

The Corporation of the Town of Tillsonburg

COUNCIL MEETING

AGENDA



Monday, April 8, 2019
6:00 PM
Council Chambers
200 Broadway, 2nd Floor

1. Call to Order

2. Adoption of Agenda

Proposed Resolution #1

Moved By: _____

Seconded By: _____

THAT the Agenda as prepared for the Council Meeting of Monday, April 8, 2019 be adopted.

3. Moment of Silence

4. Disclosures of Pecuniary Interest and the General Nature Thereof

5. Adoption of Council Minutes of Previous Meeting

Proposed Resolution #2

Moved By: _____

Seconded By: _____

THAT the Minutes of the Council Meeting of March 25, 2019 and the Special Council Meetings of March 21 and April 1, 2019 be approved.

6. Presentations

6.1 Town of Tillsonburg Aquatics Facility Study

Anand Desai, MCIP, RPP, M.E.Des.

Associate Planner, Monteith Brown Planning Consultants

Proposed Resolution #3

Moved By: _____

Seconded By: _____

THAT Council receives the presentation by Monteith Brown Planning Consultants, in regards to the Town of Tillsonburg Aquatics Facility Study, as information;

AND THAT the information be referred to the Town's Advisory Committees for comment, and subsequently to staff for a report and recommendation back to Council.

6.2 Tillsonburg Community Centre Design Discussion, Design Option Report

Chris Burbidge, OAA

Senior Associate, MacLennan Jaunkains Miller Architects (MJMA)

Proposed Resolution #4

Moved By: _____

Seconded By: _____

THAT Council receives the presentation by MacLennan Jaunkains Miller Architects (MJMA), in regards to the Tillsonburg Community Centre Design Option Report, as information;

AND THAT the information be referred to the Town's Advisory Committees for comment, and subsequently to staff for a report and recommendation back to Council.

7. Public Meetings

8. Planning Applications

8.1 Application for Zone Change - ZN 7-19-03 - Oxnard Developments Inc.

Proposed Resolution #5

Moved By: _____

Seconded By: _____

THAT Council approves the zone change application, File No. ZN 7-19-03, as submitted by Oxnard Developments Inc., for lands described as Blocks 6,7 & 9, Plan 41M-272, Town of Tillsonburg, to rezone the subject lands to remove the Holding Provision from properties within Phase 2 of Potters Gate.

9. Delegations

10. Deputation(s) on Committee Reports

10.1 CLK 19-10 - Tillsonburg Transit Advisory Committee Terms of Reference

Presenter: Sherry Hamilton, Chair, Tillsonburg Transit Advisory Committee

Proposed Resolution #6

Moved By: _____

Seconded By: _____

THAT Council receives Report CLK 19-10 - Tillsonburg Transit Advisory Committee Terms of Reference;

AND THAT Council approves the amended Terms of Reference for the Tillsonburg Transit Advisory Committee.

10.2 DCS 19-07 - Economic Development Advisory Committee Resolution Regarding THI's New Economic Evaluation Model

Presenter: Jesse Goossens, Chair, Economic Development Advisory Committee

Proposed Resolution #7

Moved By: _____

Seconded By: _____

THAT Council receives Report DCS 19-07 - Economic Development Advisory Committee Resolution Regarding THI's New Economic Evaluation Model as information.

10.3 OPS 19-09 - Tillsonburg Airport Advisory Committee Comment Regarding the Airport Development Manual

Presenter: Mark Renaud, Chair, Tillsonburg Airport Advisory Committee

Proposed Resolution #8

Moved By: _____

Seconded By: _____

THAT Council receives Report OPS 19-09 - Tillsonburg Airport Advisory Committee Comment Regarding the Airport Development Manual, as information.

11. Information Items

11.1 Ministry of Infrastructure and Communities - Gas Tax Fund

Proposed Resolution #9

Moved By: _____

Seconded By: _____

THAT Council receives the correspondence from the Minister of Infrastructure and Communities, in regards to the Gas Tax Fund, as information.

11.2 Big Brothers Big Sisters of Ingersoll, Tillsonburg & Area - Appreciation for 2019 Municipal Grant

Proposed Resolution #10

Moved By: _____

Seconded By: _____

THAT Council receives the correspondence from Big Brothers Big Sisters of Ingersoll, Tillsonburg & Area, expressing appreciation for the municipal grant, as information.

11.3 Tillsonburg District Chamber of Commerce - THI Distribution System Expansion Costs and Charges

Proposed Resolution #11

Moved By: _____

Seconded By: _____

THAT Council receives the correspondence from the Tillsonburg District Chamber of Commerce, in regards to Tillsonburg Hydro Inc. (THI) Distribution System Expansion Costs and Charges, as information.

12. Mayor Reports

12.1 MYR 19-06 - MMAH Regional Review

Proposed Resolution #12

Moved By: _____

Seconded By: _____

WHEREAS the Province of Ontario (MMAH) has begun a Regional Government Reform initiative that includes Oxford County and hence the Town of Tillsonburg;

AND Whereas the Council for the Town of Tillsonburg supports an open, transparent and fact-based approach to identifying any areas of operational efficiencies and financial savings;

And WHEREAS the Town of Tillsonburg is committed to both protect and enhance, in a responsible manner, the proud legacy of our municipality;

AND WHEREAS the Council for the Town of Tillsonburg opposes a One Tier Governance structure in Oxford County as historical indications suggest it will not result in better decision making, will not result in improved services or level of customer service and will not provide any overall net cost efficiencies;

AND WHEREAS the Town of Tillsonburg supports the continuation of a Two Tier Governance structure and supports an open and transparent approach to identify local and regional efficiencies;

NOW THEREFORE BE IT RESOLVED that Council for the Town of Tillsonburg endorses any opportunity to reinforce and enhance a Two-tier Governance structure in Oxford County;

AND FURTHER THAT the material contained within this report be made available to the CAO for his subsequent report as anticipated;

AND FURTHER THAT Council endorses the opportunity for enhanced Public Engagement by hosting an Open House session as to be facilitated by Town staff

AND FURTHER THAT this report be forward to the other municipalities in Oxford, including the County of Oxford as information.

13. Staff Reports

13.1 Chief Administrative Officer

13.2 Clerk's Office

13.2.1 CLK 19-11 - Amend Business Licence By-Law to include Ice Cream vehicles

Proposed Resolution #13

Moved By: _____

Seconded By: _____

THAT Council receives Report CL 19-11 - Ice Cream Refreshment Vehicles;

AND THAT a By-Law to amend By-Law 3666 be brought forward for Council consideration.

13.2.2 CLK 19-12 - BIA Board of Management Additional Appointments

Proposed Resolution #14

Moved By: _____

Seconded By: _____

THAT Council receives Report CLK 19-12 BIA Board of Management Additional Appointments;

AND THAT By-Law 4289 to amend By-Law 4260, be brought forward for Council consideration.

13.3 Development and Communication Services

13.3.1 DCS 19-05 - Noise By-Law

Proposed Resolution #15

Moved By: _____

Seconded By: _____

THAT Council receives Report DCS 19-05 Noise By-Law for information;

AND THAT Noise By-Law 4255 to regulate noise in the Town of Tillsonburg be brought forward for Council consideration.

13.3.2 DCS 19-06 - Community Improvement Plan Application - 165 Broadway

Proposed Resolution #16

Moved By: _____

Seconded By: _____

THAT Council receives Report DCS 19-07 - Community Improvement Plan Application – 165 Broadway;

AND THAT the 165 Broadway property be approved for the Accessibility Renovation Grant in matching funds to a maximum contribution of \$3,000.

13.4 Finance

13.4.1 FIN 19-08 - Additional Funding From Upper Orders Of Government

Proposed Resolution #17

Moved By: _____

Seconded By: _____

THAT Council receives Report FIN 19-08 - Additional Funding From Upper Orders Of Government for information;

AND THAT Council approves the Senior Leadership Team's recommendations for disposition of funds from the upper orders of government.

13.5 Fire and Emergency Services

13.6 Operations

13.6.1 OPS 19-01 - Airport Building Permits

Brought forward from the January 28, 2019 Council Meeting.

Proposed Resolution #18

Moved By: _____

Seconded By: _____

THAT Council receives Report OPS 19-01 - Airport Building Permits;

AND THAT Council directs staff to develop an Airport Development Manual to support the administration of development activity at the Airport entirely in-house.

13.6.2 OPS 19-07 - Results for Tender RFT 2019-004 Bradburn Area

Reconstruction Stage 2 of 2

Proposed Resolution #19

Moved By: _____

Seconded By: _____

THAT Council receives Report OPS 19-07 - Results for Tender RFT2019-004 Bradburn Area Reconstruction Stage 2 of 2;

AND THAT Council awards Tender RFT2019-004 to Elgin Construction of St. Thomas, ON at a cost of \$673,902.02 (net HST included), the lowest bid received satisfying all Tender requirements.

13.6.3 OPS 19-08 2019 ICIP - Rural and Northern Stream Funding Application

Proposed Resolution #20

Moved By: _____

Seconded By: _____

THAT Council receives Report OPS 19-08 - 2019 ICIP – Rural and Northern Funding Stream Application;

AND THAT Council reaffirms the Concession Street West Reconstruction as the designated project for the ICIP – Rural and Northern Communities Funding Stream;

AND THAT the Chief Administrative Officer be authorized to execute the declaration statement within the formal application.

13.7 Recreation, Culture & Park Services

14. New Business

15. Consideration of Committee Minutes

15.1 Committee Minutes

Proposed Resolution #21

Moved By: _____

Seconded By: _____

THAT Council receives the Museum Advisory Committee Minutes dated February 28, 2019 and March 28, 2019, the Transit Advisory Committee Minutes dated March 19, 2019, the Airport Advisory Committee Minutes dated March 21, 2019, and the Economic Development Committee Minutes dated March 21, 2019, as information.

