directions for certain matters

(3) The Minister shall not establish a policy or issue a direction with respect to a specific inspection, the exercise of a power in relation to a specific animal in distress or a specific investigation into an offence.

PROVISION OF INFORMATION

Provision of information

4 (1) A public sector body that employs animal welfare inspectors shall, at the frequency and in the manner set out in the regulations, provide the Chief Animal Welfare Inspector with prescribed information that,

- (a) is related to the administration of this Act; or
- (b) is for the purpose of compiling information, including statistical information, to enable analysis in relation to,

- (i) the management or allocation of resources related to this Act,
- (ii) the planning for the delivery of programs and services related to this Act, or
- (iii) the evaluation of those programs and services.

Information to be provided on request

(2) A public sector body shall provide the Chief Animal Welfare Inspector with such information as he or she may request from time to time in relation to the administration of this Act or an issue described in subclause (1) (b) (i), (ii) or (iii).

Time to comply

(3) The information requested under subsection (2) shall be provided in the form and manner, and within the time specified, in the Chief Animal Welfare Inspector's request.

Personal information

(4) The Chief Animal Welfare Inspector may only collect personal information for the purpose described in clause (1) (b) in accordance with Part III.1 of the *Freedom of Information and Protection of Privacy Act*.

ANIMAL WELFARE INSPECTORS

Appointment of animal welfare inspectors

5 (1) The Chief Animal Welfare Inspector may, in writing, appoint a person who is employed by a public sector body that is an institution, within the meaning of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*, as an animal welfare inspector if the person satisfies the prescribed requirements.

Chief Animal Welfare Inspector and Deputies are animal welfare inspectors

(2) The Chief Animal Welfare Inspector and any deputy Chief Animal Welfare Inspector are, by virtue of their office, animal welfare inspectors.

Conditions and limitations

(3) In appointing an animal welfare inspector, the Chief Animal Welfare Inspector may, in writing, specify conditions that apply to an appointment, or otherwise limit the authority of the inspector, in such manner as the Chief Animal Welfare Inspector considers necessary or advisable.

Specified employer

(4) The Chief Animal Welfare Inspector shall, in the document appointing an animal welfare inspector, record the name of the public sector body that employs the inspector.

Automatic termination of appointment

(5) An animal welfare inspector's appointment is immediately terminated, without notice and without an opportunity to respond, if he or she ceases to be employed by the public sector body specified in the document appointing the inspector.

Amendment, suspension revocation etc.

(6) The Chief Animal Welfare Inspector may, in writing, from time to time and as the Chief Animal Welfare Inspector considers necessary or advisable,

- (a) amend or specify new conditions that apply to an animal welfare inspector's appointment, or otherwise limit the authority of the inspector;
- (b) suspend an animal welfare inspector's appointment for a specified period or until he or she has complied with specified conditions; or
- (c) subject to subsection (7), revoke an animal welfare inspector's appointment.

Revocation requirements

(7) Before revoking an animal welfare inspector's appointment, the Chief Animal Welfare Inspector shall give the animal welfare inspector written notice with respect to the reasons for the revocation and an opportunity to respond orally or in writing, as the Chief Animal Welfare Inspector may determine.

Required training

6 An animal welfare inspector appointed by the Chief Animal Welfare Inspector shall not exercise any of his or her powers or perform any of his or her duties under this Act unless they have successfully completed the prescribed training, if any.

Conduct of animal welfare inspectors

Code of conduct

7 (1) Every animal welfare inspector, including, for greater certainty, the Chief Animal Welfare Inspector and every deputy Chief Animal Welfare Inspector, shall comply with the prescribed code of conduct.

Peace officer

(2) Every animal welfare inspector is a peace officer for the purposes of enforcing this Act.

Identification

(3) Every animal welfare inspector who exercises a power under this Act shall, on request, identify himself or herself as an inspector, produce identification and explain the purpose of the exercise of the power.

Compliance with direction

(4) An animal welfare inspector shall comply with any direction from the Chief Animal Welfare Inspector.

PART III COMPLAINTS

Interpretation, portion of a complaint

8 This Part applies to a portion of a complaint as if it were a complaint, unless the context indicates otherwise.

Public complaints

Complaint re animal welfare inspector

9 (1) Any person, other than an animal welfare inspector, may make a complaint in writing to the Chief Animal Welfare Inspector about the conduct of an animal welfare inspector, other than the Chief Animal Welfare Inspector.

Complaint re Chief Animal Welfare Inspector

(2) Any person, other than an animal welfare inspector, may make a complaint in writing to the Minister about the conduct of the Chief Animal Welfare Inspector.

Forwarding of complaints

(3) If the Minister receives a complaint that should have been made to the Chief Animal Welfare Inspector under subsection (1), he or she shall forward it to the Chief Animal Welfare Inspector.

Same

(4) If the Chief Animal Welfare Inspector receives a complaint that should have been made to the Minister under subsection (2), he or she shall forward it to the Minister.

Review of complaints

Review by Chief Animal Welfare Inspector

10 (1) The Chief Animal Welfare Inspector shall review every complaint made to the Chief Animal Welfare Inspector under subsection 9 (1) and determine whether there is cause for it to be investigated.

Review by Minister

(2) The Minister shall review every complaint made to the Minister under subsection 9 (2) and determine whether there is cause for it to be investigated.

Refusal to investigate

11 (1) The Chief Animal Welfare Inspector or the Minister may refuse to cause a complaint to be investigated if,

- (a) the facts on which the complaint is based occurred more than six months before the complaint is made;
- (b) the complainant was not affected by the conduct of the person who is the subject of the complaint, as determined under subsection (3);
- (c) the complaint alleges conduct that does not, on its face, constitute a failure to comply with the code of conduct referred to in subsection 7 (1); or
- (d) in the opinion of the Chief Animal Welfare Inspector or the Minister,
 - (i) the complaint is frivolous, vexatious or made in bad faith, or
 - (ii) having regard to all the circumstances, dealing with the complaint is not in the public interest.

Six-month period

(2) In determining whether to refuse to cause a complaint to be investigated because the facts on which the complaint is based occurred more than six months before the complaint is made, the Chief Animal Welfare Inspector or the Minister shall consider,

- (a) whether the complainant is a minor or under a disability within the meaning of the *Accessibility for Ontarians with Disabilities Act, 2005*;
- (b) whether the complainant is or was subject to an inspection, investigation or order under this Act in respect of the events underlying the complaint; and
- (c) whether, having regard to all the circumstances, it is in the public interest for the complaint to be investigated.

Persons affected by conduct

(3) For the purposes of clause (1) (b), only the following persons shall be considered to have been affected by the conduct:

- 1. A person at whom the conduct was directed.
- 2. A person who saw or heard the conduct or its effects as a result of being physically present at the time and place where the conduct or its effects occurred.
- 3. A person who,
 - i. was in a personal relationship with a person described in paragraph 1 at the time that the conduct occurred, and
 - ii. suffered loss, damage, distress, danger or inconvenience as a result of the conduct.

Public interest

(4) In assessing the public interest for the purposes of subclause (1) (d) (ii) or clause (2) (c), the Chief Animal Welfare Inspector or the Minister shall consider,

- (a) whether the conduct has been or is currently the subject of an investigation under this Act;
- (b) whether the conduct could be more appropriately dealt with, in whole or in part, under another Act or law or in another adequate forum;
- (c) whether a decision to not conduct an investigation would negatively impact public confidence in the administration of this Act; and
- (d) whether an investigation is reasonably practicable, having regard to the information or evidence available.

Notice

(5) If the Chief Animal Welfare Inspector or the Minister refuses to investigate a complaint in accordance with this section, he or she shall give notice of the refusal, with reasons, and of the substance of the complaint to,

- (a) the complainant;
- (b) the person who is the subject of the complaint; and
- (c) any other prescribed person.

Investigation of complaints

12 (1) If there appear to be grounds to believe that the matter complained of warrants investigation, the Chief Animal Welfare Inspector or the Minister shall,

- (a) cause the complaint to be investigated;
- (b) inform the complainant about the investigation and keep him or her apprised of the steps taken to resolve the complaint; and
- (c) notify the person who is the subject of the complaint, and any other prescribed person, about the investigation and the substance of the complaint.

Notice, exception

(2) The Chief Animal Welfare Inspector or the Minister is not required to provide notice under clause (1) (c) to the person who is the subject of the complaint if, in the opinion of the Chief Animal Welfare Inspector or the Minister, as applicable, doing so may prejudice the investigation.

Delay

(3) The Chief Animal Welfare Inspector or the Minister may delay taking one of the actions set out in subsection (1) if the subject matter of the complaint is the subject of an investigation or proceeding under another Act or law, and the delay may last until the conclusion of the investigation or proceeding.

Results of investigation

(4) A person who conducts an investigation of a complaint under subsection (1) shall report their results in writing to the Chief Animal Welfare Inspector or the Minister, as applicable.

Notification

(5) Unless the regulations provide otherwise, the Chief Animal Welfare Inspector or the Minister shall notify the complainant, the person who was the subject of the investigation and any other prescribed person of the findings in the report.

Chief Animal Welfare Inspector and Minister's powers

(6) If, in the opinion of the Chief Animal Welfare Inspector or the Minister, the report discloses evidence that the person who is the subject of the investigation has not complied with the code of conduct referred to in subsection 7 (1), the Chief Animal Welfare Inspector or the Minister may do one or more of the following:

1. Reprimand the person who is the subject of the complaint.
2. Suspend the subject of the complaint's appointment for a specified period or until he or she has complied with specified conditions.
3. Impose conditions on the person who is the subject of the complaint.
4. Revoke the appointment of the person who is the subject of the complaint.

Before imposing measures

(7) Before exercising a power under subsection (6), the Chief Animal Welfare Inspector or the Minister shall provide written notice of the proposed measures to the person who is the subject of the complaint and provide him or her an opportunity to respond orally or in writing, as the Chief Animal Welfare Inspector or the Minister may determine.

Exercise of powers

(8) After considering the response under subsection (7), if any, the Chief Animal Welfare Inspector or the Minister may implement the proposed measures, impose a lesser measure or rescind his or her intention to implement them.

Notice

(9) The Chief Animal Welfare Inspector or the Minister shall notify the complainant and any other prescribed person of any action taken under subsection (6).

PART IV DUTIES AND PROHIBITIONS

DUTIES

Standards of care and administrative requirements for animals

13 (1) Every person who owns or has custody or care of an animal shall comply with the standards of care and the administrative requirements with respect to every animal that the person owns or has custody or care of.

Exception, agricultural activities

(2) Subsection (1) does not apply in respect of an activity regarding agricultural animal care, management or husbandry carried on in accordance with the reasonable and generally accepted practices of agricultural animal care, management or husbandry, unless the standards of care or administrative requirements expressly provide that they apply to that activity.

Exception, veterinarians

(3) Subsection (1) does not apply to,

- (a) a veterinarian providing veterinary care, or boarding an animal as part of its care, in accordance with the standards of practice established under the *Veterinarians Act*;
- (b) a person acting under the supervision of a veterinarian described in clause (a); and
- (c) a person acting under the orders of a veterinarian described in clause (a), but only in respect of what the person does or does not do in following those orders.

Obligation to report

14 Every veterinarian or other person prescribed by the Lieutenant Governor in Council who has reasonable grounds to believe that an animal is being abused, being subject to undue physical or psychological hardship, privation or neglect, including by participating in fights with other animals, or is being trained to fight another animal shall report his or her belief in accordance with the regulations, if any, to an animal welfare inspector.

DISTRESS, ANIMAL FIGHTS AND HARM

Distress

Causing distress

15 (1) No person shall cause an animal to be in distress.

Permitting distress

(2) No owner or custodian of an animal shall permit the animal to be in distress.

Exposure to undue risk of distress

(3) No person shall knowingly or recklessly cause an animal to be exposed to an undue risk of distress.

Exception

(4) Subsections (1), (2) and (3) do not apply in respect of,

- (a) an activity permitted under the *Fish and Wildlife Conservation Act, 1997* in relation to wildlife in the wild;
- (b) an activity permitted under the *Fish and Wildlife Conservation Act, 1997* or the *Fisheries Act* (Canada) in relation to fish;
- (c) an activity regarding agricultural animal care, management or husbandry carried on in accordance with,
 - (i) any standards of care or administrative requirements that expressly provide that they apply to that activity, or
 - (ii) if no standards of care or administrative requirements expressly provide that they apply to that activity, the reasonable and generally accepted practices of agricultural animal care, management or husbandry;
- (d) a prescribed class of animals or animals living in prescribed circumstances or conditions; and
- (e) prescribed activities.

Exception, veterinarians

(5) Subsections (1), (2) and (3) do not apply to,

- (a) a veterinarian providing veterinary care, or boarding an animal as part of its care, in accordance with the standards of practice established under the *Veterinarians Act*;
- (b) a person acting under the supervision of a veterinarian described in clause (a); and
- (c) a person acting under the orders of a veterinarian described in clause (a), but only in respect of what the person does or does not do in following those orders.

Animal fighting prohibitions

16 (1) No person shall encourage, promote, arrange, conduct, assist in, receive a financial or material benefit for or take part in,

- (a) the training of an animal to fight with another animal; or
- (b) any meeting, competition, exhibition, pastime, display or event at or in the course of which an animal fights another animal.

Same, permitting fights, etc.

(2) No person shall,

- (a) permit an animal to be trained to fight with another animal; or
- (b) permit any meeting, competition, exhibition, pastime, display or event at or in the course of which an animal fights another animal to take place.

Animal fighting equipment

(3) No person shall own or possess equipment that is used in animal fights or in training animals to fight.

Animal fighting structure

(4) No person shall own or possess a structure that is used in animal fights or in training animals to fight.

Harming law enforcement or service animal

17 No person shall cause harm, or attempt to cause harm, to an animal that works with peace officers in the execution of their duties, or to a service animal, whether or not the animal is working at the time of the harm.

PROHIBITED AND RESTRICTED ANIMALS

Prohibited animal possession or breeding

18 (1) No person shall possess or breed a prohibited animal in Ontario.

Exception

(2) Despite subsection (1), a person may, if the regulations made by the Lieutenant Governor in Council so provide, continue to possess a prohibited animal in Ontario if the person possessed the prohibited animal in Ontario before the day the regulation prescribing the animal as a prohibited animal came into force.

Regulation

(3) The Lieutenant Governor in Council may, by regulation, prescribe animals as prohibited animals if the Lieutenant Governor in Council determines that the animal, poses an undue risk to human safety or cannot be humanely kept in captivity in Ontario.

Prohibition on orca possession and breeding

19 (1) No person shall possess or breed an orca in Ontario.

Transition

(2) Despite subsection (1), a person may continue to possess an orca in Ontario if the person possessed the orca in Ontario on March 22, 2015.

Restricted animal possession or breeding

20 (1) No person shall possess or breed a restricted animal in Ontario unless the person is authorized to do so in accordance with the regulations made by the Lieutenant Governor in Council and complies with any conditions of the authorization.

Regulations

(2) The Lieutenant Governor in Council may, by regulation, prescribe animals as restricted animals if the Lieutenant Governor in Council determines that such a regulation is advisable,

- (a) to avoid undue risk to human safety; or
- (b) to ensure that an animal is humanely kept in captivity.

PRESCRIBED ACTIVITIES AND PROCEDURES

Prescribed activities

21 (1) No person shall engage in an activity prescribed by the Lieutenant Governor in Council with respect to animals unless the person is authorized to do so in accordance with the regulations made by the Lieutenant Governor in Council and complies with any conditions of the authorization.

Required information

(2) A person who engages in an activity prescribed by the Lieutenant Governor in Council with respect to animals shall provide the Minister with prescribed information in accordance with the regulations made by the Lieutenant Governor in Council.

Prescribed procedures

22 No person shall cause an animal to undergo a procedure prescribed by the Lieutenant Governor in Council.

PART V PROTECTION OF ANIMALS

GENERAL INSPECTION POWERS

Inspection to determine compliance

23 (1) An animal welfare inspector may enter and inspect any place for the purpose of determining compliance with,

- (a) a condition in an authorization that is issued under section 20 or 21;
- (b) an order to relieve an animal's distress under section 29; or
- (c) the standards of care or administrative requirements or the reasonable and generally accepted practices of agricultural animal care, management or husbandry, if the animals are kept for,
 - (i) an entertainment, commercial, educational or charitable purpose, or
 - (ii) a purpose prescribed by the Lieutenant Governor in Council related to sport.

Dwellings

(2) Subsection (1) does not authorize an animal welfare inspector to enter a place, or part of a place, that is being used as a dwelling without a warrant unless the occupier of the dwelling consents to the entry.

Accredited veterinary facilities

(3) Subsection (1) does not authorize an animal welfare inspector to enter and inspect an accredited veterinary facility.

Warrant

(4) On application without notice, a justice may issue a warrant authorizing an animal welfare inspector to enter and inspect a place if the justice is satisfied by information under oath or affirmation that there are reasonable grounds to believe that an inspection under this section is required for any of the reasons described in subsection (1).

Warrant for dwelling

(5) An application under subsection (4) that is made for the purposes of entering and inspecting a place, or part of a place, that is used as a dwelling must specify that the warrant is to enter and inspect a dwelling.

Telewarrant

(6) If an animal welfare inspector believes that it would be impracticable to appear personally before a justice to apply for a warrant under subsection (4), he or she may, in accordance with the regulations, seek the warrant by telephone or other means of telecommunication, and the justice may, in accordance with the regulations, issue the warrant by the same means.

Warrant timing and expiry

(7) A warrant issued under this section shall specify the times during which the warrant may be executed and specify a date the warrant expires, which shall be no more than 30 days after the warrant is issued.

Extension

(8) A justice may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days upon application without notice by an animal welfare inspector.

Other conditions

(9) A warrant issued under this section is subject to any other conditions that may be specified in the warrant.

Police assistance

(10) An animal welfare inspector may call upon police officers for assistance in executing the warrant.

Use of force

(11) An animal welfare inspector, and any police officers called to assist the inspector, may use whatever force is reasonably necessary to execute the warrant.

Powers during inspection

24 (1) During an inspection under section 23, an animal welfare inspector may,

- (a) inspect any animal or thing that the inspector believes on reasonable grounds to be relevant to the inspection;
- (b) open any receptacle, baggage, package, container, cage or other thing where the inspector believes on reasonable grounds that it may contain something relevant to the inspection;
- (c) conduct any test, take any measurement, specimen or sample, set up any equipment and make any photographic or other record that may assist in the inspection;
- (d) require the production of any animal or thing, including any document or data that is relevant to the inspection;
- (e) use or cause to be used any computer or other device that contains or is able to retrieve information, for the purpose of examining information relevant to the inspection that is contained in or available to the computer or other device, and produce or cause to be produced a printout or other output from the computer or other device of information that is relevant to the inspection;
- (f) remove any documents or other things that are relevant to the inspection for the purpose of making copies or of further inspection; and
- (g) ask questions that are relevant to the inspection.

Assistance

(2) An animal welfare inspector may be accompanied or assisted by any person during an inspection under section 23 regardless of whether the entry is made with or without a warrant.

Time of entry

(3) An entry under section 23 shall be made only between the hours of 9 a.m. and 5 p.m. during a business day, or at any other time when the place is open to the public.

Copies

(4) An animal welfare inspector may make copies of any documents produced or removed during the inspection.

Return of things

(5) If an animal welfare inspector removes any document or thing under clause (1) (f), the inspector shall copy the document or thing or further inspect it and return it promptly to the person from whom it was taken, unless it is not reasonable for the person to expect the thing to be returned.

Assisting inspector during inspection

25 A person shall give all reasonable assistance to an animal welfare inspector conducting an inspection under section 23, including by,

- (a) producing any animal or thing required by the inspector in the course of the inspection; and
- (b) providing any information relevant to the inspection in response to the inspector's questions.

Power to make reasonable inquiries

26 (1) An animal welfare inspector may, for any of the purposes described in clauses 23 (1) (a), (b) and (c), demand that the owner or custodian of the animal respond to reasonable inquiries.

Same

(2) For the purposes of subsection (1), an animal welfare inspector may make inquiries by any means of communication.

Orally or in writing

(3) The animal welfare inspector may require the owner or custodian to respond orally or in writing, as the inspector may determine.

Production

(4) In requiring an owner or custodian to respond to an inquiry under subsection (1), an animal welfare inspector may require the production of any thing, including a document, or data related to the inquiry.

Document or data in electronic form

(5) If a document or data is retained in electronic form, an animal welfare inspector may require that a copy of it be provided to him or her on paper or electronically, or both.

Subject of demand

(6) If an animal welfare inspector makes a demand under subsection (1), the owner or custodian who is subject to the demand shall respond to the inspector within the time provided for in the demand.

ENTRY WHERE ANIMAL IS IN DISTRESS**Entry where animal is in distress**

27 (1) An animal welfare inspector may enter and search a place with the consent of the occupier if the inspector believes on reasonable grounds that an animal in distress is to be found there.

Warrant

(2) On application without notice, a justice may issue a warrant authorizing an animal welfare inspector to enter and search a place if the justice is satisfied by information under oath or affirmation that there are reasonable grounds to believe that an animal in distress is to be found there.

Warrant for dwelling

(3) An application under subsection (2) that is made for the purposes of entering and searching a place, or part of a place, that is used as a dwelling must specify that the warrant is to enter and search a dwelling.

Telewarrant

(4) If an animal welfare inspector believes that it would be impracticable to appear personally before a justice to apply for a warrant under subsection (2), he or she may, in accordance with the regulations, seek the warrant by telephone or other means of telecommunication, and the justice may, in accordance with the regulations, issue the warrant by the same means.

Warrant timing and expiry

(5) A warrant issued under this section shall specify the times during which the warrant may be executed and specify a date the warrant expires, which shall be no more than 30 days after the warrant is issued.

Extension

(6) A justice may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days upon application without notice by an animal welfare inspector.

Other conditions

(7) A warrant issued under this section is subject to any other conditions that may be specified in the warrant.

Accredited veterinary facilities

(8) A warrant issued under this section does not authorize an animal welfare inspector to enter and search an accredited veterinary facility.

Police assistance

(9) An animal welfare inspector may call upon police officers for assistance in executing the warrant.

Use of force

(10) An animal welfare inspector, and any police officers called to assist the inspector, may use whatever force is reasonably necessary to execute the warrant.

Assistance

(11) An animal welfare inspector may be accompanied or assisted by any person during a search under this section regardless of whether the search is made with or without a warrant.

Critical distress

28 (1) An animal welfare inspector may enter a place, other than a place, or part of a place, that is being used as a dwelling, without a warrant and search for an animal if the inspector has reasonable grounds to believe that an animal in the place is in critical distress.

Same, dwelling

(2) An animal welfare inspector may enter a place, or a part of a place, that is being used as a dwelling without a warrant and search for an animal if the inspector has reasonable grounds to believe that,

- (a) an animal in the place is in critical distress; and
- (b) the time required to obtain a warrant under section 27 may result in serious injury or death to the animal.

Police assistance

(3) An animal welfare inspector may call upon police officers for assistance in effecting the entry and search.

Use of force

(4) An animal welfare inspector, and any police officers called to assist the inspector, may use whatever force is reasonably necessary to effect the entry and search.

Assistance

(5) An animal welfare inspector may be accompanied or assisted by any person during a search under this section.

Accredited veterinary facilities

(6) This section does not authorize an animal welfare inspector to enter and search an accredited veterinary facility.

POWERS IN RELATION TO ANIMALS IN DISTRESS**Order to owner of animals, etc.**

29 (1) An animal welfare inspector who has reasonable grounds to believe that an animal is in distress and who is able to promptly find the owner or custodian of the animal may order the owner or custodian to take such action as may, in the opinion of the inspector, be necessary to relieve the animal of its distress, which may include, without limiting the generality of the foregoing, having the animal examined and treated by a veterinarian at the expense of the owner or custodian.

Order to be in writing

(2) The order shall be in writing and shall have printed or written thereon the content of subsections 37 (1), (3) and (5).

Time for compliance with order

(3) The order shall specify the time within which any action required by the order shall be performed.

Required compliance with order

(4) Every person who is served with an order under this section shall comply with it in accordance with its terms until such time as it may be modified, confirmed or revoked and shall thereafter comply with the order as modified or confirmed.

Revocation of order

(5) If, in the opinion of an animal welfare inspector, an order made under subsection (1) has been complied with, the inspector shall revoke the order and serve notice of the revocation in writing on the owner or custodian of the animal that is the subject of the order.

Taking possession of animal in distress

30 (1) An animal welfare inspector may remove an animal from the place where it is and take possession of the animal for the purpose of providing it with necessities to relieve its distress if,

- (a) a veterinarian has advised the inspector in writing that alleviating the animal's distress necessitates its removal;
- (b) the inspector has inspected the animal and has reasonable grounds for believing that the animal is in distress and the owner or custodian of the animal is not present and cannot be found promptly; or
- (c) an order respecting the animal has been made under section 29 and the order has not been complied with.

Taking possession, animal trained to or participating in fight

(2) An animal welfare inspector may remove an animal from the place where it is and take possession of the animal if the inspector has reasonable grounds for believing that,

- (a) the animal is being trained to fight another animal; or
- (b) the animal is participating or soon will participate in a meeting, competition, exhibition, pastime, display or event at or in the course of which an animal fights another animal.

Police assistance

(3) An animal welfare inspector may call upon police officers for assistance in removing the animal.

Use of force

(4) An animal welfare inspector, and any police officers called to assist the inspector, may use whatever force is reasonably necessary to remove the animal.

Notice

(5) An animal welfare inspector who has removed an animal under subsection (1) or (2) shall immediately serve written notice of his or her action on the owner or custodian of the animal, if known, and on the Chief Animal Welfare Inspector.

Decision to keep in care

(6) The Chief Animal Welfare Inspector may decide to keep an animal that was removed under subsection (1) or (2) in the Chief Animal Welfare Inspector's care if,

- (a) the Chief Animal Welfare Inspector determines it is necessary to relieve the animal's distress; or
- (b) the Chief Animal Welfare Inspector has reasonable grounds to believe that,
 - (i) the animal may be placed in distress if returned to its owner or custodian, or
 - (ii) the animal may be trained to fight another animal if returned to its owner or custodian.

Notice

(7) The Chief Animal Welfare Inspector shall immediately serve written notice of his or her decision to keep an animal in the Chief Animal Welfare Inspector's care in accordance with subsection (6) on the owner or custodian of the animal, if known.

Provisions to be printed on notice

(8) A notice to an owner or custodian of an animal required by this section shall have printed or written on it the content of subsections 37 (1), (4) and (5).

Euthanization of animal

31 (1) An animal welfare inspector may cause an animal to be euthanized,

- (a) with the consent of the owner; or
- (b) if a veterinarian has advised the inspector in writing that, in his or her opinion, it is the most humane course of action.

Notice

(2) An animal welfare inspector who has caused an animal to be euthanized under subsection (1) shall immediately serve written notice of his or her action on the owner or custodian of the animal, if known.

Supply necessities to animals

32 An animal welfare inspector who is lawfully in any place and who finds an animal in distress may, in addition to any other action he or she is authorized to take under this Act, supply the animal with necessities to relieve its distress.

CRITICAL DISTRESS IN MOTOR VEHICLE**Critical distress in motor vehicle**

33 (1) A prescribed person who has reasonable grounds to believe that there is an animal in critical distress in a motor vehicle may enter the motor vehicle for the purpose of relieving the animal from distress.

Dwelling

(2) Subsection (1) does not authorize a prescribed person to enter a motor vehicle that is being used as a dwelling unless the occupier of the dwelling consents to the entry.

May cause damage

(3) The prescribed person may cause damage to the motor vehicle that is reasonably necessary in order to enter it and relieve the animal from distress.

Power to take possession, relieve distress

(4) The prescribed person may take possession of the animal and take reasonable steps to relieve its distress.

Notification to animal welfare inspector

(5) A prescribed person who takes possession of an animal under subsection (4) shall promptly notify an animal welfare inspector if the owner or custodian of the animal is not present and cannot be found promptly.

Inspector to take possession

(6) The animal welfare inspector who is notified under subsection (5) shall inspect the animal and determine whether to take possession of it pursuant to section 30.

No obstruction

(7) No person shall obstruct a prescribed person exercising a power under this section to enter a motor vehicle for the purpose of taking an animal into his or her possession and relieving its distress.

Costs

(8) The owner or custodian of the animal is responsible for any costs incurred by the prescribed person in taking steps to relieve the animal's distress, and the amount may be recovered as a debt due and owing to the prescribed person.

MISCELLANEOUS**Liability of owner or custodian for expenses**

34 (1) If an animal welfare inspector has provided an animal with necessities to relieve its distress or the Chief Animal Welfare Inspector has taken an animal into the Chief Animal Welfare Inspector's care, the Chief Animal Welfare Inspector may, from time to time, serve on the owner or custodian of the animal a statement of account respecting the cost of the necessities.

Statement of account

(2) The statement of account must have printed or written on it the content of subsections 37 (2) and (5).

Obligation to pay

(3) An owner or custodian who receives a statement of account under subsection (1) is, subject to an order made under subsection 37 (9), liable for the amount specified in the statement.

Forfeiture on failure to pay account

(4) The animal is forfeited to the Crown if,

- (a) the owner or custodian does not appeal the statement of account in accordance with subsection 37 (2) and fails to pay the stated amount within a prescribed period of time after receiving the statement of account; or
- (b) the owner or custodian appealed the statement of account in accordance with subsection 37 (2) but failed to pay the confirmed or varied amount within a prescribed period of time after the Board provided notice of its decision.

Abandoned animal

35 If the Chief Animal Welfare Inspector takes an animal into the Chief Animal Welfare Inspector's care under this Act and no person is identified as the animal's owner or custodian within a prescribed period of time, the animal is forfeited to the Crown.

PART VI ANIMAL CARE REVIEW BOARD

Animal Care Review Board

Board continued

36 (1) The Animal Care Review Board is continued under the name Animal Care Review Board in English and Commission d'étude des soins aux animaux in French.

Same

(2) The Board shall consist of not fewer than three persons who shall be appointed by the Lieutenant Governor in Council.

Chair, vice-chair

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chair and another of the members as vice-chair.

Composition of Board for hearings

(4) A proceeding before the Board shall be heard and determined by a panel consisting of one or more members of the Board, as assigned by the chair or vice-chair of the Board.

Remuneration of members

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Employees

(6) Such employees as are considered necessary for the proper conduct of the Board may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

Appeal to Board

37 (1) An owner or custodian of an animal may appeal the following to the Board within five business days after receiving notice of them:

1. An order from an animal welfare inspector.
2. A decision by an animal welfare inspector to remove an animal from a place.
3. A decision to take an animal into the Chief Animal Welfare Inspector's care.

Appeal re statement of account

(2) An owner or custodian of an animal who is served with a statement of account may apply to the Board by notice in writing to appeal the statement of account within the prescribed period after being served the statement.

Application for revocation of order

(3) An owner or custodian of an animal who receives an order from an animal welfare inspector may apply to the Board by notice in writing to have the order revoked if the animal has ceased to be in distress.

Application for revocation of determination

(4) An owner or custodian of an animal that has been taken into the Chief Animal Welfare Inspector's care may apply to the Board by notice in writing to have the animal returned if the conditions that caused the animal to be kept in the Chief Animal Welfare Inspector's care have ceased to exist.

Notice requirements

(5) A notice to the Board must set out the remedy or action sought and the reasons for the appeal or application.

Notice of hearing

(6) Within five business days after receiving a notice under subsection (1), (2), (3) or (4), the Board shall,

- (a) fix a time, date and place at which the Board will hear the matter; and
- (b) notify the Chief Animal Welfare Inspector and the owner or custodian who issued the notice of the time, date and place fixed under clause (a).

Date of hearing

(7) The hearing shall be dealt with on an expedited basis and the date fixed for a hearing shall be not more than ten business days after the receipt of a notice under subsection (1), (2), (3) or (4).

Procedure at hearing

(8) Subject to the rules of the Board, at a hearing, the Chief Animal Welfare Inspector and the owner or custodian are entitled to hear the evidence, cross-examine, call witnesses, present arguments and be represented by persons authorized under the *Law Society Act* to represent them.

Powers of Board

(9) After a hearing, the Board may do one or more of the following:

1. Confirm, revoke or modify an order made under section 29.
2. Order that an animal removed under subsection 30 (1) or (2), or that was taken into the Chief Animal Welfare Inspector's care under subsection 30 (6) or 43 (8), be returned to the owner or custodian.
3. Confirm, revoke or vary a statement of account served under subsection 34 (1).
4. Order that the whole or any part of the cost to the owner or custodian of an animal of complying with an order made under section 29 be paid by the Minister to the owner or custodian.
5. Order that the whole or any part of the cost to the Chief Animal Welfare Inspector of providing necessities to an animal pursuant to its removal under subsection 30 (1) or (2) or the determination to keep an animal in the Chief Animal Welfare Inspector's care under subsection 30 (6) or 43 (8) be paid by the owner or custodian of the animal to the Minister of Finance.

Same

(10) The Board may make an order under paragraph 2 of subsection (9) subject to compliance with a further order issued by the Board in the same terms as an order under section 29, which shall be deemed to have been made under section 29 for the purposes of this Act.

Consent to use powers without hearing

(11) The Board may use a power listed in subsection (9) and, if applicable, subsection (10) without a hearing if the Chief Animal Welfare Inspector and the person who issued the notice under subsection (1), (2), (3) or (4) consent to it.

Notice of decision

(12) The Board shall promptly serve notice of its decision together with written reasons on the Chief Animal Welfare Inspector and the owner or custodian of the animal.

Order not stayed

(13) An appeal to the Board in respect of an order made under section 29 does not stay the operation of the order.

Board rules

38 (1) The Board may make rules governing the practice and procedure before it.

Same

(2) Without limiting the generality of subsection (1), the Board rules may,

- (a) provide for and require the use of hearings or of practices and procedures that are provided for under the *Statutory Powers Procedure Act* or that are alternatives to traditional adjudicative or adversarial procedures;
- (b) authorize the Board to,
 - (i) define or narrow the issues required to dispose of an application and limit the evidence and submissions of the parties on such issues, and
 - (ii) determine the order in which the issues and evidence in a proceeding will be presented;
- (c) authorize the Board to conduct examinations in chief or cross-examinations of a witness;
- (d) prescribe the stages of its processes at which preliminary, procedural or interlocutory matters will be determined;
- (e) authorize the Board to make or cause to be made such examinations of records and such other inquiries as it considers necessary in the circumstances;
- (f) authorize the Board to require a party to a proceeding or another person to,
 - (i) produce any document, information or thing and provide such assistance as is reasonably necessary, including using any data storage, processing or retrieval device or system, to produce the information in any form,

- (ii) provide a statement or oral or affidavit evidence, or
- (iii) in the case of a party to the proceeding, adduce evidence or produce witnesses who are reasonably within the party's control; and
- (g) govern any other prescribed matter.

General or particular

- (3) The rules may be of general or particular application.

Consistency

- (4) The rules shall be consistent with this Part.

Not a regulation

- (5) The rules made under this section are not regulations for the purposes of Part III of the *Legislation Act, 2006*.

Failure to comply with rules

- (6) Failure on the part of the Board to comply with the practices and procedures required by the rules or the exercise of a discretion under the rules by the Board in a particular manner is not a ground for setting aside a decision of the Board on an application for judicial review or any other form of relief, unless the failure or the exercise of a discretion caused a substantial wrong which affected the final disposition of the matter.

Statutory Powers Procedure Act

- 39** (1) The provisions of the *Statutory Powers Procedure Act* apply to a proceeding before the Board unless they conflict with a provision of this Act, the regulations or the Board rules.

Conflict

- (2) Despite section 32 of the *Statutory Powers Procedure Act*, the Board rules prevail over the content of that Act with which they conflict.

PART VII ENFORCEMENT

Search warrants re offences

- 40** (1) An animal welfare inspector may obtain a search warrant under Part VIII of the *Provincial Offences Act*.

Warrantless searches re offences

- (2) If an animal welfare inspector has reasonable grounds to believe that there is in any place any thing that will afford evidence of an offence under this Act but that the time required to obtain a warrant would lead to the loss, removal or destruction of the evidence, the animal welfare inspector may, without a warrant, enter and search the place.

Dwellings

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

Computers, etc.

- (4) An animal welfare inspector who is conducting a search that is authorized by a warrant or by subsection (2) may,
- (a) use or cause to be used any computer system or other device that contains or is able to retrieve information for the purpose of examining information contained in or available to the computer system or other device; and
 - (b) produce or cause to be produced a printout or other output from the computer system or other device.

Warrant to conduct tests

- 41** (1) On application without notice, a justice may issue a warrant authorizing an animal welfare inspector to use any investigative technique or procedure or to do any thing described in the warrant if the justice is satisfied by information under oath or affirmation that there are reasonable grounds to believe that an offence under this Act has been or is being committed and that evidence concerning the offence will be obtained through the use of the technique or procedure or the doing of the thing.

Assistance

- (2) The warrant may authorize any person specified in the warrant to accompany and assist the animal welfare inspector in the execution of the warrant.

Terms and conditions of warrant

- (3) The warrant shall authorize the animal welfare inspector to enter and search the place for which the warrant was issued and, without limiting the powers of the justice under subsection (1), the warrant may, in respect of the alleged offence, authorize

the inspector to conduct any tests, take any measurements, take any specimens or samples, set up any equipment, make any excavations and make any photographic or other records that may be relevant to the search.

Duration

(4) The warrant is valid for 30 days or for such shorter period as may be specified in it.

Further warrants

(5) A justice may issue further warrants under subsection (1).

Production orders

42 (1) On application without notice and subject to subsection (3), a justice may issue an order to a person, other than a person under investigation for an offence, requiring the person to,

- (a) produce documents or copies of documents, certified to be true copies, or produce data; or
- (b) prepare a document based on documents or data already in existence and produce it.

Content of order

(2) An order under subsection (1) shall require the document or data to be produced within the time, at the place and in the form specified in the order and require that it be given to an animal welfare inspector named in the order.

Grounds for order

(3) A justice may make an order under subsection (1) if he or she is satisfied by information given under oath or affirmation that there are reasonable grounds to believe that,

- (a) an offence under this Act has been or is being committed;
- (b) the document or data will provide evidence respecting the offence or suspected offence; and
- (c) the person who is subject to the order has possession or control of the document or data.

Conditions

(4) An order under subsection (1) may contain such conditions as the justice considers advisable.

Evidence

(5) A copy of a document produced under this section, that is certified to be a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original document would have if it had been proved in the ordinary way.

No return of copies

(6) Copies of documents produced under this section are not required to be returned to the person who provided them.