16. Motions/Notice of Motions

17. Resolutions/Resolutions Resulting from Closed Session

18. By-Laws

- 18.1 By-Law 4255 - To Control Noise, and repeal By-Law 3002**
- 18.2 By-Law 4269 - To Amend By-Law 3666, to Govern the Licensing of Businesses (to include ice cream trucks/bicycles)**
- 18.3 By-Law 4286 - To Authorize Specific Complaints to the Assessment Review Board**
- 18.4 By-Law 4287 - To Authorize an End User Agreement with Elexicon Group Inc., (formerly Whitby Hydro)**
- 18.5 By-Law 4289 - To Amend By-Law 4260, to Appoint Directors to the BIA**
- 18.6 By-Law 4290 - To Amend Zoning By-Law 3295 (ZN 7-19-02)**
- 18.7 By-Law 4291 - To Deem Certain Lands Not To Be Within a Registered Plan of Subdivision (ZN 7-19-02)**
- 18.8 By-Law 4292 - To Amend Zoning By-Law 3295 (ZN 7-19-03)**

Proposed Resolution #23

Moved By: _____

Seconded By: _____

THAT By-Law 4255 - To Control Noise, and repeal By-Law 3002,

By-Law 4269 - To Amend By-Law 3666, to Govern the Licensing of Businesses (to include ice cream trucks/bicycles),

By-Law 4286 - To Authorize Specific Complaints to the Assessment Review Board,

By-Law 4287 - To Authorize an End User Agreement with Elexicon Group Inc., (formerly Whitby Hydro),

By-Law 4289 - To Amend By-Law 4260, to Appoint Directors to the B.I.A.,

By-Law 4290 - To Amend Zoning By-Law 3295 (ZN 7-19-02),

By-Law 4291 - To Deem Certain Lands Not To Be Within a Registered Plan of Subdivision (ZN 7-19-02), and

By-Law 4292 - To Amend Zoning By-Law 3295 (ZN 7-19-03), be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

19. Confirm Proceedings By-law

Proposed Resolution #24

Moved By: _____

Seconded By: _____

THAT By-Law 4288, to Confirm the Proceedings of the Council Meeting held on April 8, 2019, be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

20. Items of Public Interest

21. Adjournment

Proposed Resolution #25

Moved By: _____

Seconded By: _____

THAT the Council Meeting of Monday, April 8, 2019 be adjourned at _____ p.m.

MINUTES



Monday, March 25, 2019

5:00 PM

Council Chambers
200 Broadway, 2nd Floor

ATTENDANCE: Mayor Molnar
Deputy Mayor Beres
Councillor Gilvesy
Councillor Luciani
Councillor Parker
Councillor Rosehart
Regrets: Councillor Esseltine
Staff: Donna Wilson, Town Clerk
Dave Rushton, Director of Finance
Rick Cox, Director of Recreation, Culture and Parks
Lana White, Deputy Clerk/Executive Assistant
Regrets: David Calder, CAO
Kevin De Leebeeck, Director of Operations

1. Call to Order

The Meeting was called to order at 5:00 p.m.

2. Closed Session

Resolution # 1

Moved By: Councillor Rosehart

Seconded By: Councillor Gilvesy

THAT Council move into Closed Session at 5:00 p.m. to consider personal matters about an identifiable individual, including Town employees (CAO Performance Appraisal).

Carried

3. Adoption of Agenda

Resolution # 2

Moved By: Deputy Mayor Beres

Seconded By: Councillor Luciani

THAT the Agenda as prepared for the Council Meeting of Monday, March 25, 2019 be adopted.

Carried

4. Moment of Silence

5. Disclosures of Pecuniary Interest and the General Nature Thereof

No disclosures of pecuniary interest were declared.

6. Adoption of Council Minutes of Previous Meeting

Resolution # 3

Moved By: Councillor Luciani

Seconded By: Councillor Parker

THAT the Minutes of the Council Meeting of March 11, 2019 be approved.

Carried

7. Presentations

8. Public Meetings

Resolution # 4

Moved By: Councillor Luciani

Seconded By: Councillor Rosehart

THAT Council move into the Committee of Adjustment to hear applications for Minor Variance at 6:04pm.

Carried

8.1 Application for Minor Variance - A02-19 - 59 Trillium Drive (Simon Wagler Homes)

Eric Gilbert, Senior Planner, County of Oxford, appeared before Council and provided an overview of Report 2019-75, File A02-19 Application for Minor Variance.

Opportunity was given for comments and questions from Council.

No members of the public appeared before Council either in support of, or opposition to, the application.

Council passed the following resolution.

Resolution # 5

Moved By: Councillor Parker

Seconded By: Councillor Luciani

THAT the Committee of Adjustment approves Application File A02-19, submitted by Simon Wagler Homes, for lands described as Lot 43, Plan 41M-145, Town of Tillsonburg, as it relates to:

1. Relief from Section 6.2, Table 6.2 – Zone Provisions, to increase the maximum permitted lot coverage of an ‘R1-21’ zoned lot from 35% to 36% of the lot area, subject to the condition that a building permit for the proposed dwelling shall be issued within one year of the date of the Committee’s decision.

Carried

Resolution # 6

Moved By: Councillor Parker

Seconded By: Councillor Luciani

THAT Council move out of the Committee of Adjustment and move back into regular Council session at 6:06pm.

Carried

8.2 Application for Zone Change - ZN 7-19-02 - 74 Sanders Crescent (Erica Patenaude)

Eric Gilbert, Senior Planner, County of Oxford, provided an overview of Report CP 2019-83, Application for Zone Change & Deeming By-Law ZN 7-19-02.

Opportunity was given for comments and questions from Council.

Aaron Pattyn, 90 Denrich Avenue, was in attendance, in support of the application.

No members of the public appeared before Council either in support of, or opposition to, the application.

Council passed the following resolution.

A Deeming By-Law and Zoning By-Law will be brought forward at the April 8, 2019 Council Meeting.

Resolution # 7

Moved By: Deputy Mayor Beres

Seconded By: Councillor Parker

THAT Council approves the zone change application submitted by Erica Patenaude, whereby the lands described as Block 47, Plan 41M-241 & Block A, Plan M60, Town of Tillsonburg, known municipally as 74 Sanders Crescent are to be rezoned from 'Low Density Residential Type 1 Zone (R1)' & 'Low Density Residential Type 1A Holding Zone (R1A-H)' to 'Special Low Density Residential Type 1 A Zone (R1A-sp)' to permit a single detached dwelling with a reduced exterior side yard width;

AND FURTHER THAT the Council approves the request to enact a deeming by-law, to deem lands known as Block 47, Plan 41M-241 & Block A, Plan M60, Town of Tillsonburg to not be within a registered plan of subdivision, to merge the lands to provide a single residential building lot.

Carried

9. Planning Applications

10. Delegations

11. Deputation(s) on Committee Reports

12. Information Items

12.1 Lake Erie Source Protection Committee Municipal Member Nomination

Resolution # 8

Moved By: Deputy Mayor Beres

Seconded By: Councillor Luciani

THAT Council receives the Memo regarding the Lake Erie Region Source Protection Committee Municipal Member Nomination, as information; and

THAT Tillsonburg Town Council supports the appointment of the Coordinator of Source Protection (Risk Management Official and Inspector) for the County of Oxford to the Lake Erie Region Source Protection Committee.

Carried

12.2 Ontario Senior of the Year Award

Resolution # 9

Moved By: Councillor Luciani

Seconded By: Deputy Mayor Beres

THAT Council receives notice of the Ministry of Citizenship and Immigration's 'Ontario Senior of the Year Award' nomination period;

AND THAT nominations received by the municipality will be considered, and a submission made to the Ministry, with a deadline of April 30, 2019.

Carried

13. Mayor Reports

13.1 MYR 19-05 - Update - CAO Performance Appraisal

Resolution # 10

Moved By: Councillor Luciani

Seconded By: Councillor Gilvesy

THAT Council receives Report MYR 19-05;

AND THAT Council endorses the recommendations for the identified Goals and Objectives and recommended Remuneration;

AND THAT the work of the Review Committee be considered complete and that the Committee be disbanded.

Carried

14. Staff Reports

14.1 Chief Administrative Officer

14.2 Clerk's Office

14.2.1 CLK 19-08 - Committees of Council Additional Appointments

Resolution # 11

Moved By: Councillor Parker

Seconded By: Councillor Luciani

THAT Council receives Report CLK 19-08 - Committees of Council Additional Appointments;

AND THAT By-Law 4281 to amend Schedule A of By-Law 4247, be brought forward for Council consideration.

Carried

14.2.2 CLK 19-09 - Appointments to the Property Standards Committee

Resolution # 12

Moved By: Councillor Parker

Seconded By: Councillor Luciani

THAT Council receives Report CLK 19-09 Appointments to the Property Standards Committee;

AND THAT By-Law 4282 to establish and appoint members to the Property Standards Committee by The Corporation of The Town of Tillsonburg, be brought forward for Council consideration.

Carried

14.3 Development and Communication Services

14.4 Finance

14.4.1 FIN 19-06 - 2018 Remuneration and Expenses

Resolution # 13

Moved By: Councillor Rosehart

Seconded By: Councillor Gilvesy

THAT FIN19-06 - 2018 Remuneration and Expenses be received as information.

Carried

14.4.2 FIN 19-07 - Plotter Replacements

Resolution # 14**Moved By:** Councillor Rosehart**Seconded By:** Councillor Gilvesy

THAT FIN19-07 - Plotter Replacements be received as information;

AND THAT two plotter/scanners be purchased by the IT department to replace failing units not included in the 2019 Budget;

AND FURTHER THAT the funding for these units comes from the IT Reserve and the Asset Management Reserve (\$11,072) using unutilized funds from the purchase of survey equipment.