Seizure

43 (1) An animal welfare inspector who is lawfully in any place may, without a warrant, seize any animal or thing that he or she has reasonable grounds to believe,

- (a) has been obtained by the commission of an offence under this Act;
- (b) has been used in the commission of an offence under this Act;
- (c) will afford evidence of the commission of an offence under this Act; or
- (d) is intermixed with a thing referred to in clause (a), (b) or (c).

Presence pursuant to warrant

(2) If the animal welfare inspector is in the place pursuant to a warrant, subsection (1) applies to any animal or thing, whether or not it is specified in the warrant.

Safekeeping

(3) An animal welfare inspector shall deliver any animal or thing that he or she seizes to a person authorized by the Chief Animal Welfare Inspector for safekeeping.

Leaving with occupant

(4) Despite subsection (3), an animal welfare inspector may leave an animal or thing that he or she seizes in the custody of the occupant of the place in which it was seized.

Occupant to safeguard

(5) If any animal or thing is left in the custody of an occupant under subsection (4), the occupant shall safeguard the animal or thing until,

- (a) an animal welfare inspector removes it;
- (b) the occupant is notified by an animal welfare inspector that the investigation has concluded and that a charge will not be laid; or
- (c) if a charge is laid, the defendant is acquitted or the charge is dismissed, withdrawn or is finally disposed of.

Procedure if animal or thing seized

(6) An animal welfare inspector who has seized an animal or thing under this section shall comply with the requirements of section 158.2 of the *Provincial Offences Act*.

Return of seized animal or thing

(7) Any animal or thing seized and not forfeited under this section shall be returned to the person from whom it was seized if,

- (a) a charge is not laid at the conclusion of the investigation; or
- (b) a charge is laid but, when the charge is finally disposed of, the defendant is acquitted or the charge is dismissed or withdrawn.

Exception

(8) Despite subsection (7), if the Chief Animal Welfare Inspector has reasonable grounds to believe that the animal may be placed in distress or trained to fight another animal if returned to its owner or custodian,

- (a) the Chief Animal Welfare Inspector may decide to take the animal into the Chief Animal Welfare Inspector's care; and
- (b) the notice provisions in subsections 30 (7) and (8) apply, with necessary modifications.

Conflict with order

(9) The Chief Animal Welfare Inspector's ability to take an animal into the Chief Animal Welfare Inspector's care in subsection (8) prevails over any order to return the animal made under section 159 of the *Provincial Offences Act*.

Forfeiture of things

(10) A thing seized under this Part is forfeited to the Crown in right of Ontario if the identity of the person from whom the thing was seized has not been ascertained within the prescribed period of time after the seizure.

Forfeiture of animals

(11) An animal seized under this Part is forfeited to the Crown in right of Ontario if the identity of the owner or custodian of the animal has not been ascertained within the prescribed period of time after the seizure.

Forfeiture of dead animals, etc.

(12) Despite any order under Part VIII of the *Provincial Offences Act*, any dead animal, plant or other organism that is seized is forfeited to the Crown in right of Ontario if, in the opinion of the person who has custody of it, it is likely to spoil.

Forfeiture on conviction

Animal fighting

44 (1) If a person is convicted of an offence for contravening section 16, any animal seized in connection with the offence is forfeited to the Crown in right of Ontario.

Possession or ownership

(2) If a person is convicted of an offence for contravening subsection 16 (3) or (4), section 18 or section 20 as a result of their possession or ownership of an animal or thing, the animal or thing is forfeited to the Crown in right of Ontario.

Application

(3) Subsections (1) and (2) apply in addition to any other penalty.

Application by person with interest

(4) If an animal is forfeited to the Crown in right of Ontario pursuant to subsection (1), a person who claims an interest in the animal, and who is not the person who was convicted, may apply to a justice for an order directing that the animal be released to the person claiming the interest.

Same

(5) An application under subsection (4) must be made within the prescribed period of time after the animal is forfeited and must be made on notice to the Chief Animal Welfare Inspector and any other prescribed person.

Conditions

(6) An order made under subsection (4) is subject to such conditions as may be imposed by the justice.

Forfeiture by motion in proceeding where possession or ownership is an offence

45 (1) On motion in a proceeding under the *Provincial Offences Act*, or on application in accordance with the rules of court applicable to applications under that Act, a justice shall determine whether possession or ownership of an animal or thing seized is an offence by virtue of contravening subsection 16 (3) or (4), section 18 or section 20 and, if it is, the justice shall order that the animal or thing be forfeited to the Crown in right of Ontario.

Application of subs. (1)

(2) Subsection (1) applies whether or not a charge is laid in respect of the animal or thing seized and, if a charge is laid, subsection (1) applies even if the defendant is acquitted or the charge is dismissed or withdrawn.

Required self-identification

46 (1) An animal welfare inspector who has reasonable grounds to believe that a person is contravening, has contravened or is about to contravene subsection 15 (1) or (2) or section 16, 17 or 18 may require the person to provide his or her name and address.

Failure or suspected failure to self-identify

(2) If the person refuses to give his or her name or address, or if the animal welfare inspector has reasonable grounds to believe that the name or address given is false, the animal welfare inspector may call upon a police officer who may arrest the person without warrant.

Same

(3) If the person attempts to leave before a police officer can arrest the person under subsection (2), the animal welfare inspector may arrest the person without warrant and shall promptly call for the assistance of a police officer and give the arrested person into the custody of the police officer.

Deemed arrest

(4) A police officer to whom the custody of a person is given under subsection (3) shall be deemed to have arrested the person for the purposes of the content of the *Provincial Offences Act* applying to his or her release or continued detention and bail.

Reasonable grounds to believe name or address is false

(5) For greater certainty, the failure on the part of an individual who is requested to provide their name or address to also produce an identification card or similar document, shall not, by itself, constitute reasonable grounds to believe that the name or address given is false.

Police assistance and use of force

47 (1) An animal welfare inspector may call upon police officers for assistance in exercising any of the powers referred to in this Part.

Same

(2) An animal welfare inspector, and any police officers called to assist the inspector, may use whatever force is reasonably necessary to exercise any of the powers referred to in this Part.

PART VIII OFFENCES AND PENALTIES

OFFENCES

Offences

Minor offences

48 (1) Every person is guilty of an offence who,

- (a) contravenes,
 - (i) section 13 (Standards of care and administrative requirements for animals),
 - (ii) subsection 15 (3) (Exposure to undue risk of distress),
 - (iii) section 20 (Restricted animal possession or breeding),
 - (iv) section 21 (Prescribed activities),
 - (v) section 22 (Prescribed procedures),
 - (vi) section 25 (Assisting inspector during inspection),

- (vii) subsection 26 (6) (Subject of demand),
- (viii) subsection 29 (4) (Required compliance with order), or
- (ix) subsection 33 (7) (No obstruction);
- (b) contravenes or fails to comply with an order of the Board; or
- (c) knowingly makes a false report to the Chief Animal Welfare Inspector or to another animal welfare inspector.

Major offences

- (2) Every person is guilty of an offence who contravenes,
 - (a) subsection 15 (1) (Causing distress);
 - (b) subsection 15 (2) (Permitting distress);
 - (c) section 16 (Animal fighting prohibitions);
 - (d) section 17 (Harming law enforcement or service animal);
 - (e) section 18 (Prohibited animal possession or breeding); or
 - (f) section 19 (Prohibition on orca possession and breeding).

Penalty — individual, minor offences

- (3) On conviction under subsection (1), an individual is liable,
 - (a) in the case of a first offence, to a fine of not more than \$75,000, to imprisonment for a term of not more than six months, or to both; or
 - (b) in the case of a second or subsequent offence, to a fine of not more than \$100,000, to imprisonment for a term of not more than one year, or to both.

Penalty — individual, major offences

- (4) On conviction under subsection (2), an individual is liable,
 - (a) in the case of a first offence, to a fine of not more than \$130,000, to imprisonment for a term of not more than two years, or to both; or
 - (b) in the case of a second or subsequent offence, to a fine of not more than \$260,000, to imprisonment for a term of not more than two years, or to both.

Penalty — corporation, minor offences

- (5) On conviction under subsection (1), a corporation is liable,
 - (a) in the case of a first offence, to a fine of not more than \$100,000; or
 - (b) in the case of a second or subsequent offence, to a fine of not more than \$250,000.

Penalty — corporation, major offences

- (6) On conviction under subsection (2), a corporation is liable,
 - (a) in the case of a first offence, to a fine of not more than \$500,000; or
 - (b) in the case of a second or subsequent offence, to a fine of not more than \$1,000,000.

Minimum penalty for certain offences

- (7) The following offences have a minimum penalty of \$25,000:
 1. Causing an animal to be in distress in contravention of subsection 15 (1), if the conduct that caused distress resulted in either of the following:
 - i. The death of the animal.
 - ii. The euthanization of the animal after a veterinarian determines it is the most humane course of action.
 2. Permitting an animal to be in distress in contravention of subsection 15 (2), if the conduct or omission resulted in either of the following:
 - i. The death of the animal.
 - ii. The euthanization of the animal after a veterinarian determines it is the most humane course of action.
 3. Contravening subsection 16 (1) or (2) (Animal fighting prohibitions).

4. Contravening section 17 (Harming law enforcement or service animal).

Penalty — directors, officers

(8) Every director or officer of a corporation who authorized, permitted or participated in the corporation's commission of an offence under this Act is also guilty of the offence and on conviction is liable to the same penalty to which an individual is liable for the offence, whether or not the corporation has been prosecuted or convicted.

Prohibition order

(9) If a person is convicted of an offence listed in subclause (1) (a) (i), (ii), (iii), (iv), (v) or (viii) or subsection (2), the court making the conviction may, in addition to any other penalty, make an order prohibiting the convicted person and, if the convicted person is a corporation, the directors and officers of the corporation described in subsection (8), from owning, having custody or care of, or living with any animal, or any kind of animal specified in the order, for any period of time specified in the order, including, in the case of an individual, for the remainder of the person's life and, in the case of a corporation, forever.

Restitution order

(10) If a person is convicted of an offence listed in subclause (1) (a) (i), (ii), (iii), (iv), (v) or (viii) or subsection (2), the court making the conviction may, in addition to any other penalty, make an order that the convicted person pay the whole or any part of the cost of providing food, care or treatment to an animal that was the victim of the offence of which the convicted person was convicted.

Other orders

(11) If a person is convicted of an offence listed in subclause (1) (a) (i), (ii), (iii), (iv), (v) or (viii) or subsection (2), the court making the conviction may, in addition to any other penalty, make any other order that the court considers appropriate, including an order that the convicted person undergo counselling or training.

ADMINISTRATIVE PENALTIES

Administrative penalties

Notice of contravention

49 (1) If the Chief Animal Welfare Inspector believes that a person has contravened a condition of an authorization issued under section 20 (Restricted animal possession or breeding) or 21 (Prescribed activities) or has contravened a provision prescribed by the Lieutenant Governor in Council, the Chief Animal Welfare Inspector may issue a notice of contravention to the person setting out his or her belief and requiring the person to pay the administrative penalty prescribed for the contravention in question.

Purposes of administrative penalty

(2) The following are the purposes for which a person may be required to pay an administrative penalty under this section:

1. To encourage compliance with this Act and the regulations.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of a contravention of this Act or the regulations.

Amount of administrative penalty

(3) The amount of an administrative penalty prescribed for a contravention shall reflect the purposes referred to in subsection (2).

One-year limitation

(4) A notice of contravention shall not be issued under this section more than one year after the contravention first came to the knowledge of an animal welfare inspector.

Content of notice of contravention

(5) The notice of contravention shall,

- (a) contain or be accompanied by information setting out the nature of the contravention;
- (b) set out the amount of the penalty to be paid and specify the time and manner of the payment; and
- (c) inform the person of his or her right to apply for a review of the notice by an entity prescribed by the Lieutenant Governor in Council.

Right to review

(6) A person who receives a notice of contravention may require an entity prescribed by the Lieutenant Governor in Council to review the notice of contravention by applying to the prescribed entity for a review in a form approved by the Chief Animal Welfare Inspector,

- (a) within 15 days after receipt of the notice of contravention; or

- (b) if the prescribed entity considers it appropriate in the circumstances to extend the time for applying, within the period specified by the prescribed entity.

If no review requested

(7) If a person who has received a notice of contravention does not apply for a review under subsection (6), the person shall pay the penalty within 30 days after the day the notice of contravention was served.

If review requested

(8) If a person who has received a notice of contravention applies for a review under subsection (6), the prescribed entity shall conduct the review in accordance with the regulations made by the Lieutenant Governor in Council.

Review decision

(9) Upon a review, the prescribed entity may,

- (a) find that the person did not contravene the provision of this Act or of the regulations specified in the notice of contravention and rescind the notice;
- (b) find that the person did contravene the provision of this Act or of the regulations specified in the notice of contravention and affirm the notice; or
- (c) find that the person did contravene the provision but that the prescribed penalty is excessive in the circumstances and amend the notice by reducing the amount of the penalty.

Decision final

(10) A decision by the prescribed entity is final.

Payment after review

(11) If the prescribed entity finds that a person has contravened the provision of this Act or of the regulations specified in the notice of contravention, the person shall pay the penalty required by the prescribed entity within 30 days after the day of the entity's decision.

Payment to Minister of Finance

(12) A person who is required to pay a penalty under this section shall pay the penalty to the Minister of Finance.

Enforcement of administrative penalty

50 (1) If a person who is required to pay an administrative penalty under section 49 fails to pay the penalty within the time required under subsection 49 (7) or (11), the notice of contravention or the prescribed entity's decision, as the case may be, may be filed with a local registrar of the Superior Court of Justice and may be enforced as if it were an order of the court.

Same

(2) Section 129 of the *Courts of Justice Act* applies in respect of a notice of contravention or decision filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date on which the notice of contravention or decision is filed under subsection (1) shall be deemed to be the date of the order that is referred to in section 129 of the *Courts of Justice Act*.

Crown debt

51 An administrative penalty imposed under section 49 that is not paid within the time required under that section is a debt due to the Crown in right of Ontario and enforceable as such.

Chief Animal Welfare Inspector may authorize collector

52 (1) The Chief Animal Welfare Inspector may authorize any person to act as a collector for the purposes of this section and sections 53 and 54 and to exercise the powers that the Chief Animal Welfare Inspector specifies in the authorization to collect administrative penalties owing under this Act.

Costs of collection

(2) Despite clause 22 (a) of the *Collection and Debt Settlement Services Act*, the Chief Animal Welfare Inspector may also authorize a collector to collect a reasonable fee or reasonable disbursements, or both, from each person from whom the collector seeks to collect administrative penalties owing under this Act.

Same

(3) The Chief Animal Welfare Inspector may impose conditions on an authorization under subsection (2) and may determine what constitutes a reasonable fee or reasonable disbursements for the purposes of that subsection.

Exception re disbursements

(4) The Chief Animal Welfare Inspector shall not authorize a collector who is required to be registered under the *Collection and Debt Settlement Services Act* to collect disbursements.

Collector's powers

53 (1) A collector may exercise any of the powers specified in an authorization of the Chief Animal Welfare Inspector under section 52.

Fees and disbursements part of order

(2) If a collector is seeking to collect an administrative penalty owing under a notice of contravention, any fees and disbursements authorized under subsection 52 (2) shall be deemed to be owing under, and shall be deemed to be added to, the amount of the penalty set out in the notice of contravention.

Distribution of money collected

(3) A collector shall pay the amount collected under this section with respect to the penalty to the Minister of Finance and may retain the amount collected with respect to the collector's fees and disbursements.

Settlement by collector

54 (1) A collector may agree to a settlement with the person from whom he or she seeks to collect money, but only with the written agreement of the Chief Animal Welfare Inspector.

Payment

(2) The person who owes money under a settlement shall pay the amount agreed upon to the collector, who shall pay it out in accordance with subsection 53 (3).

Other means not a bar

55 The Chief Animal Welfare Inspector may issue a notice of contravention to a person under subsection 49 (1) even though,

- (a) an order has been made or may be made against the person under section 29; or
- (b) the person has been or may be prosecuted for or convicted of an offence with respect to the same contravention.

ORDERS TO REMOVE ORCAS

Order to remove orca

56 (1) If a person is convicted of possessing an orca in Ontario in contravention of section 19, the court shall order the person to remove the orca from Ontario within a period of time specified by the court.

Prohibition does not apply

(2) The prohibition against possessing an orca in section 19 does not apply in respect of an orca that is the subject of an order under subsection (1) until the period of time specified by the court has elapsed.

Offence, failure to remove orca

(3) A person who fails to comply with an order described in subsection (1) is guilty of an offence.

Penalty — individuals

(4) An individual who commits an offence under subsection (3) is liable on conviction to a fine of not more than \$260,000 or to imprisonment for a term of not more than two years, or to both.

Penalty — corporations

(5) A corporation that commits an offence under subsection (3) is liable on conviction to a fine of not more than \$1,000,000.

Penalty — directors, officers

(6) A director or officer of a corporation who authorized, permitted or participated in the corporation's commission of an offence under subsection (3) is also guilty of the offence and on conviction is liable to the same penalty to which an individual is liable for the offence, whether or not the corporation has been prosecuted or convicted.

Order to allow Chief Animal Welfare Inspector to cause orca to be removed

57 (1) If a person has been convicted of an offence for contravening subsection 56 (3), and if the person continues to possess the orca in Ontario, the Chief Animal Welfare Inspector may apply to a judge of the Ontario Court of Justice for any order necessary to allow the Chief Animal Welfare Inspector to cause the orca to be removed from Ontario.

Costs

(2) If an order is made under subsection (1), the person referred to in that subsection shall pay the Minister of Finance any costs that the Chief Animal Welfare Inspector incurred in bringing the application and any costs the Chief Animal Welfare Inspector incurs in causing the orca to be removed from Ontario.

PART IX GENERAL

POWERS OF POLICE, VETERINARIANS, ETC.

Police and First Nations Constable powers

58 (1) Subject to the regulations, a police officer or First Nations Constable may exercise the powers of an animal welfare inspector under sections 27, 28, 30, 31, 32, 40, 41, 42, 43, 46 and 47.

Exercise of powers to be reported

(2) A chief of police, or person who is in charge of a group of First Nations Constables, shall report as prescribed to the Chief Animal Welfare Inspector regarding the exercise of powers described in subsection (1) by police officers or First Nations Constables who are under that person's direction.

Prompt notice to animal welfare inspector

(3) A police officer or First Nations Constable who exercises the power in section 30 to take possession of an animal shall promptly notify an animal welfare inspector.

Inspector to take possession

(4) The animal welfare inspector who is notified under subsection (3) shall inspect the animal and determine whether to take possession of it pursuant to section 30.

Veterinarian may euthanize animal

59 A veterinarian may euthanize an animal if,

- (a) the animal is injured, sick, in pain or suffering;
- (b) the animal's owner or custodian is not present and cannot be found promptly, or the veterinarian believes that the owner or custodian has abandoned the animal; and
- (c) in the veterinarian's opinion, euthanization is the most humane course of action.

Shelter deemed to be owner

60 A prescribed entity operating an animal shelter that takes custody of an animal is deemed to be the owner of the animal for all purposes if,

- (a) no person is identified as the animal's owner or custodian within a prescribed period of time; or
- (b) the owner or custodian of the animal has not claimed the animal within a prescribed period of time.

FORFEITURE

Authority to deal with animal as if owner

61 (1) If an animal, other than a prohibited animal, is forfeited to the Crown in right of Ontario under this Act, the Chief Animal Welfare Inspector shall take the animal into the Chief Animal Welfare Inspector's care and shall have the authority to deal with the animal as if the Chief Animal Welfare Inspector were the owner.

Prohibited animal

(2) The Chief Animal Welfare Inspector shall deal with a prohibited animal forfeited to the Crown in right of Ontario under this Act in accordance with the regulations.

***Escheats Act, 2015* does not apply**

62 The *Escheats Act, 2015* does not apply to property that is forfeited to the Crown in right of Ontario under this Act.

EXEMPTION AND IMMUNITY

Exemption for seizure in accordance with Act for officers, etc.

63 A police officer, First Nations Constable, animal welfare inspector, or a person who is acting on behalf of the Chief Animal Welfare Inspector, is exempt from the following offences if the animals, equipment or structures have been seized under this Act:

1. Contravening subsection 16 (3) (Animal fighting equipment) or 16 (4) (Animal fighting structure).
2. Possessing a prohibited animal in contravention of section 18.
3. Possessing a restricted animal without authorization in contravention of section 20.
4. Possessing an orca in contravention of section 19 for the purpose of causing it to be removed from Ontario in accordance with an order made under subsection 57 (1).

Immunity

64 (1) No animal welfare inspector, veterinarian, member of the Board or person acting in accordance with section 33 is personally liable for any act done in good faith in the execution or intended execution of the person's powers or duties under this Act or for any neglect or default in the execution, in good faith, of the person's powers or duties under this Act.

Crown liability

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of any liability to which it would otherwise be subject.

CONFLICT

Conflict with municipal by-laws

65 In the event of a conflict between a provision of this Act or of a regulation made under this Act and of a municipal by-law pertaining to the welfare of or the prevention of cruelty to animals, the provision that affords the greater protection to animals shall prevail.

SERVICE

Service of orders, notices, etc.

66 Any order, notice or statement of account required or authorized to be served under this Act shall be served personally or by registered mail, courier, fax, electronic mail or other prescribed method in accordance with the regulations.

PART X REGULATIONS

Regulations — Lieutenant Governor in Council

67 (1) The Lieutenant Governor in Council may make regulations,

- (a) respecting anything that, in this Act, may or must be prescribed by the Lieutenant Governor in Council or done by regulation made by the Lieutenant Governor in Council;
- (b) prescribing additional duties for the Chief Animal Welfare Inspector;
- (c) prescribing the nature of the information that may be disclosed under subsection 2 (7) by the Chief Animal Welfare Inspector or a designate, to whom it may be disclosed and the circumstances in which it may be disclosed;
- (d) prescribing standards of care for the purposes of this Act, including prescribing different standards in respect of different classes of animals, circumstances, conditions or activities;
- (e) prescribing administrative requirements for the purposes of this Act, including, but not limited to,
 - (i) prescribing different administrative requirements in respect of different classes of animals, circumstances, conditions or activities,
 - (ii) requiring the establishment of a committee to oversee an animal's welfare and prescribing the functions, duties, governance and operation of such a committee,
 - (iii) requiring a committee referred to in subclause (ii) to develop and implement a plan to promote an animal's care,
 - (iv) requiring the development and implementation of a program designed by a veterinarian to provide care for an animal,
 - (v) requiring specified records to be kept or disclosed;
- (f) exempting persons who meet the requirements set out in subsection 18 (2) from the prohibition against possessing or breeding a prohibited animal, and specifying conditions or restrictions for any such exemption;
- (g) establishing and governing a regime to authorize persons to possess or breed a restricted animal in Ontario, which may include,
 - (i) the issuance of licences, or some other form of authorization, which may be subject to conditions,
 - (ii) authorizing a person to establish, impose, amend or revoke conditions on the licences or authorizations,
 - (iii) a procedure for the renewal or expiry of a licence or authorization,
 - (iv) prescribing and requiring the payment of fees for the issuance or renewal of a licence or authorization,
 - (v) a procedure for licences or authorizations to be revoked or to be subjected to additional conditions,
 - (vi) exempting persons from the requirement to be authorized to possess or breed a restricted animal, and specifying conditions or restrictions for any such exemption;

- (h) establishing and governing a regime to authorize persons to engage in activities prescribed by the Lieutenant Governor in Council with respect to animals, which may include,
 - (i) the issuance of licences or some other form of authorization, which may be subject to conditions,
 - (ii) authorizing a person to establish, impose, amend or revoke conditions on the licences or authorizations,
 - (iii) a procedure for the renewal or expiry of a licence or authorization,
 - (iv) prescribing and requiring the payment of fees for the issuance or renewal of a licence or authorization,
 - (v) a procedure for licences or authorizations to be revoked or to be subjected to additional conditions,
 - (vi) exempting persons from the requirement to be authorized to engage in an activity prescribed by the Lieutenant Governor in Council with respect to animals, and specifying conditions or restrictions for any such exemption;
- (i) prescribing procedures that persons shall not cause an animal to undergo, which may include exempting persons from the prohibition on the procedure and specifying conditions or restrictions for any such exemption;
- (j) governing administrative penalties for the purposes of this Act and all matters necessary and incidental to the administration of a system of administrative penalties under this Act, including, but not limited to,
 - (i) providing that the amount of a penalty for a contravention is increased by a specified amount for each subsequent contravention that occurs within a specified period,
 - (ii) providing for penalties in the form of lump sum amounts and of daily amounts, prescribe the circumstances in which either or both types of amounts may be required and, in the case of a daily amount, prescribe the maximum number of days for which a daily amount may be imposed,
 - (iii) providing for the time and manner of payment;
- (k) clarifying or defining “most humane course of action” for the purposes of this Act;
- (l) governing reviews of notices of contraventions under section 49, including prescribing an entity to conduct the reviews;
- (m) governing transitional matters that may arise due to the enactment of this Act;
- (n) respecting any matter that is necessary or advisable to implement this Act effectively.

Regulations — Minister

- (2) The Minister may make regulations,
 - (a) respecting anything that, in this Act, may or must be prescribed or done by regulation, other than by the Lieutenant Governor in Council;
 - (b) governing the training of animal welfare inspectors;
 - (c) governing the qualifications of animal welfare inspectors;
 - (d) governing the equipment that animal welfare inspectors are permitted or required to use;
 - (e) governing the records that animal welfare inspectors are required to keep and reports they are required to make;
 - (f) governing the use of data standards, electronic systems and processes, information technology and communication technology by animal welfare inspectors;
 - (g) governing the conduct and duties of animal welfare inspectors;
 - (h) governing the provision of information by public sector bodies to the Chief Animal Welfare Inspector, including prescribing,
 - (i) the information that must be provided,
 - (ii) the manner in which the information must be provided, which may include requiring information to be automatically provided electronically to the Chief Animal Welfare Inspector,
 - (iii) the frequency with which the information must be provided;
 - (i) governing the report required under section 14, including its contents and the manner of making the report;
 - (j) governing applications for and the issue of warrants by telephone or other means of telecommunication under this Act, prescribing rules for the execution of such warrants and prescribing evidentiary rules with respect to such warrants;
 - (k) governing inspections conducted under this Act, including prescribing conditions that must be met in order to exercise an inspection power;
 - (l) governing the exercise of an animal welfare inspector’s powers by a police officer or First Nations Constable;

- (m) governing the reports required by subsection 58 (2), including prescribing,
 - (i) the information that must be provided in the report,
 - (ii) the manner in which the information must be provided, which may include requiring information to be automatically provided electronically to the Chief Animal Welfare Inspector,
 - (iii) the frequency with which the information must be provided;
- (n) prescribing fees and allowances that shall be paid to persons rendering services in connection with the Chief Animal Welfare Inspector's duty to arrange for necessities set out in paragraph 5 of subsection 2 (2) or in connection with animal welfare inspectors' powers to supply necessities in section 32 (Supply necessities to animals), and providing for the adjustment of such fees and allowances in special circumstances.

Forms

- (3) The Minister may approve forms for the purposes of this Act and provide for or require their use.

PART XI TRANSITION

Ontario Society for the Prevention of Cruelty to Animals Act

68 (1) An order made under section 13 of the *Ontario Society for the Prevention of Cruelty to Animals Act* is deemed to have been made by an animal welfare inspector under section 29 of this Act.

Same

(2) Subject to the modification set out in subsection (3), the *Ontario Society for the Prevention of Cruelty to Animals Act* continues to apply in respect of any animal removed under section 14 of that Act before its repeal.

Same

(3) The Chief Animal Welfare Inspector is deemed to have been appointed as the Chief Inspector under subsection 21.1 (1) of the *Ontario Society for the Prevention of Cruelty to Animals Act* for the interim period for the purposes of any proceedings continued due to the application of subsection (2) of this section.

Same

(4) Any member of the Animal Care Review Board who held their appointment under the *Ontario Society for the Prevention of Cruelty to Animals Act* immediately before that Act was repealed continue to be appointed under this Act.

PART XII SELF-AMENDMENTS, CONSEQUENTIAL AMENDMENTS AND REPEAL

Self-amendment

69 (1) The definition of “chief of police” in subsection 1 (1) of this Act is amended by striking out “*Police Services Act*” at the end and substituting “*Community Safety and Policing Act, 2019*”.

(2) The definition of “First Nations Constable” in subsection 1 (1) of this Act is repealed.

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

“First Nation Officer” has the same meaning as in the *Community Safety and Policing Act, 2019*; (“agent de Première Nation”)

(4) The definition of “police officer” in subsection 1 (1) of this Act is amended by striking out “*Police Services Act*” at the end and substituting “*Community Safety and Policing Act, 2019*”.

(5) Section 58 of this Act is repealed and the following substituted:

Police and First Nation Officer powers

58 (1) Subject to the regulations, a police officer or First Nation Officer may exercise the powers of an animal welfare inspector under sections 27, 28, 30, 31, 32, 40, 41, 42, 43, 46 and 47.

Exercise of powers to be reported

(2) A chief of police, or person who is in charge of a group of First Nation Officers, shall report as prescribed to the Chief Animal Welfare Inspector regarding the exercise of powers described in subsection (1) by police officers or First Nation Officers who are under that person's direction.

Prompt notice to animal welfare inspector

(3) A police officer or First Nation Officer who exercises the power in section 30 to take possession of an animal shall promptly notify an animal welfare inspector.

Inspector to take possession

(4) The animal welfare inspector who is notified under subsection (3) shall inspect the animal and determine whether to take possession of it pursuant to section 30.

(6) Section 63 of this Act is amended by striking out “First Nations Constable” in the portion before paragraph 1 and substituting “First Nation Officer”.

(7) Clause 67 (2) (i) of this Act is amended by striking out “First Nations Constable” at the end and substituting “First Nation Officer”.

Animals for Research Act

70 (1) The definition of “pound” in subsection 1 (1) of the *Animals for Research Act* is amended by striking out “used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for” and substituting “used by any person or body of persons for”.

(2) Section 1.1 of the Act is repealed and the following substituted:

Non-application of the *Provincial Animal Welfare Services Act, 2019*

1.1 (1) Subject to subsection (2), the *Provincial Animal Welfare Services Act, 2019* does not apply in respect of an animal in the possession of the operator of a registered research facility or of a licensed operator of a supply facility.

Exception

(2) Section 19, clause 48 (2) (f), subsections 48 (4), (6), (8), (9), (10) and (11) and sections 56 and 57 of the *Provincial Animal Welfare Services Act, 2019* apply in respect of an orca, as defined in that Act, in the possession of the operator of a registered research facility or of a licensed operator of a supply facility.

Animal Health Act, 2009

71 Subsection 19 (12) of the *Animal Health Act, 2009* is amended by striking out “section 11.1 of the *Ontario Society for the Prevention of Cruelty to Animals Act*” at the end and substituting “section 13 of the *Provincial Animal Welfare Services Act, 2019*”.

Dog Owners’ Liability Act

72 Paragraph 3 of section 12 of the *Dog Owners’ Liability Act* is repealed.

Ontario Society for the Prevention of Cruelty to Animals Act

73 The *Ontario Society for the Prevention of Cruelty to Animals Act* is repealed.

PART XIII COMMENCEMENT AND SHORT TITLE

Commencement

74 (1) Subject to subsections (2) to (6), this Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Subsection 4 (4) comes into force on the later of,

(a) the day subsection 4 (1) of this Act comes into force; and

(b) the day section 6 of Schedule 31 to the *Protecting What Matters Most Act (Budget Measures), 2019* comes into force.

(3) Subsections 69 (1), (2), (3) and (4) come into force on the later of,

(a) the day subsection 1 (1) of this Act comes into force; and

(b) the day subsection 2 (1) of Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

(4) Subsection 69 (5) comes into force on the later of,

(a) the day section 58 of this Act comes into force; and

(b) the day subsection 2 (1) of Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

(5) Subsection 69 (6) comes into force on the later of,

(a) the day section 63 of this Act comes into force; and

(b) the day subsection 2 (1) of Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

(6) Subsection 69 (7) comes into force on the later of,

- (a) the day clause 67 (2) (l) of this Act comes into force; and
- (b) the day subsection 2 (1) of Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

Short title

75 The short title of this Act is the *Provincial Animal Welfare Services Act, 2019*.

Update regarding Bill 117

June 06, 2019

FAQ:

What will the Ontario SPCA do now?

The law enforcement services provided by the Ontario SPCA made up only about 20% of the Ontario SPCA everyday operations and life-saving work.

The transition from law enforcement has allowed us to expand our efforts in animal rescue, animal transfer and community-based mobile services. Recently, we cut the ribbon on a new mobile companion animal hospital, allowing us to create access to spay/neuter services across the province. In addition, we've added to our fleet of trucks and trailers to increase the number of animal transfers over the summer months. We welcome our partner Affiliates to join us in these life-saving programs.

Does the Ontario SPCA and Humane Society object to Affiliates enforcing legislation?

The Ontario SPCA and Humane Society recognizes that it is the option of each autonomous charity to decide whether to enter into an agreement with the Government of Ontario to enforce provincial animal welfare legislation. The decision to continue is not without risk and we have recommended that these Affiliates take steps to protect their charities, members and donors. We will continue to support our Affiliate Societies, where we are able, and we have welcomed our Affiliate Societies to join the life-saving programs the Ontario SPCA is offering across the province.

The Ontario SPCA has pointed out that there are still concerns left unaddressed in the Bill. To name a few:

- ☐ Officer safety and Officer workloads have been a key concern for the Ontario SPCA and were among the leading factors in making our decision to return legislation enforcement to the government. A smaller number of service providers and Officers will only exacerbate these problems.
- ☐ There may be even more confusion among the public if some Affiliates are continuing to enforce legislation, while the majority of the province will not be covered by Affiliates;

- The risks associated with this work have been outlined in a report released by Dr. Kendra Coulter, Brock University. These risks were also identified in a survey conducted by independent researchers on behalf of the Ontario SPCA and Humane Society. As employers, we have been publicly cautioned regarding concerns for Officer safety and can be held responsible for the safety of our employees.

What will happen to the 310-SPCA call centre and where does one report cruelty?

The Ontario SPCA and Humane Society will continue to operate the 310-SPCA (7722) call centre as a service for the public to report cruelty. Our trained dispatchers will field the calls and direct the caller to the appropriate government agency to respond to their cruelty complaint. In the cases where law enforcement is not required, the Ontario SPCA will continue to respond directly. 310-SPCA is also a direct line for law enforcement agencies requiring support.

Does the Ontario SPCA agree with the changes Bill 117 is implementing to the Act?

The Ontario SPCA and Humane Society is pleased to see that the Ontario Government is actively taking responsibility for its provincial legislation. Law enforcement is a responsibility of government.

We were not consulted regarding these changes and believe that the current legislation needs to be rewritten to better protect animals.

The Ontario SPCA seeks and supports the service delivery model that provides maximum protection of animals. Having been a charity since 1873, the Ontario SPCA understands first hand how no one organization can do this work alone. As a result, we are moving forward with a model of animal protection where we provide animal-related expertise to the province and its enforcement agencies.

The Ontario SPCA is moving forward with our plans to provide animal-related services as support to law enforcement. An overview of Ontario SPCA Enforcement Support Services is attached. We have had over 40 meetings to date with law enforcement agencies and municipalities regarding these services. We will continue to provide direct response to communities and law enforcement through 310-SPCA. This service will ease the transition to the new enforcement model, allow the public to report animal concerns unrelated to law enforcement and provide direct access to support for police and municipalities.



More about this new model:

What we are offering the Ontario Government is a new operational model where the Ontario SPCA supplies expertise in animal-related services as a support service to enforcement agencies. It's similar to the ASPCA model in the United States, which has been in place for five years and is quite successful. Through the expertise of all agencies involved, this model will maximize resources for the best possible protection of animals. Government agencies should be utilized for their expertise in law enforcement. Other animal welfare agencies should be used for their expertise in livestock and wildlife care. We could be utilized through Ontario SPCA Enforcement Support Services for our expertise in animal care, veterinary medicine, animal transportation and understanding of the collection and processing of forensic evidence to help build cases against animal abusers.

As provincial animal welfare legislation is owned by the government, it is only fitting that the cases be led by a government agency and supported by other parties, like Ontario SPCA Enforcement Support Services.

Why are you giving up investigations?

In January, a Superior Court judge ruled that it was unconstitutional for the Government of Ontario to permit a charity to provide law enforcement services. They did not find fault with the Ontario SPCA, but rather that a charity had been tasked with enforcing legislation owned by the government.

Prior to this Superior Court ruling, a researcher with Brock University, Dr. Kendra Coulter, conducted an independent study assessing the enforcement work of the Ontario SPCA. She found Officer safety was the number one issue. The funding we were being provided through our contract with the government to enforce its laws was woefully inadequate to keep our Officers safe. To put this risk in perspective, in 2012 a retired RCMP Officer, who worked as a Peace Officer in municipal animal services south of Calgary, was murdered during an animal investigation.

As a result of these factors, the Ontario SPCA made the decision not to renew its contract with the Government of Ontario, which expired on March 31, 2019. To help ensure a smooth transition period, the Ontario SPCA offered a three-month transition phase of the current working arrangement, which will see the Ontario SPCA continue to enforce the legislation until June 28, 2019. After that date, enforcement services will transition back to the government.

The Ontario SPCA has recommended a new service model that will provide maximum protection for the animals. Ontario SPCA Enforcement Support Services provides animal-related expertise to municipal, provincial and federal law enforcement agencies. These services include



collecting and processing forensic evidence to help build cases against animal abusers, on-site support providing animal care, including veterinary medicine, animal transportation, animal sheltering and the placement of rescued animals in homes or other suitable environments.

Why doesn't the Ontario SPCA and Humane Society want to enforce cruelty anymore?

In 2016, we conducted a survey of all Peace Officers across Ontario to assess the current environment under which they were operating. The results were overwhelmingly consistent. Officer safety was the number one issue, with fatigue and burnout also reported. The Ontario SPCA began to address this by right-sizing the enforcement work.

Shortly after this survey was completed, a study was undertaken by Dr. Kendra Coulter of Brock University, assessing the enforcement work of the Ontario SPCA. Professor Coulter came to the same conclusions regarding Officer safety. In 2012, south of Calgary, a retired RCMP Officer who worked as a Peace Officer in municipal animal services was murdered during an animal investigation.