Carried

14.5 Fire and Emergency Services**14.6 Operations****14.6.1 OPS 19-06 - Results for RFP 2019-002 Survey Equipment****Resolution # 15****Moved By:** Councillor Gilvesy**Seconded By:** Councillor Rosehart

THAT Council receives Report OPS 19-06 - Results for RFP 2019-002 Survey Equipment;

AND THAT Council award RFP 2019-002 to Cansel of Richmond Hill, ON at a cost of \$36,012.87 (net HST included), the highest scoring proposal received.

Carried

14.7 Recreation, Culture & Park Services**14.7.1 RCP 19-13 - Cogeneration Turbines Factory Protection Plan****Resolution # 16****Moved By:** Councillor Gilvesy**Seconded By:** Councillor Rosehart

THAT Council receives Report RCP 19-12 – Cogeneration Turbines Factory Protection Plan;

AND THAT Council authorizes the Mayor and Clerk to sign the Factory Protection Plan with Whitby Hydro Energy Services Corporation at Level C for 9 years at an annual cost of \$39,976 plus applicable taxes.

Carried

15. New Business

16. Consideration of Committee Minutes

16.1 Committee Minutes

Resolution # 17

Moved By: Councillor Luciani

Seconded By: Deputy Mayor Beres

THAT Council receives the Cultural, Heritage and Special Awards Advisory Committee Minutes dated March 6, 2019, the Recreation and Sports Advisory Committee Minutes dated March 7, 2019, the Parks, Beautification and Cemetery Advisory Committee Minutes dated March 7, 2019, and the Accessibility Advisory Committee Minutes dated March 12, 2019, as information.

Carried

17. Motions/Notice of Motions

17.1 Councillor Gilvesy - Council Staff Relations Policy

Councillor Gilvesy introduced a Motion in regards to the Council Staff Relations Policy.

Resolution # 18

Moved By: Councillor Gilvesy

Seconded By: Councillor Rosehart

THAT the Council Staff Relations Policy be reviewed in April 2020.

Carried

18. Resolutions/Resolutions Resulting from Closed Session

19. By-Laws

19.1 By-Law 4281, To Amend Schedule A of By-Law 4247, to Define the Mandate and Membership for Committees

19.2 By-Law 4282, To establish and appoint members to the Property Standards Committee

Resolution # 19

Moved By: Deputy Mayor Beres

Seconded By: Councillor Luciani

THAT By-Law 4281, To Amend Schedule A of By-Law 4247, to Define the Mandate and Membership for Committees; and

By-Law 4282, To Establish and Appoint Members to the Property Standards Committee, be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

Carried

20. Confirm Proceedings By-law

Resolution # 20

Moved By: Councillor Luciani

Seconded By: Deputy Mayor Beres

THAT By-Law 4284, to Confirm the Proceedings of the Council Meeting held on March 25, 2019, be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

Carried

21. Items of Public Interest

The Customer Service Centre will be temporarily relocated from 10 Lisgar Avenue to 200 Broadway, Suite 203, for the period April 4 - 8, 2019, to accommodate construction. Appropriate notice, as well as signage at both locations, will be provided.

A Special Council Meeting has been called for April 1, 2019, 5:00 to 6:30 p.m. in the Council Chambers, Development Charges Review.

The outdoor ice pad has been turned off for the season.

22. Adjournment

Resolution # 21

Moved By: Councillor Parker

Seconded By: Councillor Luciani

THAT the Council Meeting of Monday, March 25, 2019 be adjourned at 7:11 p.m.

Carried

MINUTES



Thursday, March 21, 2019

2:00 PM

Council Chambers

200 Broadway, 2nd Floor

ATTENDANCE: Mayor Molnar
Deputy Mayor Beres
Councillor Gilvesy
Councillor Luciani
Councillor Parker
Councillor Rosehart

Regrets: Councillor Esseltine

Staff: David Calder, CAO
Kevin De Leebeeck, Director of Operations
Dave Rushton, Director of Finance
Rick Cox, Director of Recreation, Culture and Parks
Jeff Smith, Fire Chief
Lana White, Deputy Clerk/Executive Assistant
Amelia Jaggard, Legislative Services Coordinator

Regrets: Donna Wilson, Town Clerk

1. Call to Order

The meeting was called to order at 2:04 p.m.

2. Closed Session

3. Adoption of Agenda

Resolution # 1

Moved By: Councillor Gilvesy

Seconded By: Councillor Rosehart

THAT the Agenda as prepared for the Special Council Meeting of Thursday, March 21, 2019, for the purpose of education - Development Charges Study Review, be adopted.

Carried

4. Moment of Silence

5. Disclosures of Pecuniary Interest and the General Nature Thereof

No disclosures of pecuniary interest were declared.

6. Adoption of Council Minutes of Previous Meeting

7. Presentations

7.1 Development Charges Study Review

Andrew Grunda, Watson & Associates Economists Ltd., appeared before Council and provided information regarding the Development Charges Background Study and next steps.

Opportunity was given for comments and questions from Council.

Resolution # 2

Moved By: Councillor Gilvesy

Seconded By: Councillor Rosehart

THAT Council receives the presentation from Watson & Associates Economists Ltd. - Development Charges Study Review, as information.

Carried

8. Public Meetings

9. Planning Applications

10. Delegations

11. Deputation(s) on Committee Reports

12. Information Items

13. Staff Reports

13.1 Chief Administrative Officer

13.2 Clerk's Office

13.3 Development and Communication Services

13.4 Finance

13.5 Fire and Emergency Services**13.6 Operations****13.7 Recreation, Culture & Park Services****14. New Business****15. Consideration of Committee Minutes****15.1 Committee Minutes****16. Motions/Notice of Motions****17. Resolutions/Resolutions Resulting from Closed Session****18. By-Laws****19. Confirm Proceedings By-law****Resolution # 3**

Moved By: Deputy Mayor Beres

Seconded By: Councillor Luciani

THAT By-Law 4283, to Confirm the Proceedings of the Special Council Meeting held on Thursday, March 21, 2019, be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

Carried

20. Items of Public Interest**21. Adjournment****Resolution # 4**

Moved By: Councillor Luciani

Seconded By: Councillor Parker

THAT the Special Council Meeting of Thursday, March 21, 2019 be adjourned at 3:31 p.m.

Carried

MINUTES



Monday, April 1, 2019
5:00 PM
Council Chambers
200 Broadway, 2nd Floor

ATTENDANCE: Mayor Molnar
Deputy Mayor Beres
Councillor Esseltine
Councillor Gilvesy
Councillor Luciani
Councillor Parker
Councillor Rosehart

Staff: David Calder, CAO
Donna Wilson, Town Clerk
Kevin De Leebeeck, Director of Operations
Dave Rushton, Director of Finance
Rick Cox, Director of Recreation, Culture and Parks
Jeff Smith, Fire Chief

Regrets: Lana White, Deputy Clerk/Executive Assistant

1. Call to Order

The meeting was called to order at 5:00 p.m.

2. Closed Session

3. Adoption of Agenda

Resolution # 1

Moved By: Councillor Parker

Seconded By: Councillor Esseltine

THAT the Agenda as prepared for the Council meeting of Monday, April 1, 2019 be adopted.

Carried

4. **Moment of Silence**
5. **Disclosures of Pecuniary Interest and the General Nature Thereof**

No disclosures of pecuniary interest were declared.

6. **Adoption of Council Minutes of Previous Meeting**
7. **Presentations**
8. **Public Meetings**
9. **Planning Applications**
10. **Delegations**
11. **Deputation(s) on Committee Reports**
12. **Information Items**
13. **Staff Reports**

- 13.1 **Chief Administrative Officer**
- 13.2 **Clerk's Office**
- 13.3 **Development and Communication Services**
- 13.4 **Finance**

13.4.1 FIN 19-07 Review of Development Charge Study

The Director of Finance went over the changes to the DC Study from the previous information session.

Council was given the opportunity to ask questions.

Council discussed the potential DC recoverable costs and how those numbers are determined.

Staff to provide the draft study to the Economic Development Advisory Committee for comment.

Resolution # 2

Moved By: Councillor Esseltine

Seconded By: Councillor Parker

THAT Council receives the Draft Development Charge Study;

AND THAT the DC study as amended be brought back to the Council meeting of May 13, 2019 for public consultation.

Carried

- 13.5 **Fire and Emergency Services**
- 13.6 **Operations**
- 13.7 **Recreation, Culture & Park Services**

- 14. **New Business**
- 15. **Consideration of Committee Minutes**
 - 15.1 **Committee Minutes**
- 16. **Motions/Notice of Motions**
- 17. **Resolutions/Resolutions Resulting from Closed Session**
- 18. **By-Laws**
- 19. **Confirm Proceedings By-law**

Resolution # 3

Moved By: Councillor Luciani

Seconded By: Deputy Mayor Beres

THAT By-Law 4285, to Confirm the Proceedings of the Council Meeting held on April 1, 2019, be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

Carried

- 20. **Items of Public Interest**
- 21. **Adjournment**

Resolution # 4

Moved By: Councillor Gilvesy

Seconded By: Councillor Rosehart

THAT the Council Meeting of Monday, April 1, 2019 be adjourned at 6:37 p.m.

Carried



Town of Tillsonburg Aquatics Facility Study

February 2019

mbpc

Monteith•Brown
planning consultants

40^{Years}
of Planning Excellence
1977 • 2017



Town of Tillsonburg

Aquatics Facility Study

February 1, 2019
FINAL REPORT



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Overview of Aquatics in Tillsonburg

For over 70 years, the Town of Tillsonburg has provided high quality indoor and outdoor aquatic experiences to residents and people living in surrounding areas. The Lake Lisgar Waterpark was opened in 1948 as a rectangular swimming pool (then known as the Kinsmen Pool) and was converted into the water park as it now stands in the mid-1990s, while the indoor aquatic centre at the Tillsonburg Community Centre was constructed in 1972.

Both aquatic centres are located within a five minute walk of one another, forming part of a broad civic recreational campus that is bounded by Lisgar Avenue to the north, Gowrie Street to the south, Broadway to the west, and Lake Lisgar to the east.