Furthermore, over the past number of years, there have been many instances of other government ministries not assisting in making animal cruelty investigations a priority – for example, the Attorney General's office refusal to take Marineland to court, even after they had been charged with cruelty by the Ontario SPCA and the charges being dismissed against Dr. Rekhi, a veterinarian in St. Catharines, investigated and charged for animal abuse.

All of these factors have led the Ontario SPCA to undertake a review of the viability of our charity continuing to enforce the government's law and brought about the understanding that it is time for change. Animals deserve respect, protection and justice.

What is Ontario SPCA Enforcement Support Services?

Ontario SPCA Enforcement Support Services provides animal-related expertise to municipal, provincial and federal law enforcement agencies. These services include collecting and processing forensic evidence to help build cases against animal abusers, on-site support providing animal care including veterinary medicine, animal transportation, animal sheltering and the placement of rescued animals in homes or other suitable environments.



The Corporation of the Town of Tecumseh

January 10, 2020

Honourable Jeff Yurek
Minister of the Environment, Conservation and Parks
College Park 5th Floor
777 Bay Street, Toronto, ON
M7A 2J3

Dear Mr. Yurek:

Re: Climate Change Emergency Declaration

The Council of the Town of Tecumseh, at its regular meeting held Tuesday, December 10, 2019, gave consideration to Report CAO-2019-12 entitled "Climate Change Emergency Declaration", a copy of which is enclosed.

At the meeting, Tecumseh Council passed the following resolution: (RCM 390/19)

Whereas the most recent report by the UN Intergovernmental Panel on Climate change (IPCC) has indicated that within less than 12 years, in order to keep the global average temperature increase to 1.5 degrees Celsius and maintain a climate compatible with human civilization, there must be a reduction in carbon emissions of about 45% from 2010 levels, reaching net zero carbon emissions by 2050; and

Whereas based on current projections of the future impacts of human caused climate change, climate change will adversely impact Windsor-Essex's local economy, damage local infrastructure and property, put a strain on municipal budgets and result in significant economic and health burdens for the constituents of Windsor-Essex, particularly our vulnerable populations; and

Whereas climate change will jeopardize the health and survival of many local plant and animal species, as well as their natural environments and ecosystems; and

Whereas Windsor-Essex is already experiencing large and increased climate change impacts, including but not limited to overland flooding, heavy rain event flooding, emergence of invasive species, an increased number of high heat days, the rise of vector borne diseases, the re-emergence of blue-green algae and harmful algal blooms in our lakes and rivers; and

Whereas municipalities are understood to produce and/or have regulatory jurisdiction over approximately 50% of carbon emissions in Canada; and

Whereas the County of Essex joins the Government of Canada and 444 Canadian municipalities (including Vancouver, Ottawa, Montreal, and 18 other Ontario municipalities, among them Chatham-Kent, Sudbury, Sarnia, Guelph, and Kingston) that have declared climate emergencies, some of which are also implementing strategic plans in order to help reduce global carbon emissions and mitigate the impacts of climate change; and

Whereas the City of Windsor, the Essex Region Conservation Authority (ERCA) and the Windsor Essex County Health Unit (WECHU) are committed to and currently undertaking city and regional climate change planning, encompassing both mitigation and adaptation, in partnership with others; and

Whereas the County of Essex, the Essex Region Conservation Authority (ERCA), local municipalities in Essex County, in partnership with other community stakeholders, are undertaking a Regional Community Energy Plan to assist the County of Essex and local municipalities to align with provincial and federal energy policies and programs; and

Whereas this emergency is an opportunity to bring together County, City and Local municipal governments, as well as regional stakeholders to work together on climate change planning and implementation with the aim of protecting our region and contributing to greater national and global climate change response; and

Whereas implementing climate action and making a transition to a low-carbon economy also represents a significant opportunity to stimulate economic growth, increase job opportunities and develop new technologies;

Therefore be it resolved that the Council of The Corporation of The Town of Tecumseh declare a Climate Emergency in the knowledge that this is an emergency with no foreseeable conclusion which will require robust and permanent changes in how municipalities conduct their business;

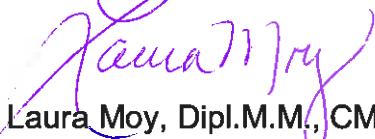
And that in response to this emergency, the need to reduce overall emissions from the Town of Tecumseh as well as continue to prepare for Windsor-Essex County's climate future are deemed to be high priorities when considering budget direction and in all decisions of Council;

And further that the Town Administration be directed to identify priority action items, implementation measures and cost requirements for those programs and services it is responsible for, to accelerate and urgently work towards the reduction of emissions and preparing for our climate future.

Carried"

Please consider this letter as confirmation of the Town of Tecumseh's action on the above matter.

Yours very truly,



Laura Moy, Dipl.M.M., CMMIII HR Professional
Director Corporate Services & Clerk

LM/kc

Attachments

1. Report CAO-2019-12

CC: Taras Natyshak, MPP, tnatyshak-co@ndp.on.ca
Percy Hatfield, MPP, phatfield-co@ndp.on.ca
Lisa Gretzky, MPP, lgretzkey-co@ndp.on.ca
Association of Municipalities of Ontario, AMO, policy@amo.on.ca
Essex Region Conservation Authority, admin@erca.org
Windsor Essex County Environmental Committee, kkadour@citywindsor.ca
Town of LaSalle, arobertson@lasalle.ca
Town of Leamington, bpercy@leamington.ca
Town of Kingsville, jastrologo@kingsville.ca
Town of Lakeshore, knewman@lakeshore.ca
Town of Amherstburg, pparker@amherstburg.ca
Town of Essex, rauger@essex.ca
County of Essex, mbirch@countyofessex.ca
City of Windsor, vcritchley@citywindsor.ca

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**The Corporation of the
Town of Tecumseh**

Chief Administrative Officer

To: Mayor and Members of Council
From: Margaret Misek-Evans, Chief Administrative Officer
Date to Council: December 10, 2019
Report Number: CAO-2019-12
Subject: Climate Change Emergency Declaration

Recommendations

It is recommended:

Whereas the most recent report by the UN Intergovernmental Panel on Climate change (IPCC) has indicated that within less than 12 years, in order to keep the global average temperature increase to 1.5 degrees Celsius and maintain a climate compatible with human civilization, there must be a reduction in carbon emissions of about 45% from 2010 levels, reaching net zero carbon emissions by 2050; and

Whereas based on current projections of the future impacts of human caused climate change, climate change will adversely impact Windsor-Essex's local economy, damage local infrastructure and property, put a strain on municipal budgets and result in significant economic and health burdens for the constituents of Windsor-Essex, particularly our vulnerable populations; and

Whereas climate change will jeopardize the health and survival of many local plant and animal species, as well as their natural environments and ecosystems; and

Whereas Windsor-Essex is already experiencing large and increased climate change impacts, including but not limited to overland flooding, heavy rain event flooding, emergence of invasive species, an increased number of high heat days, the rise of vector borne diseases, the re-emergence of blue-green algae and harmful algal blooms in our lakes and rivers; and

Whereas municipalities are understood to produce and/or have regulatory jurisdiction over approximately 50% of carbon emissions in Canada; and

Whereas the County of Essex joins the Government of Canada and 444 Canadian municipalities (including Vancouver, Ottawa, Montreal, and 18 other Ontario municipalities, among them Chatham-Kent, Sudbury, Sarnia, Guelph, and Kingston) that have declared climate emergencies, some of which are also implementing strategic plans in order to help reduce global carbon emissions and mitigate the impacts of climate change; and

Whereas the City of Windsor, the Essex Region Conservation Authority (ERCA) and the Windsor Essex County Health Unit (WECHU) are committed to and currently undertaking city and regional climate change planning, encompassing both mitigation and adaptation, in partnership with others; and

Whereas the County of Essex, the Essex Region Conservation Authority (ERCA), local municipalities in Essex County, in partnership with other community stakeholders, are undertaking a Regional Community Energy Plan to assist the County of Essex and local municipalities to align with provincial and federal energy policies and programs; and

Whereas this emergency is an opportunity to bring together County, City and Local municipal governments, as well as regional stakeholders to work together on climate change planning and implementation with the aim of protecting our region and contributing to greater national and global climate change response; and

Whereas implementing climate action and making a transition to a low-carbon economy also represents a significant opportunity to stimulate economic growth, increase job opportunities and develop new technologies;

Therefore be it resolved that the Council of the Corporation of the Town of Tecumseh declare a Climate Emergency in the knowledge that this is an emergency with no foreseeable conclusion which will require robust and permanent changes in how municipalities conduct their business;

And further that in response to this emergency, the need to reduce overall emissions from the Town of Tecumseh as well as continue to prepare for Windsor-Essex County's climate future are deemed to be high priorities when considering budget direction and in all decisions of Council;

And further that the Town Administration be directed to identify priority action items, implementation measures and cost requirements for those programs and services it is responsible for, to accelerate and urgently work towards the reduction of emissions and preparing for our climate future.

Background

Recently the Council for the County of Essex passed a Climate Change Emergency Declaration, as attached to this report. In that Declaration, the final paragraph urges the local municipalities in Essex County to adopt a similar declaration, as an endorsement. The City of Windsor made its declaration of climate change emergency on November 18th and the Essex Region Conservation Authority (ERCA) endorsed the resolution at its most recent meeting. Hundreds of Canadian municipalities, including neighbouring Chatham-Kent have passed similar declarations.

Comments

The endorsement of such a declaration is in keeping with Council's strategic priorities to make Tecumseh a better place to live, work and invest, to ensure that the Town's current and future growth is built upon the principles of sustainability, to integrate the principles of health and wellness into all of the Town's plans and priorities and to demonstrate a leadership role in the community.

The recent initiative to partner with the County and the area municipalities and ERCA to co-create a Community Energy Plan is among the primary steps taken by the Town to mitigate climate change, create economic efficiencies and improve energy performance. Policy and program initiatives are already underway to address climate change including a climate action policy framework in the new Official Plan, the new Storm Water Management Standards, the Flood Emergency Preparedness Plan, with associated Action Plan and the Tecumseh Storm Drainage Master Plan. Additional work is planned that aligns with the final paragraph of the resolution directing Administration to identify priority action items, implementation measures and costs to accelerate efforts to prepare for our climate future.

Consultations

Financial Services
Planning & Building Services
Public Works & Environmental Services

Financial Implications

The financial implications associated with studies, plans and the implementation of recommended actions will be provided to Council as part of the annual operating and capital budgeting process. There are no immediate financial implications associated with making the declaration.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been prepared by, and is recommended for submission by, the Chief Administrative Officer.

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Proposed Essex County Council Climate Change Emergency Declaration
2	Report No 105 of the Windsor-Essex County Environment Committee – Climate Change Emergency Declaration

Proposed Essex County Council Climate Change Emergency Declaration

Whereas the most recent report by the UN Intergovernmental Panel on Climate change (IPCC) has indicated that within less than 12 years, in order to keep the global average temperature increase to 1.5 degrees Celsius and maintain a climate compatible with human civilization, there must be a reduction in carbon emissions of about 45% from 2010 levels, reaching net zero carbon emissions by 2050; and

Whereas based on current projections of the future impacts of human caused climate change, climate change will adversely impact Windsor-Essex's local economy, damage local infrastructure and property, put a strain on municipal budgets and result in significant economic and health burdens for the constituents of Windsor-Essex, particularly our vulnerable populations; and

Whereas climate change will jeopardize the health and survival of many local plant and animal species, as well as their natural environments and ecosystems; and

Whereas Windsor-Essex is already experiencing large and increased climate change impacts, including but not limited to overland flooding, heavy rain event flooding, emergence of invasive species, an increased number of high heat days, the rise of vector borne diseases, the re-emergence of blue-green algae and harmful algal blooms in our lakes and rivers; and

Whereas municipalities are understood to produce and/or have regulatory jurisdiction over approximately 50% of carbon emissions in Canada; and

Whereas the County of Essex joins the Government of Canada and 444 Canadian municipalities (including Vancouver, Ottawa, Montreal, and 18 other Ontario municipalities, among them Chatham-Kent, Sudbury, Sarnia, Guelph, and Kingston) that have declared climate emergencies, some of which are also implementing strategic plans in order to help reduce global carbon emissions and mitigate the impacts of climate change; and

Whereas the City of Windsor, the Essex Region Conservation Authority (ERCA) and the Windsor Essex County Health Unit (WECHU) are committed to and currently undertaking city and regional climate change planning, encompassing both mitigation and adaptation, in partnership with others; and

Whereas the County of Essex, the Essex Region Conservation Authority (ERCA), local municipalities in Essex County, in partnership with other community stakeholders, are undertaking a Regional Community Energy Plan to assist the County of Essex and local municipalities to align with provincial and federal energy policies and programs; and

Whereas this emergency is an opportunity to bring together County, City and Local municipal governments, as well as regional stakeholders to work together on climate change planning and implementation with the aim of protecting our region and contributing to greater national and global climate change response; and

Whereas implementing climate action and making a transition to a low-carbon economy also represents a significant opportunity to stimulate economic growth, increase job opportunities and develop new technologies;

Therefore be it resolved that the Council of the Corporation of the County of Essex declare a Climate Emergency in the knowledge that this is an emergency with no foreseeable conclusion which will require robust and permanent changes in how municipalities conduct their business;

And further that in response to this emergency, the need to reduce overall emissions from the City of Windsor and County of Essex as well as continue to prepare for Windsor-Essex County's climate future are deemed to be high priorities when considering budget direction and in all decisions of council;

And further that the County Administration be directed to identify priority action items, implementation measures and cost requirements for those programs and services it is responsible for, to accelerate and urgently work towards the reduction of emissions and preparing for our climate future;

And further that this declaration be shared with local municipalities in Essex County, who are encouraged to consider endorsing the declaration and identify priority action items, implementation measures, and cost requirements for those programs and services they are responsible for, to accelerate and urgently work towards the reduction of emissions and preparing for our climate future.



Committee Matters: SCM 397/2019

**Subject: Report No. 105 of the Windsor Essex County Environment Committee -
Climate Change Emergency Declaration**

Moved by: Councillor McKenzie
Seconded by: Councillor Kaschak

Decision Number: **ETPS 715**

THAT report no. 105 of the Windsor Essex County Environment Committee – Climate Change Emergency Declaration indicating:

THAT the following Climate Change Emergency Declaration prepared by the Air Subcommittee of the Windsor Essex County Environment Committee BE APPROVED:

WHEREAS the most recent report by the UN Intergovernmental Panel on Climate change (IPCC) has indicated that within less than 12 years, in order to keep the global average temperature increase to 1.5 degrees Celsius and maintain a climate compatible with human civilization, there must be a reduction in carbon emissions of about 45% from 2010 levels, reaching net zero carbon emissions by 2050; and

WHEREAS based on current projections of the future impacts of human caused climate change, climate change will adversely impact Windsor-Essex's local economy, damage local infrastructure and property, put a strain on municipal budgets and result in significant economic and health burdens for the constituents of Windsor-Essex, particularly our vulnerable populations; and

WHEREAS climate change will jeopardize the health and survival of many local plant and animal species as well as their natural environments and ecosystems; and

WHEREAS Windsor-Essex is already experiencing large and increase climate change impacts including but not limited to overland flooding, heavy rain event flooding, emergence of invasive species, an increased number of high heat days, the rise of vector borne diseases, the re-emergence of blue-green algae and harmful algal blooms in our lakes and rivers; and

WHEREAS municipalities are understood to produce and/or have regulatory jurisdiction over approximately 50% of carbon emissions in Canada; and

WHEREAS the City of Windsor join the Government of Canada and 444 Canadian municipalities (including Vancouver, Ottawa, Montreal, and 18 other Ontario municipalities, among them Chatham-Kent, Sudbury, Sarnia, Guelph, and Kingston)

that have declared climate emergencies, some of which are also implementing strategic plans in order to help reduce global carbon emissions and mitigate the impacts of climate change; and

WHEREAS the City of Windsor, the Essex Region Conservation Authority (ERCA) and the Windsor Essex County Health Unit (WECHU) are committed to and currently undertaking city and regional climate change planning, encompassing both mitigation and adaptation, in partnership with others; and

WHEREAS this emergency is an opportunity to bring together County, City and Town governments as well as regional stakeholders to work together on climate change planning and implementation with the aim of protecting our region and contributing to greater national and global climate change response; and

WHEREAS implementing climate action and making a transition to a low-carbon economy also represents a significant opportunity to stimulate economic growth, increase job opportunities and develop new technologies;

THEREFORE BE IT RESOLVED that the City of Windsor declare a Climate Emergency in the knowledge that this is an emergency with no foreseeable conclusion which will require robust and permanent changes in how the City and County conduct their business; and further,

THAT in response to this emergency, the need to reduce overall emissions from the City of Windsor and the County of Essex as well as continue to prepare for Windsor-Essex County's climate future are deemed to be high priorities when considering budget direction and in all decisions of council; and further,

THAT the City of Windsor administration BE DIRECTED to prepare reports for consideration by their respective Councils within 90 days containing recommendations for priority actions items, implementation measures and cost requirements to accelerate and urgently work towards the reduction of emissions and preparing for our climate future.

BE APPROVED; and further,

THAT the County of Essex **BE REQUESTED** to consider adopting the resolution as outlined above.
Carried.

Report Number: SCM 362/2019
Clerk's File: MB2019

Clerk's Note: the recommendation of the Standing Committee and Advisory Committee are not the same.



Committee Matters: SCM 362/2019

**Subject: Report No. 105 of the Windsor Essex County Environment Committee -
Climate Change Emergency Declaration**

Page 1 of 1

REPORT NO. 105
of the
WINDSOR-ESSEX COUNTY ENVIRONMENT COMMITTEE (WECEC)
of its meeting held
September 19, 2019
at 5:00 o'clock p.m.
Lou Romano Reclamation Plant

Members present at the September 19, 2019 meeting:

Councillor Chris Holt, Chair
Councillor Kieran McKenzie
Leo Meloche, Deputy Mayor, Town of Amherstburg
Keri Banar
Derek Coronado
Rosanna Demarco
Michael Schneider
Richard St. Denis
Radwan Tamr
Jerry Zhu

Regrets received from:

Hilda MacDonald, Mayor of Leamington
Katie Kuker

Your Committee submits the following recommendation:

Moved by Councillor McKenzie, seconded by K. Banar,
That the following Climate Change Emergency Declaration prepared by the Air Subcommittee of the Windsor Essex County Environment Committee **BE APPROVED:**

WHEREAS the most recent report by the UN Intergovernmental Panel on Climate change (IPCC) has indicated that within less than 12 years, in order to keep the global average temperature increase to 1.5 degrees Celsius and maintain a climate compatible with human civilization, there must be a reduction in carbon emissions of about 45% from 2010 levels, reaching net zero carbon emissions by 2050; and

WHEREAS based on current projections of the future impacts of human caused climate change, climate change will adversely impact Windsor-Essex's local economy, damage local infrastructure and property, put a strain on municipal budgets and result in significant economic and health burdens for the constituents of Windsor-Essex, particularly our vulnerable populations; and

WHEREAS climate change will jeopardize the health and survival of many local plant and animal species as well as their natural environments and ecosystems; and

WHEREAS Windsor-Essex is already experiencing large and increase climate change impacts including but not limited to overland flooding, heavy rain event flooding, emergence of invasive species, an increased number of high heat days, the rise of vector borne diseases, the re-emergence of blue-green algae and harmful algal blooms in our lakes and rivers; and

WHEREAS municipalities are understood to produce and/or have regulatory jurisdiction over approximately 50% of carbon emissions in Canada; and

WHEREAS the County of Essex and the City of Windsor join the Government of Canada and 444 Canadian municipalities (including Vancouver, Ottawa, Montreal, and 18 other Ontario municipalities, among them Chatham-Kent, Sudbury, Sarnia, Guelph, and Kingston) that have declared climate emergencies, some of which are also implementing strategic plans in order to help reduce global carbon emissions and mitigate the impacts of climate change; and

WHEREAS the City of Windsor, the Essex Region Conservation Authority (ERCA) and the Windsor Essex County Health Unit (WECHU) are committed to and currently undertaking city and regional climate change planning, encompassing both mitigation and adaptation, in partnership with others; and

WHEREAS this emergency is an opportunity to bring together County, City and Town governments as well as regional stakeholders to work together on climate change planning and implementation with the aim of protecting our region and contributing to greater national and global climate change response; and

WHEREAS implementing climate action and making a transition to a low-carbon economy also represents a significant opportunity to stimulate economic growth, increase job opportunities and develop new technologies;

THEREFORE BE IT RESOLVED that both the City of Windsor and the County of Essex declare a Climate Emergency in the knowledge that this is an emergency with no foreseeable conclusion which will require robust and permanent changes in how the City and County conduct their business; and further,

That in response to this emergency, the need to reduce overall emissions from the City of Windsor and the County of Essex as well as continue to prepare for Windsor-Essex County's climate future are deemed to be high priorities when considering budget direction and in all decisions of council; and further,

That the City of Windsor and County of Essex administrations **BE DIRECTED TO PREPARE REPORTS** for consideration by their respective Councils within 90 days containing recommendations for priority actions items, implementation measures and cost requirements to accelerate and urgently work towards the reduction of emissions and preparing for our climate future.

CHAIR

COMMITTEE COORDINATOR

NOTIFICATIONS:		
WECEC Committee	On file	
Mary Birch, County of Essex	mbirch@countyofessex.on.ca	
Anneke Smit, University of Windsor	asmit@uwindsor.ca	
Richard Wyma, ERCA	rwyma@erca.org	
Amandeep Hans, Windsor Essex County Health Unit	ahans@wechu.org	
Brian Lennie, Senior Advisor Enbridge	Brian.lennie@enbridge.com	



October 18, 2019

Environment, Transportation & Public Safety Standing
Committee
City of Windsor

admin@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

**RE: Report No. 105 of the Windsor-Essex County Environment Committee – Climate Change
Emergency Declaration**

The Essex Region Conservation Authority strongly supports the proposed climate emergency declaration by the Windsor-Essex County Environment Committee for the City of Windsor and County of Essex.

In 2019 alone, our region has experienced first-hand the impacts of warmer, wetter and wilder effects of climate change. Record high water levels in Lake Erie and Lake St. Clair, which resulted in closures of roads and facilities, parks and conservation areas, placed our region under flood watch for 189 days and caused flooding throughout the region and our shorelines.

These challenges follow successive years of intense rain events in 2016 and 2017 that resulted in over 9,000 reports of flooding and hundreds of millions of dollars in insured losses. Significant spring rainfall severely disrupted crop cycles and associated farm revenues. Changes in weather patterns have resulted in annual reoccurrence of harmful algal blooms in Lake Erie and, more recently, Lake St. Clair. New vector borne diseases are being found in our region.

Both the evidence and the science are very clear that the impacts of climate change are very apparent, perhaps here more than anywhere else in Ontario. Our municipalities are at the front line of much climate damage and are taking steps to address impacts of climate change through mitigation and adaptation – investing in infrastructure, strengthening flood and emergency response plans, undertaking shoreline management and hazard mapping, supporting community energy planning, building active and alternative transportation options, and reviewing planning tools to ensure they reflect provincial policies and local climate realities.

With this declaration, our municipalities recognize that these 'permanent and robust changes' can best be achieved through partnerships and collaboration. The Windsor Essex Climate Change Collaborative, formed earlier this year, commits the Essex Region

Conservation Authority to support our municipalities as they prepare for the future climate and we are looking forward to working with the City, County and municipalities to develop action plans that reflect both the steps we are taking today, and the actions we need to take in the future.

ERCA is dedicated to sustaining and enriching the environment of the Windsor-Essex-Pelee Island region to ensure it continues to be the Place for Life in the face of these immense environmental challenges.



Richard Wyma
General Manager/Secretary-Treasurer



Claire Sanders
Climate Change Specialist





**THE CORPORATION OF THE CITY OF SARNIA
City Clerk's Department**

255 Christina Street N. PO Box 3018
Sarnia ON Canada N7T 7N2
519 332-0330 519 332-3995 (fax)
519 332-2664 (TTY)
www.sarnia.ca clerks@sarnia.ca

January 24, 2020

To: All Ontario Municipalities

Re: Ontario Power Generation's Deep Geologic Repository Project

At its meeting held on January 20, 2020, Sarnia City Council considered the attached motion submitted by Councillor Margaret Bird with respect to the proposed Deep Geological Repository Project and adopted the following resolution:

That Sarnia City Council support the halting of the construction of the Deep Geological Repository, in the Bruce Peninsular, so that less dangerous solutions can be found for the longer storage of nuclear waste; and

That Sarnia City Council instruct the Sarnia City Clerk to notify all 444 Ontario Municipalities, through AMO, by January 24th., 2020, of our objective; and

That the Sarnia City Clerk send a copy of our resolution to the County of Lambton Clerk, along with all the County Councillors, asking for their endorsement.

Sarnia City Council respectfully seeks your endorsement of this resolution. If your municipal council endorses this resolution, we would request that a copy of the resolution be forwarded to the following:

Honourable Jonathan Wilkinson, Minister of the Environment and Climate Change
ec.ministre-minister.ec@canada.ca; and

City of Sarnia, City Clerk's Office
clerks@sarnia.ca

Sincerely,



Dianne Gould-Brown
City Clerk

Attachment: Motion submitted by Councillor Margaret Bird

MOTION

I am asking for:

a) An urgent resolution of Council to support the halting of the construction of the Deep Geological Repository, in the Bruce Peninsular, so that less dangerous solutions can be found for the longer storage of nuclear waste.

b) To instruct the Sarnia City Clerk to notify all 444 Ontario Municipalities, through AMO, by January 24th., 2020, of our objective.

b) For the Sarnia City Clerk to send a copy of our resolution to the County of Lambton Clerk, along with all the County Councillors, asking for their endorsement.

If you have any questions, please do not hesitate to contact me.

Many thanks.

Kind Regards,

Councillor Bird

The Corporation of the Town of Essex
Minutes of Regular Committee of Adjustment Meeting
Tuesday December 17, 2019

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, December 17, 2019 at 4:00 PM in the Council Chambers at the Municipal Building at 33 Talbot Street South, Essex, Ontario.

1. Roll Call

Members Present: Percy Dufour, Chair
Brian Gray, Vice Chair
Phil Pocock
Ray Beneteau
Dan Boudreau

Also Present: Rita Jabbour, R.P.P
Manager, Planning Services, Secretary-Treasurer
Sarah Aubin, Planning Assistant

Members of Public in Attendance: See sign-in sheet attached hereto

2. Declaration of Conflict of Interest

2.1 Phil Pocock declares a conflict of interest under Reports / Applications - 5.3
Application B-31-19 Dawn Pocock (Agent: Phil Pocock), 21 Wellington (Essex Centre, Ward 1)

3. Adoption of Published Agenda

3.1 The Published Agenda for December 17th, 2019 meeting of the Committee of Adjustment be adopted.
Moved by Brian Gray
Seconded by Ray Beneteau
(**COA-2019-12-99**) That the published agenda for the December 17th, 2019 meeting of the Committee of Adjustment be adopted as circulated.
"Carried"

4. Adoption of Minutes

4.1 The Regular Minutes from the Committee of Adjustment Meeting of November 19, 2019 be adopted.
Moved by Ray Beneteau
Seconded by Phil Pocock
(**COA-2019-12-100**) The Regular Minutes from the Committee of Adjustment Meeting of November 19, 2019 be adopted.
"Carried"

5. Reports / Applications

5.1 Rita Jabbour, Planner RE:

Application B-30-19 Gorski Land Holdings Inc. and Christopher & Diane McQueen, Vacant Land on the North side of County Road 20 West (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the North side of County Road 20 West in the former township of Colchester South. The applicants are proposing to sever a ±0.23 acre (±9480 square foot) grassed parcel from the existing ±25 hectare (±62 acre) farm lot. The applicants are proposing this consent for the purposes of a lot addition. The severed lot is proposed to be merged with the property located directly to the south and known municipally as 2060 County Road 20 West.

5.1.1 Public Presentations (if any)

Rita Jabbour, Planner, wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the vacant agricultural lands located on the North Side of County Road 20 West in the former township of Colchester South. The subject property is designated "Agricultural" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +0.23 acre (+9480 square foot) grassed parcel from the existing +25 hectare (+62 acre) agricultural lot. The applicants are proposing this consent for the purposes of a lot addition. The severed lot is proposed to be merged with the property located directly to the south and known municipally as 2060 County Road 20 West. The severed parcel is occupied by an existing +134 square metre (+1440 square foot) pole barn. No new buildings are proposed to be constructed on the severed parcel.

The retained parcel will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation as the severed parcel is not actively farmed. Access to the retained parcel will continue to be by way of County Road 20 West via an existing access bridge. The proposed severance will have no adverse impact on access to the retained lot.

In accordance with the Provincial Policy Statement (PPS), lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 2060 County Road 20 West.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by +0.23 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained:
The main use of the retained farm parcel will remain agricultural.
- b) The variance(s) is minor and desirable for the appropriate use of the land:
No agricultural land will be taken out of production as a result of this severance.
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
Agricultural lot sizes vary greatly in the agricultural district.
- d) The variance deals with circumstances particular to the site and development:
The variance is necessary to accommodate an application for consent to facilitate a lot addition.

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Wednesday December 11, 2019. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections. Comments were also received from Kristoffer Balallo, Engineering Technician for the County of Essex. Mr. Balallo's comments were engineering related only and were not reviewed from a planning perspective.

Mr. Balallo notes that the applicants will be required to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, Mr. Balallo did not state any explicit concerns with the applications.

No further comments were received from circulated agencies as of Wednesday December 11, 2019.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Christopher and Diane McQueen at 2060 County Road 20 West. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before December 17, 2020.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation

Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Pigeon Drain and 2nd Concession Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Based on our review, we advise that these applications are consistent with the natural hazard policies of the PPS.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS).

Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this application for Consent and Minor Variance

Kristoffer Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. The Applicant will be required to comply with the following County Road regulations:

- County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.
- County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road No. 20 due to the presence of the

2nd Concession Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned applications. Should these applications be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

Ray Beneteau questions if the severed parcel can be built upon in the future once merged with 2060 County Road 20 West.

Rita advises that the parcel can be built upon on in the future.

Percy Dufour requests clarification on the current right of way.

Joe Gorski, Applicant, advises that the right of way is on the 60ft access bridge. He states it has been on title before his ownership of the property.

Percy asks if the right of way has expired.

Rita advises that the committee approves right of ways that are over 21 years. She states they are in perpetuity.

Moved by: Brian Gray

Seconded by: Phil Pocock

(COA-2019-12-101) That application B-30-19 be granted to sever a ± 0.23 acre (± 9480 square foot) grassed parcel from the existing ± 25 hectare (± 62 acre) farm lot subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Christopher and Diane McQueen at 2060 County Road 20 West. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer

satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before December 17, 2020.

"Carried"

Reasons for Decision: The Application is in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

5.2 Rita Jabbour, Planner RE:

Application A-22-19 Gorski Land Holdings Inc. and Christopher & Diane McQueen, Vacant Land on the North side of County Road 20 West (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the North side of County Road 20 West in the former township of Colchester South. As a result of a proposed severance the lot area for the retained farm parcel will be reduced in size from ± 25 hectares (± 62 acres) to ± 24 hectares (± 61 acres). The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

5.2.1 Public Presentations (if any)

Rita Jabbour, Planner, wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the vacant agricultural lands located on the North Side of County Road 20 West in the former township of Colchester South. The subject property is designated "Agricultural" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +0.23 acre (+9480 square foot) grassed parcel from the existing +25 hectare (+62 acre) agricultural lot. The applicants are proposing this consent for the purposes of a lot addition. The severed lot is proposed to be merged with the property located directly to the south and known municipally as 2060 County

Road 20 West. The severed parcel is occupied by an existing +134 square metre (+1440 square foot) pole barn. No new buildings are proposed to be constructed on the severed parcel.

The retained parcel will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation as the severed parcel is not actively farmed. Access to the retained parcel will continue to be by way of County Road 20 West via an existing access bridge. The proposed severance will have no adverse impact on access to the retained lot.

In accordance with the Provincial Policy Statement (PPS), lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 2060 County Road 20 West.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by +0.23 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:
The main use of the retained farm parcel will remain agricultural.
- f) The variance(s) is minor and desirable for the appropriate use of the land:
No agricultural land will be taken out of production as a result of this severance.
- g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
Agricultural lot sizes vary greatly in the agricultural district.
- h) The variance deals with circumstances particular to the site and development:
The variance is necessary to accommodate an application for consent to facilitate a lot addition.

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Wednesday December 11, 2019. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections. Comments were also received from Kristoffer Balallo, Engineering Technician for the County of Essex. Mr. Balallo's comments were engineering related only and were not reviewed from a planning perspective.

Mr. Balallo notes that the applicants will be required to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, Mr. Balallo did not state any explicit concerns with the applications.

No further comments were received from circulated agencies as of Wednesday December 11, 2019.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Christopher and Diane McQueen at 2060 County Road 20 West. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before December 17, 2020.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Pigeon Drain and 2nd Concession Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Based on our review, we advise that these applications are consistent with the natural hazard policies of the PPS.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this application for Consent and Minor Variance

Kristoffer Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. The Applicant will be required to comply with the following County Road regulations:

- County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.
- County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road No. 20 due to the presence of the 2nd Concession Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned applications. Should these applications be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Discussions:

Moved by: Ray Beneteau

Seconded by: Brian Gray

(COA-2019-12-102) That application A-22-19 be granted to accommodate a reduction in lot area for the retained farm parcel from ± 25 hectares (± 62 acres) to ± 24 hectares (± 61 acres).

“Carried”

Reasons:

The Committee of Adjustment is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied.

5.3 Rita Jabbour, Planner RE:

Application B-31-19 Dawn Pocock. (Agent: Phil Pocock), 21 Wellington (Essex Centre, Ward 1)

A consent application has been received by the Town of Essex Committee of Adjustment for the subject lands located at 21 Wellington Avenue West in Essex Centre. The applicants are proposing to sever a ± 510 square metre (± 5500 square foot) parcel from the existing ± 1161 square metre (± 12500 square foot) residential lot. The retained parcel is proposed to have an area of ± 650 square metres (± 7000 square feet). The applicant is proposing this consent for the purpose of residential lot creation.

5.3.1 Public Presentations (if any)

Rita Jabbour, Planner, wrote:

Official Plan Designation: “Residential”

Zoning: Residential District 2.1 (R2.1) –Medium density housing on urban lots

An application for consent has been submitted for the residential lands located at 21 Wellington West in the Essex Centre. The subject property is designated “Residential” under the Town of Essex Official Plan and zoned Residential District 2.1 (R2.1) for medium density housing on urban lots under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ±510 square metre (±5500 square foot) vacant parcel from the existing ±1161 square metre (±12500 square foot) residential lot. The applicants are proposing this consent for the purpose of creating a new residential lot. The severed parcel is proposed to have a lot width of ±16 metres (±55 feet) and be accessed by way of Wellington West. The severed parcel also has access to existing municipally owned and operated piped water, sanitary and storm water sewers along Wellington West.

The retained parcel will continue to be occupied by the existing single detached dwelling and accessory structure, and will continue to be used for residential purposes. The retained parcel is proposed to have a lot area of ±650 square metres (±7000 square feet) and lot width of ±21 metres (±70 feet), conforming with lot regulations for a single detached dwelling in the R2.1 zoning district. The existing single detached dwelling and accessory structure also conform to building regulations under the R2.1 zoning district with respects to minimum side yard width requirements between the proposed easterly side yard.

Access to the retained parcel will continue to be by way of Wellington West via the existing access area. The retained parcel will continue to be serviced by the existing municipally owned and operated piped water, sanitary and storm water connections along Wellington West and St. Paul Street.

The R2.1 zoning district permits the development of a single detached, duplex or semi-detached dwelling as a main use –subject to conformity with lot and building regulations –and any use accessory to the main use. The proposed severed lot will likely be developed in the future for a single detached dwelling due to its lot width and lot area.

A *single detached dwelling* is defined as one (1) dwelling, other than a mobile home, having one (1) dwelling unit, but may also include a second dwelling unit within it. An *accessory use* is defined as a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. An example of an accessory use is a detached garage.

In accordance with section 6.4 of the Town of Essex Official Plan, the Committee of Adjustment should have regard to the following when reviewing an application:

- a) Its consistency with Provincial legislation, policies and guidelines;
- b) The requirements and policies of this Plan and the comments of other public authorities and agencies:

The Town of Essex Official Plan encourages infilling within the existing developed areas in areas designated "Residential". Single detached dwellings are permitted uses in areas designated "Residential". Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the consent application. No comments were received from other circulated internal agencies as of Wednesday December 11, 2019;

- c) The continuation of an orderly development pattern; and,
- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

Consent should only be granted:

- a) When there are four or fewer lots proposed and only in areas where the premature extension of any major municipal service would not be required:

The severance will result in the creation of one (1) additional lot. All major municipal services (water, sanitary, storm) are available along the Wellington West and St. Paul Street frontage;

- b) When the land fronts on an existing public road which is of a reasonable standard of construction of acceptable to the Town and/or Ministry of Transportation or the County of Essex:

The severed parcel will have frontage along Wellington West which is a public road that is owned and assumed by the Town of Essex;

- c) For infilling in existing built-up areas:

Residential development exists on the east and west side of Wellington.

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Wednesday December 11, 2019.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before December 17, 2020.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

he following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this application for Consent.

Discussions:

Phil Pocock excuses himself from the Committee and sits within the audience.

Rita Jabbour, Planner, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Dan Boudreau

(COA-2019-12-103) That application B-31-19 be granted to sever a ±510 square metre (±5500 square foot) parcel from the existing +1161 square metre (±12500 square foot) residential lot for the purpose of creating a new residential lot subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before December 17, 2020.

"Carried"

Reasons for Decision: The Application is in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

5.4 Rita Jabbour, Planner RE:

Application B-29-19 1277083 Ontario Ltd. (Agent: Katie Dunn), 135 Crystal Beach Road (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the subject lands located at 135 Crystal Beach Road in the former township of Colchester South. The applicants are proposing to sever a ± 526 square metre (± 5664 square foot) parcels from the existing ± 1578 square metre (± 16992 square foot) residential lot. The retained parcel is proposed to have an area of ± 526 square metres (± 5664 square feet). The applicant is proposing these consents for the purpose of residential lot creation.