Figure 1: Geographic Context of the Tillsonburg Community Centre & Lake Lisgar Water Park



Image Source: Google Maps, 2019

Tillsonburg Community Centre

The indoor aquatic centre contains a 25 metre, six lane rectangular lap pool with competition starting blocks, male and female change rooms (shared with the fitness centre), a lifeguard office, storage room, and a separated viewing gallery. There is also an exterior entrance providing direct access to the pool deck in addition to the interior access found at the basement level which can be beneficial for persons with disabilities and restricted mobility.

While the aquatic centre has serviced the community and surrounding region well over the years, it lacks modern amenities and requires improvements to basic elements such as pool decking, tiling of the pool tank, filtration systems, and accessibility improvements for persons with disabilities.



Tillsonburg Community Centre
Image Source: Monteith Brown Planning Consultants

Lake Lisgar Water Park

Lake Lisgar Waterpark's outdoor swimming area offers beach entry, inflatable and spray features, a large water slide, change rooms and a canteen. There is a shaded grassed area north of the pool deck that is well suited for picnicking and pool viewing while the adjacent Memorial Park contains a quality playground structure and pavilion that complement the water play activities.

Recently the Waterpark's usage has declined from historical levels due in part to equipment failures. The bath house was built near the time of the original pool construction and is in an antiquated state despite ongoing efforts of the Town to maintain its aging structure. It contains male and female change rooms, a control desk, lifeguard office, and a small storage area.



Lake Lisgar Waterpark
Image Source: Tourism Oxford

Purpose of the Aquatics Facility Study

In recent years, the Town of Tillsonburg has been faced with greater infrastructure lifecycle pressures to keep up a state of good repair within its aging stock of aquatic facilities. Work is required to retile the Tillsonburg Community Centre's pool deck, repair the pool basin and replace mechanical systems but doing so requires a considerable capital expenditure. The Lake Lisgar Waterpark is also faced with substantial capital renewal works, notably for replacement of the water slide tower.

With limitations and financial renewal costs associated with the Town's aging aquatics infrastructure, the Town of Tillsonburg has undertaken this Aquatic Facility Study. The intent of the Study is to help the Town make decisions that result in municipal dollars being efficiently spent, focused on priority aquatic facility needs, and hopefully results in more effective operations (including through stimulating greater aquatic use/participation). The Town of Tillsonburg Parks, Recreation & Cultural Strategic Master Plan also provides rationale for undertaking this analysis, particularly for the indoor aquatics centre.¹

The Aquatics Facility Study was prepared in conjunction with a separate, but concurrent architectural conceptual design process. The Aquatics Facility Study will be used by Town Staff to inform the preliminary design initiative, but is in no way intended to limit functional design and programming considerations deemed to be appropriate through the architectural assessment.

Project Methodology & Timeline

The Aquatics Facility Study involved an analysis of community demographics and selected trends applicable to the municipal aquatics sector, as well as engaging the community via a survey and review of comments (received through emails, written submissions and the Town's social media). A workshop was also held with the Town's aquatic staff. Using this information, assessments provide the recommended direction for aquatics in Tillsonburg to be considered as part of the preliminary architectural design. The project schedule is as follows:

- | | |
|---------------------|--|
| – November 6, 2018 | Project initiated with Town Staff and Consultants |
| – November 7, 2018 | Background research commences |
| – November 12, 2018 | Site Tours of Tillsonburg Community Centre and Lake Lisgar Waterpark |
| – November 12, 2018 | Tillsonburg Aquatics Staff Workshop |
| – November 21, 2018 | Community Survey and commenting opens to the public |
| – January 1, 2019 | Community Survey closes |
| – January 5, 2019 | Needs assessments commence |
| – January 16, 2019 | Draft Study circulated for Town review |
| – February 1, 2019 | Final Study |

¹ Town of Tillsonburg. 2011. Parks, Recreation & Culture Strategic Master Plan. pp. 60-63.

Tillsonburg Community Profile

Tillsonburg's indoor and outdoor aquatic facilities are used by local residents but also capture a degree of regional use. The following market characteristics focus primarily upon the Town of Tillsonburg using data derived from Statistics Canada.

The Town of Tillsonburg grew by 3.7% between the 2011 and 2016 Census periods, reaching a population of 15,872 (exclusive of net Census undercount). The Town's ongoing Development Charges Study establishes a mid-year 2019 estimate of 16,576 persons, growing to 18,510 persons by the year 2031 which amounts to a 12% increase (1,600 persons).

The median age of Tillsonburg residents is 48.5 years while the average age is 46.2 years, as recorded through the 2016 Census. Between 2011 and 2016:

- The number of children (1,500 persons between the ages of 0 and 9) and youth/teens (1,600 persons between the ages of 10 and 19) in the community was relatively unchanged.
- The number of younger adults between the ages of 20 and 34 was also relatively unchanged.
- There were 225 fewer adults between 35 and 54 years of age, declining by 6%.
- Older adults ages 55 years and over represented the largest growth segment, adding 770 persons (12%) and presently consists of more than 6,600 Tillsonburg residents.

Town staff indicate that Tillsonburg has attracted new subdivision growth since the 2016 Census and thus additional younger populations may be reflected when the 2021 Census is undertaken and released. Other notable socio-demographic characteristics include:

- Tillsonburg's average household size of 2.2 persons is lower than averages in Oxford County (2.5) and Ontario (2.6), with two-person households accounting for over 60% of local households.
- Median household income of \$58,000 is 19% lower than the County median and 21% lower than the provincial median.
- There are 2,200 residents (14% of the population) living at or below the Low Income Measure (LIM-AT), a greater rate than the County (11%) and similar to Ontario (14%); nearly one in five Tillsonburg children and youth below the age of 18 live in LIM-AT households (17%).
- Most residents are well established Canadians; 87% of the population was born in Canada and 88% of all immigrants in the Town arrived prior to the year 2001.

While Tillsonburg's indoor and outdoor aquatic facilities are used by residents, the Town's role as a regional service centre results in its pools being used by people living in area municipalities throughout Oxford, Elgin and Norfolk County. The Lake Lisgar Waterpark is marketed as a tourist destination and accordingly attracts a degree of visits beyond the regional catchment. The Town has not yet established a formal "trade area" boundary for the indoor and outdoor aquatic facilities to define their catchments and market characteristics, however, the contributions of non-residents are recognized in this Study.

Selected Trends in the Municipal Aquatics Sector

The Value of Aquatics

Municipalities deliver aquatic services because of the value they bring to residents from a variety of perspectives including safety, accessibility / inclusion, health and wellness, sports and competition, and a sense of community. Although private and backyard pools are gaining popularity, aquatics would be inaccessible for many people if not provided by the municipal sector.

Swimming and aquatic programming provide the public with valuable water safety programs and offer services to teach interested persons swimming skills. Using a health and wellness lens, swimming and other aquatic activities are excellent low-impact exercise opportunities to develop mobility, endurance, and strength training.



Tillsonburg Community Centre
Image Source: Town of Tillsonburg

Swimming pools are popular facilities, offering a variety of options for all ages and abilities. Swimming has low-barriers to participation in that little equipment is required (appropriate bathing attire), it is low-to-no cost for drop-in activities (fees are usually associated with scheduled or registered programs), and anyone can participate in some form.

From a municipal service and facility perspective, aquatic facilities complement fitness and recreational atmospheres and pair well with other facilities such as community centres, seniors' centres, arenas, gymnasiums and libraries. Swimming facilities often anchor major community centres and can be used to build a community hub of activity (i.e., multiple municipal and / or private service providers located at a single site), much like the way that Tillsonburg's indoor and outdoor pools anchor the Memorial Park campus of recreation facilities/amenities.

In light of these benefits, the Town of Tillsonburg and a number of area municipalities operate indoor and outdoor aquatic facilities.

Regional Indoor Aquatic Centres

Tillsonburg and Ingersoll are the smallest area municipalities by population that offer indoor pools; other regional benchmarks that provide indoor aquatic facilities have populations above 40,000 persons. With the exception of Brantford's Wayne Gretzky Sports Centre (offering a 65 metre and 25 metre pool), municipalities have employed a 25 metre pool design that are rectangular (except for Woodstock which is L-shaped), contain between 4 and 6 lanes, and whose gendered changerooms are supplemented by family changerooms (except for Tillsonburg).

Municipality	Population	No. of Indoor Aquatic Centres	Facility Type
Tillsonburg	16,000	1	Tillsonburg Community Centre 25 metre, 6 lane rectangular pool with competition starting blocks
Bayham	7,500	0	n/a
Brant County	37,000	0	n/a
Brantford	97,000	1	Wayne Gretzky Sports Centre 65 metre rectangular pool, 25 metre pool, warm water pool, hydrotherapy pool
Ingersoll	13,000	1	Victoria Park Community Centre 25 metre, 4 lane rectangular pool
Norfolk	64,000	1	Annaleise Carr Aquatics Centre 25 metre, 5 lane rectangular pool
Norwich	11,000	0	n/a
St. Thomas	39,000	0	n/a
Thames Centre	13,000	0	n/a
Woodstock	41,000	1	Southside Aquatic Centre 25 metre, 6 lane, "L-Shaped" pool

Note: Supply excludes non-municipal aquatic centres (e.g. private sector, YMCA, educational institutions, etc.)

Regional Outdoor Aquatic Centres

All but two of the benchmarked area municipalities provide outdoor aquatics facilities. Tillsonburg and Brantford are the only two comparators that operate a waterpark, though Woodstock provides a unique splash structure that offers a smaller scale version of the water park experience. Other municipalities operate rectangular pools that are between 25 metres and 33 metres in length.