5.4.1 Public Presentations (if any)

Rita Jabbour, Planner, wrote:

Official Plan Designation: "Lakeshore Residential"

Zoning: Residential District 1.1 (R1.1) –Low density housing on urban lots

An application for consent has been submitted for the lands located at 135 Crystal Beach Road in the former township of Colchester South. **Note: The applicant is applying for a simultaneous consent application (B-32-19). This application was previously heard and deferred on November 19.**

The subject property is designated "Lakeshore Residential" under the Town of Essex Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property is described as lots 30-33 and Part of Lot 29 on Plan 1392. As such, the subject property is composed of four whole lots on a registered plan of subdivision which are transferable without the need for a severance, however, the applicants are proposing the following severance to create a wider residential lot.

The applicants are proposing to sever a ± 526 square metre (± 5664 square foot) parcel from the existing ± 1578 square metre (± 16992 square foot) residential lot. The applicants are proposing this consent for the purpose of creating a new residential parcel for the development of a single detached dwelling.

The R1.1 zoning district permits the development of a single detached dwelling as a main use, and any use accessory to the main use. A *single detached dwelling* is defined

as one (1) dwelling, other than a mobile home, having one (1) dwelling unit, but may also include a second dwelling unit within it. An *accessory use* is defined as a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. An example of an accessory use is a detached garage.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the consent application. On November 19, the Committee deferred this application until such time comments from the Drainage Superintendent and the Manager of Environmental Services were received regarding flooding concerns along Crystal Beach Road and lagoon capacity for the Colchester settlement area.

Comments were received from Andy Graf, Manager of Environmental Services, regarding lagoon capacity. He states that he has no issue with the severance and that lagoon capacity is available. He indicates that the subject parcel is within the original design area for Ward 3 sanitary sewer servicing. Additionally, he notes that any costs associated with the water and sanitary services for the new lot will be the responsibility of the proponent and that it may be an expensive proposition based on the water table being so close to the lake.

Comments were received from Norman Nussio, Manager of Operations and Drainage, who states that he is ok with the severance and does not believe there will be an issue with drainage due to capacity. He states that the issue that pertains to flooding is at the outlet of the drain which gets plugged from time to time with sand. He states that the new drainage report will address the issue with the plugged pipe by installing a V wall at the outlet of the drain.

Planning has also consulted with Jake Morassut, By-law Enforcement Officer, who has advised that he is not aware of any property standards concerns at the subject property. That correspondence is as recent as Thursday December 12.

In accordance with section 6.4 of the Town of Essex Official Plan, the Committee of Adjustment should have regard to:

- a) Its consistency with Provincial legislation, policies and guidelines;
- b) The requirements and policies of this Plan and the comments of other public authorities and agencies:

The Official Plan permits new residential development on full municipal services, and a single detached dwelling in the Lakeshore Residential designation. The lot is serviced by the Crystal Beach Drain and has access to a municipally owned and operated piped water, sanitary and storm sewer.

- c) The continuation of an orderly development pattern; and,

- d) The adequate provision of a potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

Consents should only be granted:

- a) When there are four or fewer lots proposed and only in areas where the premature extension of any major municipal services would not be required:

This application is for the creation of only one (1) lot;

- b) When the land fronts on an existing public road which is of a reasonable standard of construction acceptable to the Town and/or the Ministry of Transportation or the County of Essex:

Access to the severed and retained parcel is by way of Crystal Beach Road which is a public road that is owned and assumed by the Town of Essex;

- c) For infilling in existing built-up areas:

Residential development exists on the west and east side of Crystal Beach Road.

The minimum lot width and lot area required to accommodate a single detached dwelling on a lot that is serviced by a sanitary sewer under the R1.1 zoning district is 15 metres (50 feet) and 460 square metres (5000 square feet), respectively. The severed parcel is proposed to have a lot width of 18 metres and a lot area of +526 square metres. Thus, the proposed severance will meet and exceed the minimum lot area and lot width regulations under the R1.1 zoning district for a single detached dwelling.

The retained parcel is proposed to have a lot width and lot area of 18 metres (60 feet) and +526 square metres (+5664 square feet), respectively. The retained parcel will continue to be occupied by an existing single detached dwelling, two accessory sheds and accompanying infrastructure and will continue to be used for residential purposes. Access to the retained lot will continue to be by way of Crystal Beach Road via the existing access area. Access to the retained lot will not be impacted by the proposed severance.

The condition of a parkland dedication fee has been proposed. The purpose of this policy is to put in place a uniformed park impost fee against all new single residential lots created by consent. The Committee may choose to remove this condition if they believe this proposal does not conform to the policy.

As a result of giving of public notice, no written correspondences have been received from members of the public as of Thursday December 12, 2019.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before December 17, 2020.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this application for Consent.

Discussions:

Rita Jabbour, Planner, explains the nature of the application

Rita advises the members that they can choose to remove condition e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent.

She states that the applicants are not creating new lots, they are rather making the 4 existing lots larger. Therefore the committee can deem that the parkland dedicate fee be removed as no new lot is being created.

Percy Dufour asks the applicant if they were charged the parkland fees when they originally created the 4 lots.

Rudy Viale, Applicant, advises that the lots were created in 1930 and payment for parkland fees are unknown at this time.

Moved by: Ray Beneteau

Seconded by: Brian Gray

Opposed by: Phil Pocock

(COA-2019-12-104) That application B-29-19 be granted to sever a ± 526 square metre (± 5664 square foot) parcel from the existing $+1578$ square metre (± 16992 square foot) residential lot for the purpose of creating a new residential lot subject to the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before December 17, 2020.

“Carried”

Reasons for Decision: The Application is in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

5.5 Rita Jabbour, Planner RE:

Application B-32-19 1277083 Ontario Ltd. (Agent: Katie Dunn), 135 Crystal Beach Road (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the subject lands located at 135 Crystal Beach Road in the former township of Colchester South. The applicants are proposing to sever a ±526 square metre (±5664 square foot) parcels from the existing +1578 square metre (±16992 square foot) residential lot. The retained parcel is proposed to have an area of ±526 square metres (±5664 square feet). The applicant is proposing these consents for the purpose of residential lot creation.

5.5.1 Public Presentations (if any)

Rita Jabbour, Planner, wrote:

Official Plan Designation: “Lakeshore Residential”

Zoning: Residential District 1.1 (R1.1) –Low density housing on urban lots

An application for consent has been submitted for the lands located at 135 Crystal Beach Road in the former township of Colchester South. **Note: The applicant is applying for a**

simultaneous consent application (B-29-19). This application was previously heard and deferred on November 19.

The subject property is designated “Lakeshore Residential” under the Town of Essex Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property is described as lots 30-33 and Part of Lot 29 on Plan 1392. As such, the subject property is composed of four whole lots on a registered plan of subdivision which are transferable without the need for a severance, however, the applicants are proposing the following severance to create a wider residential lot.

The applicants are proposing to sever a +526 square metre (+5664 square foot) parcel from the existing +1578 square metre (+16992 square foot) residential lot. The applicants are proposing this consent for the purpose of creating a new residential parcel for the development of a single detached dwelling.

The R1.1 zoning district permits the development of a single detached dwelling as a main use, and any use accessory to the main use. A *single detached dwelling* is defined as one (1) dwelling, other than a mobile home, having one (1) dwelling unit, but may also include a second dwelling unit within it. An *accessory use* is defined as a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. An example of an accessory use is a detached garage.

At the November 19 meeting, concerns were raised by the abutting neighbour at 131 Crystal Beach Road regarding the possible encroachment of his garage onto the proposed severed lot. The applicants have since provided a letter from Brain Coad, an Ontario Land Surveyor, and accompanying draft survey, which confirms that the garage at 131 Crystal Beach Road is a minimum of .43 metres south of the property line of the subject parcel. Thus, it has been confirmed that there is no encroachment of the garage on the subject parcel. The garage is completely confined to the neighbouring property at 131 Crystal Beach Road.

On November 19, the Committee also deferred this application until such time comments from the Drainage Superintendent and the Manager of Environmental Services were received regarding flooding concerns along Crystal Beach Road and lagoon capacity for the Colchester settlement area.

Comments were received from Andy Graf, Manager of Environmental Services, regarding lagoon capacity. He states that he has no issue with the severance and that lagoon capacity is available. He indicates that the subject parcel is within the original design area for Ward 3 sanitary sewer servicing. Additionally, he notes that any costs associated with the water and sanitary services for the new lot will be the responsibility of the proponent

and that it may be an expensive proposition based on the water table being so close to the lake.

Comments were received from Norman Nussio, Manager of Operations and Drainage, who states that he is ok with the severance and does not believe there will be an issue with drainage due to capacity. He states that the issue that pertains to flooding is at the outlet of the drain which gets plugged from time to time with sand. He states that the new drainage report will address the issue with the plugged pipe by installing a V wall at the outlet of the drain.

Planning has also consulted with Jake Morassut, By-law Enforcement Officer, who has advised that he is not aware of any property standards concerns at the subject property. That correspondence is as recent as Thursday December 12.

In accordance with section 6.4 of the Town of Essex Official Plan, the Committee of Adjustment should have regard to:

- e) Its consistency with Provincial legislation, policies and guidelines;
- f) The requirements and policies of this Plan and the comments of other public authorities and agencies:

The Official Plan permits new residential development on full municipal services, and a single detached dwelling in the Lakeshore Residential designation. The lot is serviced by the Crystal Beach Drain and has access to a municipally owned and operated piped water, sanitary and storm sewer.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the consent application. The continuation of an orderly development pattern; and,

- g) The adequate provision of a potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

Consents should only be granted:

- d) When there are four or fewer lots proposed and only in areas where the premature extension of any major municipal services would not be required:

This application is for the creation of only one (1) lot;

- e) When the land fronts on an existing public road which is of a reasonable standard of construction acceptable to the Town and/or the Ministry of Transportation or the County of Essex:

Access to the severed and retained parcel is by way of Crystal Beach Road which is a public road that is owned and assumed by the Town of Essex;

- f) For infilling in existing built-up areas:

Residential development exists on the west and east side of Crystal Beach Road.

The minimum lot width and lot area required to accommodate a single detached dwelling on a lot that is serviced by a sanitary sewer under the R1.1 zoning district is 15 metres (50 feet) and 460 square metres (5000 square feet), respectively. The severed parcels are proposed to have a lot width of 18 metres and a lot area of +526 square metres. Thus, the proposed severances will meet and exceed the minimum lot area and lot width regulations under the R1.1 zoning district for a single detached dwelling.

The retained parcel is proposed to have a lot width and lot area of 18 metres (60 feet) and +526 square metres (+5664 square feet), respectively. The retained parcel will continue to be occupied by an existing single detached dwelling, two accessory sheds and accompanying infrastructure and will continue to be used for residential purposes. Access to the retained lot will continue to be by way of Crystal Beach Road via the existing access area. Access to the retained lot will not be impacted by the proposed severance.

The condition of a parkland dedication fee has been proposed. The purpose of this policy is to put in place a uniformed park impost fee against all new single residential lots created by consent. The Committee may choose to remove this condition if they believe this proposal does not conform to the policy.

As a result of giving of public notice, no written correspondences have been received from members of the public as of Thursday December 12, 2019.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before December 17, 2020.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

he following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this application for Consent.

Discussions:

Rita Jabbour, Planner, explains the nature of the application

She advises the members that a survey was completed on the subject property by Verhaegen Land Surveyors. She states that they advised that the garage on 131 Crystal Beach is a minimum of .43 metres south of the property line. Therefore it is not encroaching on the proposed severed property.

Ray Beneteau asks if the .43 metre distance can be registered on title to protect the property owner.

Percy Dufour advises that the garage would fall under legal non-conforming.

Rita advises that the garage was built prior to Zoning By-law 1037 being adopted so it would have a legal non-conforming status. She states that the survey is a registered document which depicts the location of the garage.

Moved by Phil Pocock

Seconded by Dan Boudreau

Opposed Brian Gray

Opposed Ray Beneteau

(COA 2019-12-105) That application B-32-19 be granted to sever a ± 526 square metre (± 5664 square foot) parcels from the existing $+1578$ square metre (± 16992 square foot) residential lot for the purposes of creating a new residential lot subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That all of the above conditions be fulfilled on or before December 17, 2020.

“Defeated”

Reasons for Decision: The Application is not in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

Moved by Ray Beneteau

Seconded by: Brian Gray

Opposed: Dan Boudreau

Opposed: Phil Pocock

(COA 2019-12-106) That application B-32-19 be granted to sever a ± 526 square metre (± 5664 square foot) parcels from the existing $+1578$ square metre (± 16992 square foot) residential lot for the purposes of creating a new residential lot subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before December 17, 2020.

"Carried"

Reasons for Decision: The Application is in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

6. Unfinished Business

7. Correspondence

8. New Business

8.1 Committee to review 2020 Meeting Schedule

Rita advises the members that she spoke with administration regarding changing locations for Committee of Adjustment meetings should there be an abundance of Colchester South and Harrow area applications. She states that the Community rooms

in these locations book up quickly however she will keep locations on a status of to be determined for the entire 2020 season. Members and the public will be updated on location once the agenda is posted for the month.

8.2 Committee to vote on Chair & Vice Chair

8.2.1 Election of Chair

Ray Beneteau nominated Percy Dufour for position of Chair.

Percy Dufour agrees to the nomination

Moved by: Ray Beneteau

Seconded by: Dan Boudreau

(COA-2019-12-107) That Percy Dufour be nominated for the position of Chair of the Committee of Adjustment effective January 2020.

"Carried"

It is noted that there are no other nominations for the position of Chair of the Committee, and that Percy Dufour is therefore acclaimed as Chair of the Town of Essex Committee of Adjustment.

8.2.2 Election of Vice Chair

Phil Pocock nominated Brian Gray for position of Vice Chair.

Brian Gray agrees to the nomination.

Moved by: Phil Pocock

Seconded by: Dan Boudreau

(COA-2019-12-108) That Brian Gray be nominated for the position of Vice Chair of the Committee of Adjustments

"Carried"

It is noted that there are no other nominations for the position of Vice Chair of the Committee, and that Brian Gray is therefore acclaimed as Chair of the Town of Essex Committee of Adjustment.

9. Notices of Motion

10. Adjournment

Moved by Ray Beneteau

Seconded by Brian Gray

(COA-2019-12-109) That the meeting be adjourned at 4:50 p.m.

"Carried"

11. Next Meeting

Tuesday January 21st, 2020 at 4:00 pm, Council Chambers, 33 Talbot Street South,
Essex, Ontario.

Chair

Secretary-Treasurer/Manager, Planning
Services

THE CORPORATION OF THE TOWN OF ESSEX
BY-LAW NUMBER 1877
BEING A BY-LAW TO AMEND BYLAW 1143 BEING A BY-LAW TO
ADOPT A DOWNTOWN COMMUNITY IMPROVEMENT PLAN FOR
DOWNTOWN HARROW CENTRE

WHEREAS Section 28(2) of the *Planning Act*, R.S.O 1990, c. P.13, provides that “where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area”;

AND WHEREAS Section 28(2) of the *Planning Act* defines “a municipality or an area within a municipality, that community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”;

AND WHEREAS the Official Plan for the Town of Essex contains provisions enabling the Council of the Town of Essex to designate Community Improvement Project Areas, by by-law, for the purposes of preparing and undertaking a Community Improvement Plan;

AND WHEREAS the Council of the Town of Essex has deemed it appropriate to designate the downtown area of Harrow, within the Town of Essex in the Province of Ontario as a Community Improvement Project Area for the purposes of establishing the Downtown Harrow Community Improvement Plan (DHCIP) respecting the redevelopment, revitalization, prosperity and beautification of the community of Harrow, and further to establish the necessary policies, guidelines and instructions to implement the DHCIP, all in accordance with Section 28(2) of the *Planning Act R.S.O. 1990, c. P. 13*;

AND WHEREAS the Council of the Town of Essex has fulfilled the requirements of Section 28 of the Planning Act, R.S.O. 1990, chapter P.13, as amended;

AND WHEREAS the Council of the Corporation of the Town of Essex deems it expedient and in the best interests of the Town to hereby amend By-law 1143 with the following amendments to Schedule B “Downtown Harrow Community Improvement Plan Implementation Strategy” of By-law 1143;

1. The following definitions are added to subsection 2.1:

Alley means a highway, having a maximum width of less than 7 metres (23 feet), providing a means of access to a lot.

Combined Use Building refers to a building having, as a main uses, both a dwelling unit(s) and a non-residential use(s).

Dwelling means a building or structure or part of a building or structure that is occupied, in whole or in part, for the purposes of human habitation, but does not include a hotel, motel or mobile home.

Highway means all roads dedicated for public use.

Public Parking Area refers to a free standing parking area available to the public or a shared parking area in which public and private use is available.

2. The following definitions are deleted from subsection 2.1:

Facade Improvements means any repairs or rehabilitation of the building façade(s) as approved by the Town, including for example: the repairing, repainting or cleaning for the facade; restoration of facade masonry, brickwork or wood and metal cladding; replacing of cornices, eaves, parapets and other architectural features; repair and replacement of windows; entranceway modifications for improved accessibility; redesign of the store front; removal of inappropriate signage and installation of appropriate new signage; restoration of the original facade appearance; replacement or repair of canopies and awnings; installation of exterior lighting.

New affordable residential rental unit means a new multiple dwelling unit incorporated into a non-residential portion of a commercial building to provide affordable residential housing accommodation within the project area. Affordable is defined as a dwelling unit having a monthly all-inclusive rental rate of \$1000 or less or such other level established by Council on an individual application basis.

3. "Planning Staff" is hereby referred to as "Development Services Staff" under subsection 4.1
4. The following requirement is hereby eliminated under subsection 4.1:
 - a. Requirement to pre-consult with the Ministry of Municipal Affairs and Housing when any substantive changes to the project area boundaries, or the introduction of new programs, is proposed.
5. Section 5.0 is hereby amended to delegate approval authority for the execution of an Agreement from Town Planner to the Economic Development Officer or Manager of Planning Services in his or her absence
6. Subsection 5.2.1 "Development Permit Fee Grant Program" is hereby amended to only allow granting of the Development Permit Fee Grant when in combination with an executed development agreement

7. Subsection 5.2.3 “Tax Increment Grant Program” is hereby amended to eliminate the generation of employment as a qualifier from the provisions of the grant
8. The following grant program is hereby eliminated under subsection 5.2.4:
 - a. Parks Levy Equivalent Grant Program
9. The Façade Improvement Grant under subsection 5.2.5 is hereby amended to include the following:
 - a. Only allow funds for the removal of inappropriate or out dated signage and installation of a new sign structure when used in combination with any façade improvement works eligible under the Façade Improvement Grant;
 - b. Limit the eligibility for the Mini Façade Improvement Grant to only those works that are \$2000 or less; and
 - c. make eligible side and rear façade improvements that face and abut an alley or highway or public parking area
10. The Outdoor Café, Patio and Commercial Outdoor Space Grant Program under subsection 5.2.6 is hereby amended to include the following:
 - a. Funds for the addition of a new accessible entrances to and from the designated outdoor area, new identification and directional signage and facilities or structures or parking of bicycles only when in combination with hardscaping and landscaping works that define, shelter, delineate or otherwise enhance the outdoor space
11. Subsection 5.2.7 is hereby amended to remove the affordability qualifier for the following grants:
 - a. the Conversion Grant Program
 - b. the Rehabilitation Grant Program
12. the Demolition Grant Program is hereby amended to include provisions for complete demolitions only when accompanied by an executed development agreement unless the demolition would result in the fulfillment of a work order.
13. Section 6.0 is hereby amended to state that the Plan implementation period will be until 2021.

This By-law shall take effect on the day of the passing thereof.

Read a first and second time and provisionally adopted this 21st day of January, 2020.