Municipality	Population	No. of Outdoor Aquatic Facilities	Facility Type
Tillsonburg	16,000	1	Lake Lisgar Waterpark Swimming pool, waterplay features, slide
Bayham	7,500	0	n/a
Brant County	37,000	1	Paris Community Pool 25 metre, 4 lane rectangular pool
Brantford	97,000	1	Earl Haig Family Fun Park Swimming pool and waterplay features, slide
Ingersoll	13,000	0	n/a
Norfolk	64,000	1	Delhi Kinsmen Pool 33 metre, 8 lane rectangular pool
Norwich	11,000	1	Otterville Pool 30 metre, 6 lane rectangular pool
St. Thomas	39,000	1	Jaycees Pool 25 metre, 6-lane rectangular pool, diving well
Thames Centre	13,000	1	Dorchester Community Pool 25 metre, 6-lane rectangular pool
Woodstock	41,000	2	Lions Pool 32 metre, 6-lane rectangular pool Southside Aquatic Centre Wading pool with splash structure and various spray features

Note: Supply excludes non-municipal aquatic centres (e.g. private sector, educational institutions, etc.) and splash pads

In addition to outdoor pools, the majority of area municipalities also provide splash pads and/or wading pools as part of their outdoor aquatics system. These splash pads vary in size, scale and the number of features contained in them and are thus not directly comparable in all instances. In lieu of splash pad provision, the Town of Tillsonburg has chosen to provide a more comprehensive, unique outdoor waterplay experience through Lake Lisgar Waterpark; if the Town were to provide a splash pad in the future, its design would likely need to be scaled to a more basic template so that it would not directly compete with Waterpark operations should this facility continue to serve the Town.

Program Trends

Swimming pools can be designed and programmed for a wide range of aquatic sports and community activities, ranging from parent and tot introduction to swimming all the way to competitive fitness swimming (and everything in between). Listed below is a summary of the most common aquatic program types along with a brief description of those activities.

Activity/Program	Description
Leisure Swimming	Opportunities for free play in the water with lifeguard supervision. These programs are often labeled as “free swim”, “open swim”, “rec swim” or “family swim”.
Fitness Swimming	Pool patrons may visit the facility specifically to benefit their personal health and wellness objectives by participating in aquafit, lane swimming, triathlon training, or masters swimming.
Swimming Lessons	Many facilities offer progressive swimming lessons ranging from parent and tot lessons (ages 4 months to 3 years), preschool-age lessons (3 years to 6 years), school-age lessons (5 years to 12 years). These are often offered through the Red Cross or Lifesaving Society lesson programs.
Leadership Programs	Swim Patrol, Bronze-level courses (Star, Medallion, Cross), Lifeguard certifications (National Lifeguard), swimming instructor certifications (Water Safety Instructor, Swim Instructor, Lifesaving Instructor), and advanced courses such as Examiner and Instructor Trainer.
Aquatic Sports	Aquatic athletics requires significant dedication of pool space for training and competition. Common aquatic sports include competitive lane swimming (swim team), water polo, diving, and synchronized swimming.
Specialized Aquatic Programs & Activities	Some aquatic facilities have developed or introduced niche/specialized aquatic programs, either by request or to introduce new programs and skill-development opportunities. These may include (but are not limited to): aqua-jogging, water walking, aqua-cycling, aquapole, stand-up paddle boarding, paddleboard yoga, underwater hockey, innertube water polo, and more.
Therapeutic Programs	Certain municipalities have partnered with hospitals and rehabilitative care providers such as physiotherapists, occupational therapists, kinesiologists, athletic therapists, etc. to deliver programs designed for post-surgical operation rehab, heart disease and stroke prevention/recovery, or to support limited-mobility exercise.

The Town of Tillsonburg offers programs within all of the above noted categories with the exception of therapeutic/rehabilitative programming. The result is a diverse range of program and rental opportunities within the Tillsonburg Community Centre and the Lake Lisgar Waterpark. Competitive swimming was previously offered at the indoor pool by a community-based organization, however, that group is no longer active though the Tillsonburg Community Centre remains capable of accommodating a competitive program if/when a new group emerges.

Facility Design

Modern aquatic facility design has evolved from the provision of a single, basic rectangular swimming tank. Many aquatic environments now offer multiple tanks to serve a variety of programming options and user groups. These may be shallow, deep or transition spaces, sometimes in unique shapes and sizes (e.g., a “guppy pool” for parent and tot programming).

Some popular examples of modern pool designs and features include:

- **Moveable pool floors:** these provide the operator with the ability to raise and lower the pool depth to suit a variety of programs (generally 0.0 – 2.7m or deeper). This may include shallow programs such as swimming lessons or parent and tot swim, or deep-water programs such as aquafit (option for chest-depth water or full-depth).
- **Therapy pools:** these warm-water (occasionally also salt-water) pools provide a therapeutic option for users seeking a space to benefit from aquatic therapy (e.g., stroke recovery, physical therapy, or older adults and seniors’ programs).
- **Family pools:** these are a consistent shallow depth (0.5 – 0.7m) and are designed with the pool’s youngest swimmers in mind. The shallow depth enables toddlers and young children to explore buoyancy in a comfortable environment. They are often warmer than pools designed for fitness swimming. These pools also often include a beach-style or ramp entry and stepped transitions (benches for adults to sit or “teaching steps”).

Traditional rectangular pools for lane swimming are also very functional and well-used facilities. The standard dimensions for these tanks are 25 metres in length while pool widths vary dependent upon the number of lanes available and whether the tank supports other uses or accessibility features. Most often, pools transition from shallow ends (suitable for school-age swimming lessons) to deeper water (suitable for dive-entries) and may include start blocks to accommodate competitive swimming.

Wave pools and splash parks remain common aquatic destinations, but are more commonly operated by private service providers. However, some municipal facilities (particularly outdoor pools) provide adventure play options (e.g., water slides, spray features, rock climbing walls, etc.). Some less-risky and smaller-scale aquatic play features available in municipal facilities may include: Tarzan ropes, (retractable) climbing walls, spray features, and bubblers.

Universal (accessible) design standards are a requirement of new (or significant changes to existing) pool development. This would include, but is not limited to, the following features:

- **Ramp entries** provide sloped entry from zero-depth to the pool floor (able to be used by water wheelchairs and persons with limited mobility)
- **Clear and accessible path** from the facility entrance to the change rooms and pool deck
- **Changerooms** containing change tables with adjustable height and dimensions/weight carrying capacity for adults, sufficient widths between doorways, grab bars, emergency call buttons, etc.
- **High contrast** colours used for surface markings and equipment
- **Colour and texture cues** to assist persons with visual impairments

Other Considerations

Aging infrastructure is a common issue across municipalities and municipal aquatic facilities are no exception. Many pools in Ontario have been in operation for decades and require significant investment for maintenance or repair. Challenges associated with aging aquatics infrastructure may include: the ability or lack thereof to retrofit older pool designs to meet modern accessibility standards; servicing dated parts and equipment that are no longer produced; inefficient operations from a cost or environmental perspective relative to new technologies; older pool designs that are not conducive to current aquatic activity/program preferences.

Pool operation and maintenance considerations should evaluate opportunities for environmental or high-efficiency designs and implementation of **new technologies**. This may include water treatment, filtration, air and water heating and circulation, air quality monitoring, etc. A best-practice example is the Stronach Aurora Recreation Complex which was among the first in Ontario to use a heat-recovery system that directs excess heat from arena operations to warm its indoor aquatic centre. Tillsonburg has recently completed a Combined Heat & Power project where waste heat from electricity generation is recovered to heat pool water and other building uses.

The design of **environmentally friendly facilities** is promoted by the Canadian Green Building Council, which governs the Leadership in Energy and Environmental Design (LEED) rating system in Canada. To obtain LEED certification, a facility must meet rating standards in sustainable development, water savings, energy efficiency, materials, and indoor environmental quality. BOMA BEST is another sustainability certification program that is a voluntary, national program designed to assess environmental performance and management of existing (primarily commercial) buildings.

Pool design should also consider **spaces for staff and patrons** as well as **equipment and chemical / operational storage**. Aquatic staff need space to keep their personal and work-related items (clothing, towels, swimming lesson attendance and worksheets, etc.) and a space to perform first aid (treatment supplies, chair/bed for patron use, easily washed floor surface). Facilities that offer a variety of programs (particularly swimming lesson programs and aquatic fitness) require significant space for storage of equipment (pool noodles, water belts, lifejackets, toys, lane ropes, etc.). This may take the form of shelving and racks on deck to make equipment available to pool patrons or may be a secure storage closet or cabinet. Other storage considerations may include: deck cleaning equipment, a wash basin or sink, and storage of pool treatment chemical (if not housed elsewhere in the facility).

Splash pads have become highly sought amenities for young families seeking a fun, affordable and accessible experience on hot days. They tend to be more cost effective than outdoor pools to build and operate as they can be integrated into most park configurations and do not require regular staffing as there is no standing water. Splash pads can be designed in a wide variety of ways with a range of different apparatuses that provide an enhanced aquatic experience for residents of all ages.

Community Input Received

Consultation for this Study spanned a six-week period between November 12, 2018 and January 1, 2019, consisting of the following feedback opportunities:

1. Community Survey
2. Online & Emailed Feedback
3. Aquatics Staff Workshop

A summary of themes from each consultation activity is summarized in the pages that follow.