Mayor

Clerk

Read a third time and finally passed this 3rd day of February, 2020.

Mayor

Clerk

THE CORPORATION OF THE TOWN OF ESSEX
BY-LAW NUMBER 1878
BEING A BY-LAW TO AMEND BY-LAW 1314 BEING A BY-LAW
TO ADOPT A DOWNTOWN COMMUNITY PLAN FOR PART OF
ESSEX CENTRE

WHEREAS Section 28(2) of the *Planning Act*, R.S.O 1990, c. P.13, provides that “where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area”;

AND WHEREAS Section 28(2) of the *Planning Act* defines “a municipality or an area within a municipality, that community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”;

AND WHEREAS the Official Plan for the Town of Essex contains provisions enabling the Council of the Town of Essex to designate Community Improvement Project Areas, by by-law, for the purposes of preparing and undertaking a Community Improvement Plan;

AND WHEREAS the Council of the Town of Essex has deemed it appropriate to designate part of Essex Centre, within the Town of Essex in the Province of Ontario as a Community Improvement Project Area for the purposes of establishing the Essex Centre Community Improvement Plan respecting the redevelopment, revitalization, prosperity and beautification of downtown Essex Centre, and further to establish the necessary policies, guidelines and instructions to implement the Community Improvement Plan, all in accordance with Section 28(2) of the Planning Act R.S.O. 1990, c. P. 13;

WHEREAS the Council of the Town of Essex has fulfilled the requirements of Section 28 of the Planning Act, R.S.O. 1990, chapter P.13, as amended;

And WHEREAS the Council of the Corporation of the Town of Essex deems it expedient and in the best interests of the Town to hereby amend By-law 1143 as follows;

And WHEREAS the Council of the Corporation of the Town of Essex deems it expedient and in the best interests of the Town to hereby amend By-law 1314 as follows;

That the boundaries of the Essex Centre Community Improvement Plan Project Area are hereby revised as shown in Schedule A attached hereto and are hereby declared to be part of bylaw

1314, and that the following be added to Schedule A “Essex Centre Community Improvement Plan Implementation Strategy” of By-law 1314:

1. The following definitions be added to subsection 2.1:

Alley means a highway, having a maximum width of less than 7 metres (23 feet), providing a means of access to a lot.

Combined Use Building refers to a building having, as a main uses, both a dwelling unit(s) and a non-residential use(s).

Dwelling means a building or structure or part of a building or structure that is occupied, in whole or in part, for the purposes of human habitation, but does not include a hotel, motel or mobile home.

Highway means all roads dedicated for public use.

Public Parking Area refers to a free standing parking area available to the public or a shared parking area in which public and private use is available.

2. The following definitions are deleted from subsection 2.1:

Facade Improvements means any repairs or rehabilitation of the building façade(s) as approved by the Town, including for example: the repairing, repainting or cleaning for the facade; restoration of facade masonry, brickwork or wood and metal cladding; replacing of cornices, eaves, parapets and other architectural features; repair and replacement of windows; entranceway modifications for improved accessibility; redesign of the store front; removal of inappropriate signage and installation of appropriate new signage; restoration of the original facade appearance; replacement or repair of canopies and awnings; installation of exterior lighting.

New affordable residential rental unit means a new multiple dwelling unit incorporated into a non-residential portion of a commercial building to provide affordable residential housing accommodation within the project area. Affordable is defined as a dwelling unit having a monthly all-inclusive rental rate of \$1000 or less or such other level established by Council on an individual application basis.

3. “Planning Staff” is hereby referred to as “Development Services Staff” under subsection 4.1
4. The following requirement is hereby eliminated under subsection 4.1:
 - a. Requirement to pre-consult with the Ministry of Municipal Affairs and Housing when any substantive changes to the project area boundaries, or the introduction of new programs, is proposed.
5. Section 5.0 is hereby amended to delegate approval authority for the execution of an Agreement from Town Planner to the Economic Development Officer or Manager of Planning Services in his or her absence

6. Subsection 5.2.1 “Development Permit Fee Grant Program” is hereby amended to only allow granting of the Development Permit Fee Grant when in combination with an executed development agreement
7. Subsection 5.2.3 “Tax Increment Grant Program” is hereby amended to eliminate the generation of employment as a qualifier from the provisions of the grant
8. The following grant program is hereby eliminated under subsection 5.2.4:
 - a. Parks Levy Equivalent Grant Program
9. The Façade Improvement Grant under subsection 5.2.5 is hereby amended to include the following:
 - a. Only allow funds for the removal of inappropriate or out dated signage and installation of a new sign structure when used in combination with any façade improvement works eligible under the Façade Improvement Grant;
 - b. Limit the eligibility for the Mini Façade Improvement Grant to only those works that are \$2000 or less; and
 - c. make eligible side and rear façade improvements that face and abut an alley or highway or public parking area
10. The Outdoor Café, Patio and Commercial Outdoor Space Grant Program under subsection 5.2.6 is hereby amended to include the following:
 - a. Funds for the addition of a new accessible entrances to and from the designated outdoor area, new identification and directional signage and facilities or structures or parking of bicycles only when in combination with hardscaping and landscaping works that define, shelter, delineate or otherwise enhance the outdoor space
11. Subsection 5.2.7 is hereby amended to remove the affordability qualifier for the following grants:
 - a. the Conversion Grant Program
 - b. the Rehabilitation Grant Program
12. the Demolition Grant Program is hereby amended to include provisions for complete demolitions only when accompanied by an executed development agreement unless the demolition would result in the fulfillment of a work order.
13. Section 6.0 is hereby amended to state that the Plan implementation period will be until 2021.

This By-law shall take effect on the day of the passing thereof.

Read a first and second time and provisionally adopted this 21st day of January, 2020.

Mayor

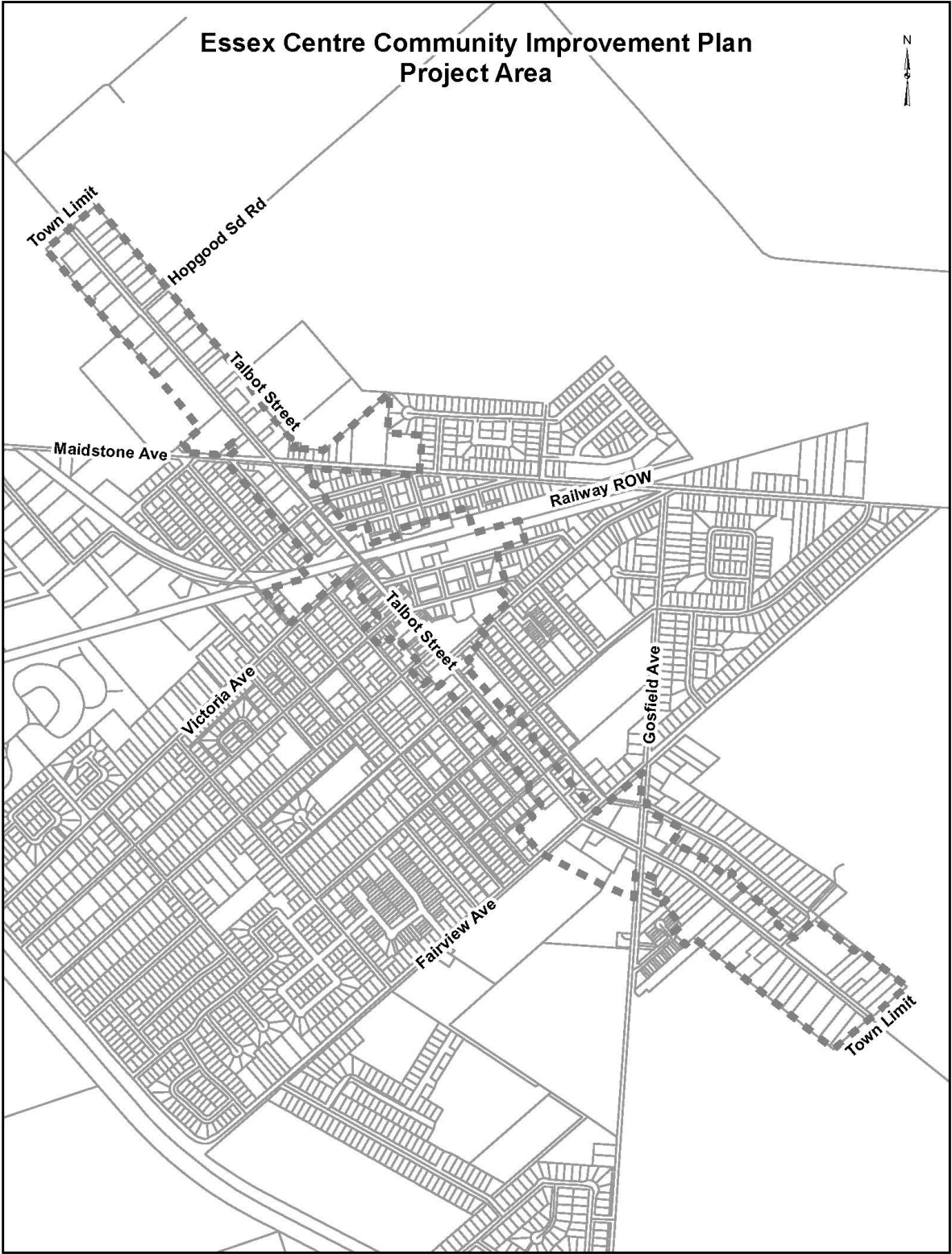
Clerk

Read a third time and finally passed this 3rd day of February, 2020.

Mayor

Clerk

Schedule A to By-law Number 1878



THE CORPORATION OF THE TOWN OF ESSEX
BY-LAW NUMBER 1879
BEING A BY-LAW TO AMEND BY-LAW 1612 BEING A BY-LAW
TO ADOPT A COMMUNITY IMPROVEMENT PLAN FOR PART OF
COLCHESTER CENTRE

WHEREAS Section 28(2) of the Planning Act, R.S.O 1990, c. P.13, provides that where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area;

AND WHEREAS Section 28(2) of the Planning Act defines a municipality or an area within a municipality, that community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason;

AND WHEREAS the Official Plan for the Town of Essex contains provisions enabling the Council of the Town of Essex to designate Community Improvement Project Areas, by by-law, for the purposes of preparing and undertaking a Community Improvement Plan;

AND WHEREAS the Council of the Town of Essex has deemed it appropriate to designate part of Colchester Centre, within the Town of Essex in the Province of Ontario as a Community Improvement Project Area for the purposes of establishing the Colchester Centre Community Improvement Plan respecting the redevelopment, revitalization, prosperity and beautification of Colchester Centre, and further to establish the necessary policies, guidelines and instructions to implement the Community Improvement Plan, all in accordance with Section 28(2) of the Planning Act R.S.O. 1990, c. P. 13;

AND WHEREAS the Council of the Town of Essex has fulfilled the requirements of Section 28 of the Planning Act, R.S.O. 1990, chapter P.13, as amended;

And WHEREAS the Council of the Corporation of the Town of Essex deems it expedient and in the best interests of the Town to hereby amend By-law 1612 with the following amendments to Schedule A "Colchester Community Improvement Plan Implementation Strategy" of By-law 1612;

1. The following definitions are added under subsection 2.1:

Alley means a highway, having a maximum width of less than 7 metres (23 feet), providing a means of access to a lot.

Combined Use Building refers to a building having, as a main uses, both a dwelling unit(s) and a non-residential use(s).

Dwelling means a building or structure or part of a building or structure that is occupied, in whole or in part, for the purposes of human habitation, but does not include a hotel, motel or mobile home.

Highway means all roads dedicated for public use.

Public Parking Area refers to a free standing parking area available to the public or a shared parking area in which public and private use is available.

2. The following definitions are deleted from subsection 2.1:

Facade Improvements means any repairs or rehabilitation of the building façade(s) as approved by the Town, including for example: the repairing, repainting or cleaning for the facade; restoration of facade masonry, brickwork or wood and metal cladding; replacing of cornices, eaves, parapets and other architectural features; repair and replacement of windows; entranceway modifications for improved accessibility; redesign of the store front; removal of inappropriate signage and installation of appropriate new signage; restoration of the original facade appearance; replacement or repair of canopies and awnings; installation of exterior lighting.

New affordable residential rental unit means a new multiple dwelling unit incorporated into a non-residential portion of a commercial building to provide affordable residential housing accommodation within the project area. Affordable is defined as a dwelling unit having a monthly all-inclusive rental rate of \$1000 or less or such other level established by Council on an individual application basis.

3. "Planning Staff" is hereby referred to as "Development Services Staff" under subsection 4.1
4. The following requirement is hereby eliminated under subsection 4.1:
 - a. Requirement to pre-consult with the Ministry of Municipal Affairs and Housing when any substantive changes to the project area boundaries, or the introduction of new programs, is proposed.
5. Section 5.0 is hereby amended to delegate approval authority for the execution of an Agreement from Town Planner to the Economic Development Officer or Manager of Planning Services in his or her absence
6. Subsection 5.2.1 "Development Permit Fee Grant Program" is hereby amended to only allow granting of the Development Permit Fee Grant when in combination with an executed development agreement

- 7. Subsection 5.2.3 “Tax Increment Grant Program” is hereby amended to eliminate the generation of employment as a qualifier from the provisions of the grant
- 8. The following grant program is hereby eliminated under subsection 5.2.4:
 - a. Parks Levy Equivalent Grant Program
- 9. The Façade Improvement Grant under subsection 5.2.5 is hereby amended to include the following:
 - a. Only allow funds for the removal of inappropriate or out dated signage and installation of a new sign structure when used in combination with any façade improvement works eligible under the Façade Improvement Grant;
 - b. Limit the eligibility for the Mini Façade Improvement Grant to only those works that are \$2000 or less; and
 - c. make eligible side and rear façade improvements that face and abut an alley or highway or public parking area
- 10. The Outdoor Café, Patio and Commercial Outdoor Space Grant Program under subsection 5.2.6 is hereby amended to include the following:
 - a. Funds for the addition of a new accessible entrances to and from the designated outdoor area, new identification and directional signage and facilities or structures or parking of bicycles only when in combination with hardscaping and landscaping works that define, shelter, delineate or otherwise enhance the outdoor space
- 11. Subsection 5.2.7 is hereby amended to remove the affordability qualifier for the following grants:
 - a. the Conversion Grant Program
 - b. the Rehabilitation Grant Program
- 12. the Demolition Grant Program is hereby amended to include provisions for complete demolitions only when accompanied by an executed development agreement unless the demolition would result in the fulfillment of a work order.
- 13. Section 6.0 is hereby amended to state that the Plan implementation period will be until 2021.

This By-law shall take effect on the day of the passing thereof.

Read a first and second time and provisionally adopted this 21st day of January, 2020.

Mayor

Clerk

Read a third time and finally passed this 3rd day of February, 2020.

Mayor

Clerk

The Corporation of the Town of Essex

By-Law Number 1882

Being a by-law to confirm the proceedings of the January 20, 2020, Regular Meeting of Council of The Corporation of the Town of Essex

Whereas pursuant to Section 5(1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council;

And whereas pursuant to Section 5(3) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the January 20, 2020 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.
2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said January 20, 2020 meeting referred to in paragraph 1 of this by-law.
3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the actions taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of The Corporation of the Town of Essex to all documents referred to in said paragraph 1.

Read a first and a second time and provisionally adopted on January 20, 2020.

Mayor

Clerk

Read a third time and finally adopted on February 3, 2020.

Mayor

Clerk

RATING BY-LAW

Tile Drainage Act, R.S.O. 1990, c. T.8, s.8

THE CORPORATION OF THE
Town of Essex

BY-LAW NUMBER 1886

A by-law imposing special annual drainage rates upon land in
respect of which money is borrowed under the Tile Drainage Act.

WHEREAS owners of land in the municipality have applied to the council under the Tile Drainage Act for loans for the purpose of constructing subsurface drainage works on such land;

AND WHEREAS the council has, upon their application, lent the owners the total sum of \$41,700.00 to be repaid with interest by means of rates hereinafter imposed;

The council, pursuant to the Tile Drainage Act, enacts as follows:

1. That annual rates as set out in the Schedule 'A' attached hereto are hereby imposed upon such land as described for a period of ten years, such rates shall have priority lien status, and shall be levied and collected in the same manner as taxes.

First Reading 2020-Feb-03
yyyy/mm/dd

Second Reading 2020-Feb-03
yyyy/mm/dd

Provisionally adopted this 03 day of February, 2020

Larry Snively
Name of Head of Council Signature

Robert Auger
Name of Clerk Signature

Third Reading 2020-Feb-03

Enacted this 03 day of February, 2020

Larry Snively
Name of Head of Council Signature

Corporate Seal

Robert Auger
Name of Clerk Signature

I, Robert Auger, clerk of the Corporation of the Town of Essex certify that the above by-law was duly passed by the council of the Corporation and is a true copy thereof.

Robert Auger
Name of Clerk Signature

Corporate Seal

Property Owner Information*				Description of Land Parcel to Which the Repayment Charge Will be Levied					Proposed date of loan (YYYY-MM-DD)	Sum to be loaned \$	Annual rate to be imposed \$
Keith Shepley	0	0		Lot: pt Lot 14	Con: SMR				2020-Mar-01	\$ 41,700.00	\$ 5,665.69
-	-										
3723 North Malden		Essex	ONT	Roll #: 3754 440 000 00030							
0	0	0		Lot:	Con:						
-	-										
				Roll #:							
0	0	0		Lot:	Con:						
-	-										
				Roll #:							
0	0	0		Lot:	Con:						
-	-										
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-	-										
				Roll #:							
0	0	0		Lot:	Con:						
-	-										
				Roll #:							

* If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer in the last blank space provided.Only the owner(s) of the property may apply for a loan.

TOTAL * \$ 41,700.00 \$ 5,665.69

The Corporation of the Town of Essex
By-Law Number 1887
Being a by-law to Repeal By-law 1809, a by-
law to raise money to aid in the construction
of Drainage Works under the *Tile Drainage*
Act

Whereas the Town of Essex did on April 15, 2019 pass By-law Number 1809 being a by-law to raise money to aid in the construction of drainage works under the *Tile Drainage Act*;

Whereas the Town of Essex did on April 19, 1999 pass By-law Number 61 being a by-law to raise money to aid in the construction of drainage works under the *Tile Drainage Act*;

And whereas, The Corporation of the Town of Essex did on February 3, 2020 pass by-law number 1886, being a By-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act.

And whereas, the Council of The Corporation of the Town of Essex accordingly now deems it expedient and necessary to repeal By-law Number 1809 as now being redundant.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. By-Law Number 1809 and all amendments hereto are hereby repealed;
2. This By-Law shall come into force and take effect upon the final passing thereof.
3. **Read a first, a second and finally passed on February 3, 2020.**

Mayor

Clerk

The Corporation of the Town of Essex

By-Law Number 1885

Being a by-law to confirm the proceedings of the February 3, 2020, Regular Meeting of Council of The Corporation of the Town of Essex

Whereas pursuant to Section 5(1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council;

And whereas pursuant to Section 5(3) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the February 3, 2020 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.
2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said February 3, 2020 meeting referred to in paragraph 1 of this by-law.
3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the actions taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of The Corporation of the Town of Essex to all documents referred to in said paragraph 1.

Read a first and a second time and provisionally adopted on February 3, 2020.

Mayor

Clerk

Read a third time and finally adopted on February 18, 2020.

Mayor

Clerk