Community Survey

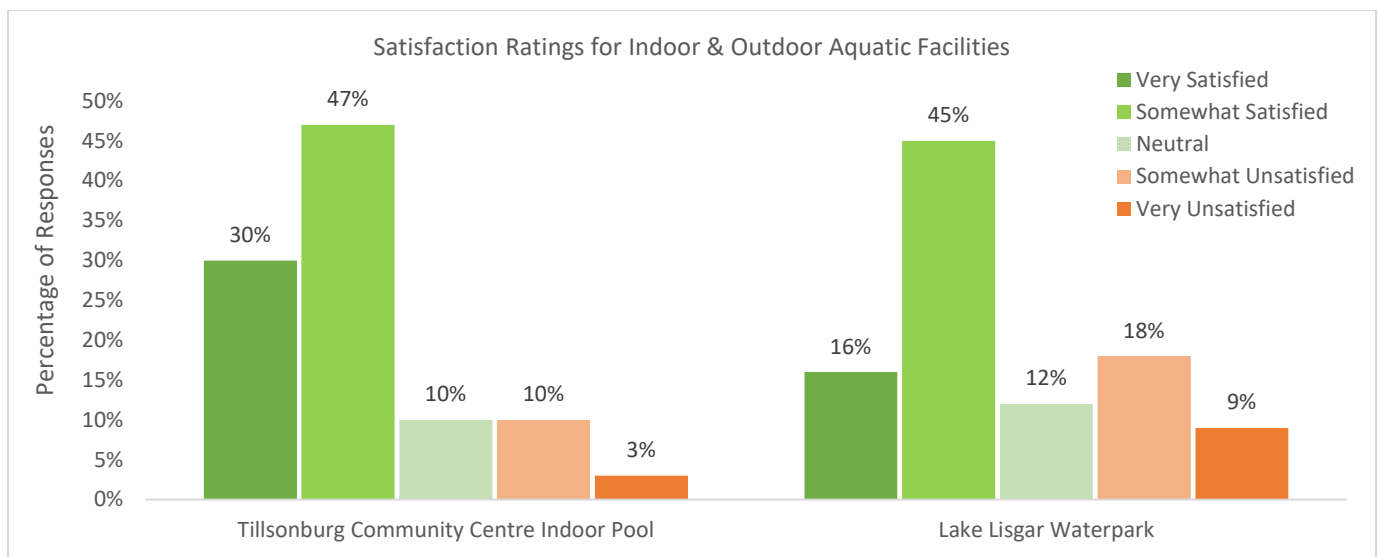
Survey Sample Characteristics

The survey generated responses from 652 individuals, noting that the total number of responses per question varied (i.e. respondents were not obligated to answer any particular question). The survey sample was comprised of both Tillsonburg residents (78%) and non-residents (22%), was more likely to be completed by females (82%), and 58% reported an annual household income over \$75,000. The average age of survey respondents was 44 years with an average household size of 2.2 persons, slightly younger than the Town's Census average age (46 years) and the same Census average household size.

Approximately four out of five respondents (83%) used the Tillsonburg Community Centre indoor pool during the past year. A total of 54% of respondents visited the Lake Lisgar Waterpark over the past twelve months. When expanded to visits over the past two years, 57% of survey respondents visited the Tillsonburg Community Centre indoor pool more than 16 times while 68% of responses visited the Lake Lisgar Waterpark less than 6 times.

Overall Experience at Tillsonburg Aquatics Facilities

Three out of four respondents' reported being *satisfied* with their last visit to the Tillsonburg Community Centre indoor pool (77%). The Lake Lisgar Waterpark received a slightly lower satisfaction rating of 61%.



Reasons for Not Visiting a Tillsonburg Aquatic Facility

For the 96 survey respondents that had not visited the Tillsonburg Community Centre indoor pool in the past year, 23% reported the reason as being that *programs were not offered at a time convenient to them* while another 20% were simply *not interested* in swimming. Other reasons included those that felt the design of the pool is *outdated*, programs were *too expensive*, or that they *did not know enough* about the indoor pool or its programs (these other reasons each amounted to between 10% and 12% of responses among non-visitors).

Among the 239 respondents reporting that they did not use the Lake Lisgar Waterpark in the past year, 34% indicated that admission is *too expensive* or that they *prefer to use free splash pads* found within parks (in other municipalities). Another 19% stated that the facility is *too busy* while 12% indicated that they are *not interested* in swimming or waterplay.

Importance of Selected Indoor Aquatic Activities & Amenities

Respondents prioritized a number of indoor aquatic programs and activities. Frequently cited examples of activities that were somewhat important or very important included *swimming lessons* (90%), *leisure swims* (88%), *lifeguarding and leadership programs* (85%), *aquafit* (84%), and *family/parent-tot swims* (83%).

Within an indoor pool setting, survey respondents were most likely to place importance on having *deep water* (84% rated this as somewhat or very important), *special needs and accessibility features* (83%), *warm water* (83%) and *family changerooms* (82%). In total, 86% of respondents indicated that they would likely *use the Tillsonburg Community Centre indoor pool more frequently than they do at present* if it were modernized/enhanced with amenities that were appealing to them.

Importance of Selected Outdoor Aquatic Activities & Amenities

Respondents also prioritized a number of outdoor aquatic programs and activities. Whereas respondents placed strong priority on lessons and aquatic leadership in an indoor pool setting, this was less so for outdoor pools. Instead, respondents placed the greatest importance on *waterplay* programs and activities with 83% rating outdoor waterplay as somewhat important or very important. Others stated some level of importance for *leisure swims* (78%) and *family/parent-tot swims* (76%), which were followed by *aquatic leadership* and *lessons* (at 64% and 52%, respectively).

Within an outdoor aquatics setting, survey respondents were most likely to place importance on *shaded areas* (93% rated this as somewhat or very important), *family changerooms* (85%), *on-deck viewing space* (84%), *zero-depth entry* (83%), and *special needs and accessibility features* (82%). In total, 86% of respondents indicated that they would likely *use the Lake Lisgar Waterpark more frequently than they do at present* if it were modernized/enhanced with amenities that were appealing to them.

Values and Future Directions

Respondents were asked to state their level of agreement or disagreement with a number of value statements and potential future directions. The following is a summary of responses.

- 97% agreed in some form that it is important that the Tillsonburg Community Centre *indoor pool continues to serve current and future residents*; another 96% agreed that the indoor pool is an important part of the *quality of life* that is afforded in Tillsonburg.
- By comparison, 83% agreed in some form that it is important that the *Lake Lisgar Waterpark should continue to serve current and future residents* while 82% agreed that it is an important part of the *quality of life* that is afforded in Tillsonburg.

- 89% of respondents agreed that the indoor pool provides *a fun and enjoyable experience*, similar to the 85% that agreed with the same for the Lake Lisgar Waterpark.
- 87% agreed with the preliminary thought of *expanding* the Tillsonburg Community Centre's indoor aquatic pool to allow new types of activities to be offered while 78% agreed in principle with the idea of *refurbishing the Lake Lisgar Waterpark* to bring it up to a modern level of quality.
- 86% agreed that the indoor pool provides their household with *good value in relation to its program and admission fees* (8% disagreed in some form); by comparison, 70% agreed that Lake Lisgar Waterpark provides good value in relation to its admission rate (15% disagreed).
- 71% agree that the indoor pool is *accessible* to persons with disabilities, seniors, families with young children and others with special needs (18% disagree in some form); by comparison 80% of responses agree with the same for the Lake Lisgar Waterpark (6% disagreed).
- While over half of responses (53%) support *replacing Lake Lisgar Waterpark with an expanded indoor aquatic centre at the Tillsonburg Community Centre*, this concept also generated the highest level of disagreement with 34% somewhat or strongly disagreeing with such direction (14% neither agreed nor disagreed).

For additional information regarding the community survey, the complete summary of tabulated survey responses is contained in **Appendix A**.

Online & Emailed Feedback

Written submissions were accepted via email and reviewed from the Town's Facebook page. A summary of themes from written submissions is as follows:

- Lake Lisgar Waterpark is a *valued feature for all ages* that is fun and affordable so that residents can enjoy without having to travel long distances for other water parks.
- Conversely, another resident had a different view with respect to the Waterpark and suggested it be *converted to a splash pad* as their impression was that the appeal of the existing waterpark is primarily to young children.
- *Lane swimming* opportunities should continue to be made available, along with competitive swimming programs.
- *Barrier-free accessibility features* within the pools should be a strong consideration.
- Exploring ways to *expand hours for certain programs* (e.g. lane swims, lessons) and if possible adding new programs into the aquatic schedule.
- A desire for a therapeutic pool, improved and larger changerooms, a family changeroom, and a larger viewing area.

Aquatics Staff Workshop

A workshop was held with Tillsonburg aquatics staff on November 12, 2018 including lifeguards, instructors, coordinators and supervisors. Staff have direct, firsthand knowledge of trends and best practices in their field in addition to regularly receiving comments on the frontline from Tillsonburg's aquatic customers/users. Aquatics staff emphasized the following points.

- The Tillsonburg Community Centre indoor pool provides *quality services* through a broad range of programs that serve many age groups at various times throughout the week.
- The indoor pool has a number of *design and functional limitations*, largely attributable to the era of its construction. In particular, accessibility for persons with disabilities and the lack of a family changeroom were noted as pressing issues for the indoor aquatic centre.
- Staff's vision for the Tillsonburg Community Centre indoor aquatic centre is for an *updated, aesthetically modern design with multiple pool tanks* that allow lane and leisure swimming along with waterplay. The indoor pool would benefit from having more deck space in general, additional seating on-deck and in the upper viewing gallery, more storage and having more natural light.
- Lake Lisgar Waterpark's design is *appealing to many people* due to the ability to swim, play, lounge on the deck, and socialize. The fact that food is permitted in the Waterpark and there are ample open spaces to eat make it an attractive half-day or full-day destination, particularly in relation to other opportunities available in the park.
- Lake Lisgar Waterpark's primary limitations were noted to be a result of the *age of the bath house and the pool*. The bath house is deteriorating, with little natural light and tight changing quarters; the lack of a family change room and limited accessibility for persons with disabilities were major concerns noted by staff (ranging from narrow hallways to the lack of automatic doors).
- The Waterpark is most attractive to *families whose children are elementary school age* or younger, but is much less appealing to teens as it lacks the "thrilling, adventure or fun" elements found at many privately-operated waterparks.
- Staff's future vision for Lake Lisgar Waterpark is one that *updates/enhances the waterplay elements* and possibly adds an adventure element(s) to appeal to local teens.

A more fulsome summary of the discussion is contained in **Appendix B**.

Preliminary Assessment of Indoor Aquatics

Service Rationalization

Indoor aquatics has long been a part of the Town's core service mandate that has resulted in thousands of residents, of many different ages and abilities, enjoying the recreational benefits of swimming over the years. The Town's Community Parks, Recreation & Cultural Strategic Master Plan rationalizes the continued provision of indoor aquatic services over its 20 year planning period; the recent consultation efforts carried out through the Aquatics Facility Study reinforce the importance that residents place on the Tillsonburg Community Centre's indoor aquatic centre.

Based upon the following considerations and a demonstrated ability to meet community needs, it is recommended that the Town of Tillsonburg continue to operate an indoor aquatic centre.

Service Level Considerations

The service level of one indoor aquatic centre per 16,000 Tillsonburg residents reflects the Town's commitment to providing quality aquatic services to the community but also recognizes that a larger regional population is being served. On that basis, the current level of provision is considered to be within a normalized range, albeit one that is on the upper end of the service level spectrum.

The Town is also providing equipment-based fitness as a level of service. The indoor aquatic centre forms a strong complement to the fitness centre contained in the Tillsonburg Community, allowing holistic delivery of dryland and water-based active living; research shows that many fitness club patrons value the inclusion of a pool and vice-versa. Performance of the fitness centre (as measured through memberships) is tied to the presence of the indoor pool.

Participation & Use

Swimming lessons and water fitness activities have been increasing in recent years, demonstrating a growing demand for such programs; as of the end of September 2018, over 3,500 lesson registrations were accommodated in the pool representing a 15% increase over the 2014 while the nearly 9,000 aquatic fitness admissions represents an 8% increase over the same time. Anecdotal observations from Town Staff are that there are greater demands for older adult aquatics programs, lesson registrations are equally comprised of residents and non-residents, and three-quarters of aquatic fitness and adult aquatic programs are comprised of Tillsonburg residents. Public swim admissions have also increased dramatically since 2014 with a 71% increase over the past four years (there were over 12,600 public swims as of September 30, 2018).

Financial Considerations

Like all civic facilities, there is a cost associated with maintaining infrastructure to a state of good repair. Many of the indoor aquatic centre's lifecycle renewal requirements pertain to mechanical and operational components such as deck and basin work, filtration, and change room flooring. Town staff note that such improvements would substantially increase the lifespan of the pool.² There is also an ongoing operating cost associated with civic facilities though in the case of the indoor

² Town of Tillsonburg Staff Report RCP-17-34: Awarding RFP2017-004 Indoor Pool Deck Replacement. June 12, 2017.

aquatics centre, the Town has a strong understanding of the operating model and the operating requirements having funded the facility for a significant number of years. In 2018, program-related operating activities associated with the indoor aquatics centre incurred a \$193,000 operating deficit while building maintenance added another \$185,000 (including \$100,000 in heating, lighting and water). Virtually all indoor pools in Ontario run at an operating deficit with municipalities that provide aquatic centres accepting that the intrinsic benefits offered to many residents in a community (learn-to-swim, drowning prevention, leadership, health) do not warrant full cost recovery of those facilities.

Recommended Indoor Aquatic Centre Design Direction

In the event that the Town of Tillsonburg wishes to pursue improvements beyond to state of good repair activities (i.e. renewing the aquatic centre in a manner that retains the “status quo” for design), there are a number of functional considerations as presented below.

Addition of Warm Water / Therapeutic Opportunities

With a single pool tank, the Town can maintain water at a single, consistent temperature but must balance the fact that different activities and age groups prefer different temperatures. Certain aquatic sports, for example, seek a cooler water temperature than would many programs targeted to older adults or young children. Warm water activities such as aquatic fitness and therapeutic programming are growing in popularity while preferences among families with young children are also shifting to demand warmer water for lessons (with lessons still being the primary source of aquatic revenue).

The ability to address a greater number of warm water or therapeutic program opportunities is largely contingent upon having a dedicated pool tank that maintains a water temperature between 86 and 90 degrees Fahrenheit. The Town would also attain greater programming flexibility due to the ability to schedule simultaneous but different programs (e.g. expand the number of lane swims, schedule lessons for multiple age groups to take place at the same time which would be convenient for parents with multiple children, etc.). Addition of a warm water tank would necessitate an expansion to the existing natatorium.

In addition to programming benefits, proceeding with an expansion to the physical footprint would presumably increase opportunities to integrate other design improvements noted in the paragraphs that follow.

Improved Barrier-Free Accessibility

Municipalities are required to adhere to the Accessibility for Ontarians with Disabilities Act, and all public spaces will have to comply with barrier-free design standards by the year 2025. The Tillsonburg Community Centre has a number of barrier-free features including an elevator, ramps, automated doors, etc. In terms of the indoor aquatic centre, however, persons with disabilities and their caregivers do not have access to a universal changeroom (see below) and presently access the pool using a lift if unable to enter in another way. For the pool basin itself, municipalities are incorporating zero-depth entry features through ramps which can run alongside one edge of a pool (spanning varying widths). Barrier-free entry into a pool is also conducive to therapeutic program participants and people with restricted mobility, including the Town’s growing population of seniors. Any redesign or reconfiguration of the indoor aquatics centre should consider ways to maximize accessibility for pool users.

Addition of Family / Universal Changerooms

Different gendered caregivers of children or persons with disabilities can only provide assistance by making use of the lifeguard office (which already offers confined quarters, not to mention that it is a work space). The lack of a family/universal changeroom is a major limitation of the current aquatic centre design and one that should be addressed. It should be noted that the Tillsonburg Community Centre is the only facility that does not have a family/universal changeroom among the benchmarked municipalities offering indoor aquatic centres.

Improved Control (circulation)

With two entrances into the aquatic centre at present, control and circulation should be factored into future design work. More specifically, the external door to the west results in any person gaining access to the facility having to navigate across the pool deck regardless of if they are using the pool or not. The staff control desk sits outside of the natatorium adjacent to the fitness centre meaning that any person entering the aquatic centre from the west entrance does so without first checking-in with customer service staff. This west access point is helpful to a certain extent for persons with mobility-related disabilities compared to gaining entry to the pool through the community centre; however, it is located around the corner from the parking lot which somewhat diminishes its effectiveness.

Adequate Storage

Pool storage is largely relegated to a narrow space along the west exterior wall, running parallel to the shallow end. With new types of programming being offered (notably aquatic fitness), equipment requirements are greater than in previous years and require a place to store it.

Aquatics Administration Space

Town of Tillsonburg Aquatic Administration Staff (Supervisors and Coordinators) are housed on a different floor than the aquatic centre. While arguably a less pressing concern relative to other limitations of the present configuration, the opportunity for Administration Staff to indirectly observe pool activities and interact with pool users in closer proximity could provide certain efficiencies (supervision, customer service, etc.).

Other Considerations

It bears noting that the current pool tank configuration results in the changerrooms opening onto the deep-end side of the pool, something that best practices in modern aquatic design would avoid. Barring substantial renovation or redevelopment of the pool tank, however, this may be a limitation of the existing structure unless architectural designs can relocate the changerrooms elsewhere in the aquatics centre.

Preliminary Assessment of Outdoor Aquatics

Service Rationalization

The Lake Lisgar Waterpark and the Kinsmen Pool before it have offered a family-friendly, community-oriented outdoor swimming experience for decades. The Town's Community Parks, Recreation & Cultural Strategic Master Plan states that "the Town should continue to fully operate the Lake Lisgar Water Park in a manner that provides a high quality level of service to residents and tourists." Consultations with the public that were carried out through the Aquatics Facility Study indicate many residents continue to value the Waterpark and want to see it remain available for future generations.

Looking broadly across Ontario, municipalities are transitioning from outdoor pools and wading pools in favour of splash pads of varying sizes and configurations. The reasons for doing so tend to be financial and based on resident preferences. Municipally-operated outdoor pools were a common level of service in Ontario with peak construction occurring in the 1960s and 1970s when they were community gathering points for families during the summer months. Pools built during this era are now at or approaching the end of their useful lifecycles meaning that municipalities are weighing the financial costs of revitalization/redevelopment in relation to the usage that occurs over the three-month operating season. Furthermore, outdoor pool operating costs tend to be higher than a splash pad (for the latter, lifeguards are not required where there is no standing water and there is less volume of water to heat/treat).

In the past 20 years, municipalities have also been developing indoor aquatics centres that have shifted programming away from the outdoor pools. Whereas lessons were historically a core part of outdoor programming, the ability to easily maintain a constant temperature and not be affected by weather resulted in indoor pools becoming the preferred venue for programs. Today, much outdoor pool usage is driven by a desire to cool off on hot days as well as a regular following of outdoor lane swimmers. The greater affordability and popularity of backyard pools along with young families looking for animated, interactive splash pads has also contributed towards diminished usage of the rectangular outdoor pool in many parts of the province.

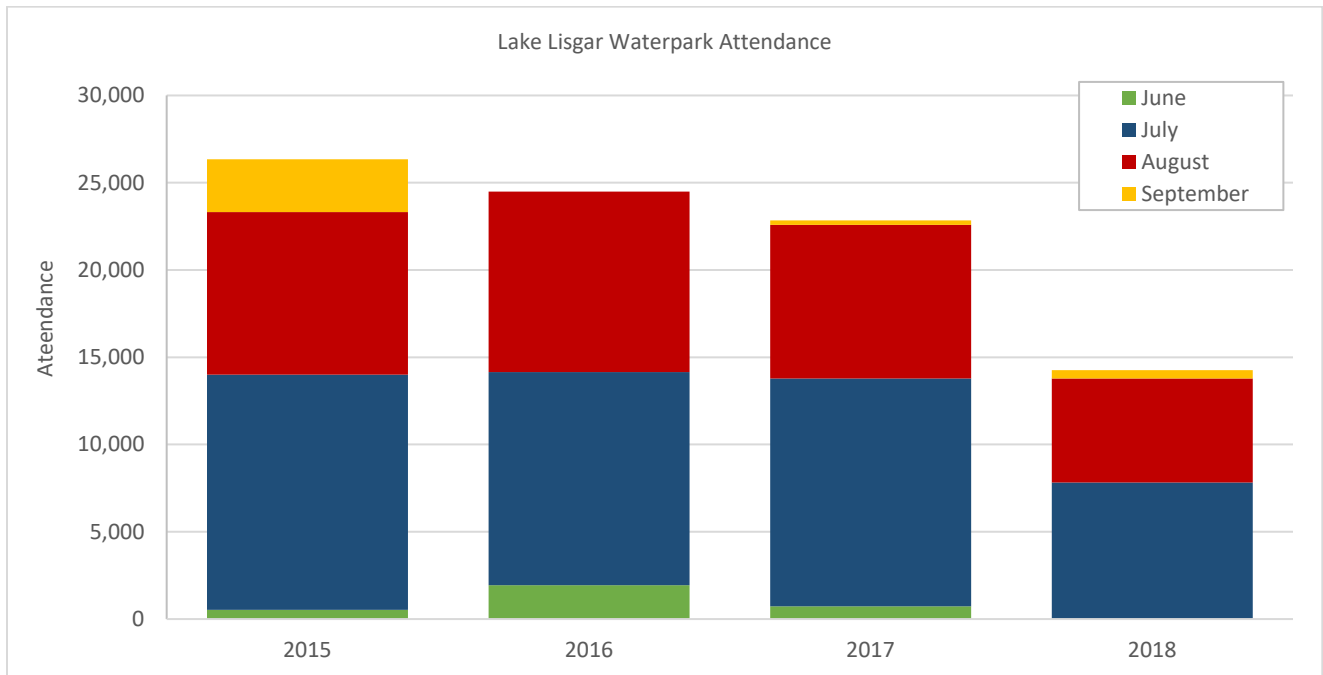
That being said, there are examples of municipalities that are reinvesting in their aging outdoor pools as well as selected others that have constructed new outdoor pools. London and Mississauga are a couple of examples that substantially renewed existing outdoor pools, with Mississauga in particular seeing an increasing in use since its reinvestment efforts (that City benefitted from senior government grants to fund renewals). More regionally, Woodstock has budgeted for a renewal of its outdoor pool in 2019.

Service Level Considerations

The Lake Lisgar Waterpark is a unique facility that does not have many municipal comparators. Outdoor waterparks are now typically a private sector endeavour, albeit those tend to be designed to a larger scale and of a different quality compared to what is found at Lake Lisgar Waterpark. Within the immediate area, only Tillsonburg and Brantford operate their own waterparks.

Participation & Use

Lake Lisgar Water Park offers outdoor aquatic opportunities to local and regional residents, as well as tourists. The increasing number of spray pad facilities within other communities may be competing for those simply wishing to cool off in the heat of the summer. Attendance at the Waterpark has been declining in recent years with approximately 14,000 visits in 2018 compared to 25,000 visits in 2014. The 2018 attendance was slightly impacted by a shorter operating season due to repairs undertaken in the first month, though June does not tend to be a peak attendance month so the repairs alone do not account for the 45% decline since 2015.



Notes: figures exclude June rentals; waterpark closed early in September 2016 and did not operate in June 2018 for maintenance

Financial Considerations

The Town recently reinvested approximately \$200,000 in Lake Lisgar Waterpark's deck and filtration which is expected to extend useful life. However, there are a number of other lifecycle reinvestments that will be required to address various structural and mechanical components (including the building) if the waterpark is to operate for a longer-term period, some of which will require replacement in the next two to five years. In March 2018, the Town found that the cost to undertake multiple repair and replacement services at the Waterpark could range from \$500,000 to \$600,000; separate work and capital cost would be required if replacing the slide tower which could bring the total refurbishment/renewal costs closer to the \$1 million mark.

In terms of operating, the Waterpark required an operating subsidy of \$79,000 in 2018 (including an atypical \$20,000 repair expenditure). Between 2014 and 2017, the Waterpark incurred annual operating losses between \$27,000 and \$55,000. There has been a trend of declining admission, rental and concession revenues, along with escalating repair and maintenance expenditures which have contributed to the growing subsidy requirement.

Based upon the above noted considerations, the Town has two options to consider depending upon its desired objectives and financial capabilities.

Outdoor Aquatic Facility Design Direction – Option 1: Refurbish

Residents indicate that the Lake Lisgar Waterpark is a fun and affordable place to cool down on hot days, and somewhere that they can enjoy for hours at a time. The Waterpark continues to function as a tourist draw, although perhaps to a lesser degree than in the past due to greater competition from privately operated entertainment destinations in southern Ontario, but nevertheless contributes towards tourism and economic development objectives. The scale of the current Lake Lisgar Waterpark allows the Town to operate it at a competitive price point relative to the private sector, thereby making it attractive to a niche market of day-trippers looking for an affordable waterpark option. The facility also provides an outdoor venue for relaxation and picnicking which can be appealing to some. It continues to be a local employment opportunity for local youth during the summer months when they are not in school.



Lake Lisgar Waterpark
Image Source: Monteith Brown

Therefore, a case can be made to retain the Waterpark in its current form on the basis of providing an outdoor aquatic experience, continued quality of life contributions, and contributing towards tourism and economic development objectives to a certain extent.

In the event that the Town of Tillsonburg wishes to refurbish/modernize the Lake Lisgar Waterpark in its current form (i.e. renewing the aquatic centre in a manner that retains the “status quo” for design), the following functional considerations as presented below.

Structural & Mechanical repairs

The requisite structural and mechanical repairs would be undertaken along with renewal of spray features and other functional components. No alterations to the pool basin's physical footprint are contemplated under this scenario.

Improved Barrier-Free Accessibility

Should the Town pursue this option, it should investigate ways to improve accessibility for persons with disabilities both in terms of gaining access to the bath house (e.g. from the parking lot or other areas to entrance) as well as circulation within the Waterpark itself.

Bath House Redevelopment / Expansion

A replacement or expansion of the bath house would be recommended in order to facilitate aforementioned barrier-free access but also to enlarge existing changerooms and add a family/universal changeroom. Part of the “destination” waterpark experience will require clean and

modern impression to be imparted upon visitors and prospective guests, something that the age and design of the current bath house does not lend itself well to providing. Depending upon capital feasibility, a new façade for the bath house may be contemplated if working with the existing building structure.

Outdoor Aquatic Facility Design Direction – Option 2: Reimagine

As an alternative to refurbishment of the Waterpark according to its current design, it would be remiss not to advance the possibility of a more substantial redevelopment/redesign of the facility. Doing so would likely carry a higher price tag given that a reconfiguration of the space, purchase of new equipment, etc. would be likely if designing a waterpark to modern design and programming standards.

Re-imagination of the Waterpark would bring about the same – if not more – quality of life benefits as noted under Option 1 such as tourism, employment, and a family-centred experience. Further, a re-imagination is consistent with the Memorial Park and Lake Lisgar Conceptual Master Plan³ which recommended an expansion and redevelopment of the Waterpark to the north, addition of a free splash pad adjacent to the existing playground, new entrance building, and an enlarged parking lot. There may also be an opportunity to combine certain functions with the Conceptual Master Plan's directions for Summer Place. If implementing the Conceptual Master Plan's splash pad recommendation, the Town will need to fully rationalize the scale of that facility to understand the extent that its free-use might affect admissions/use of the re-imagined/redeveloped Waterpark; it bears noting that the Conceptual Master Plan also did not include capital costs of implementation thus these would need to be undertaken by the Town.

A more comprehensive re-imagination and redevelopment project is not recommended until a more fulsome lifecycle costing assessment and trade area penetration study is completed, along with an analysis of capital and operating costs, and other market factors (e.g. competition). That same assessment will also provide the Town with information that it can use when rationalizing an alternative refurbishment project (Option 1) or a potential closure (Option 3).

Outdoor Aquatic Facility Design Direction – Option 3: Closure & Replacement

If the Town determines that the capital renewal costs of refurbishing Lake Lisgar Waterpark are not feasible or that it would prefer to consolidate waterplay activities at one location, the option exists to decommission Lake Lisgar Waterpark and relocate some of its functions/activities to the Tillsonburg Community Centre. With a complete refurbishment of the Lake Lisgar Waterpark potentially requiring significant capital reinvestment, the Town may deem it more financially-feasible to reallocate those resources towards the indoor aquatic centre expansion.

The Tillsonburg Community Centre expansion project, if pursued, would add a second indoor pool tank which could be designed to integrate certain waterplay features. This would not result in the same size/scale of waterplay features at an indoor pool as would be found currently at the Lake Lisgar Waterpark. An exterior splash pad (whether located adjacent to the community centre or elsewhere in Memorial Park) should also be considered to allow outdoor waterplay opportunities to continue, granted at a significantly reduced scale compared to what exists through the Waterpark at present.

³ Town of Tillsonburg. February 2015. Conceptual Master Plan for Memorial Park & Lake Lisgar

Should the Town of Tillsonburg see a greater benefit in redeploying Lake Lisgar Waterpark's lifecycle renewal and improvement costs towards expansion of the indoor aquatic centre, the functional considerations arising from the previously noted preliminary indoor aquatics facility analysis should be explored.

Separate from the expansion of the indoor aquatics centre, however, would be the construction of a new splash pad which would provide a free, outdoor waterplay activity. If locating the proposed splash pad reasonably near or adjacent to the Tillsonburg Community, residents and visitors would have access to changerooms/washrooms which would reduce the need for the Town to construct a separate structure or rely on portable toilets compared to constructing the splash pad further away.

Concluding Remarks

Aquatics will continue to remain an integral part of the Town of Tillsonburg's core service mandate given the physical, social and economic benefits stemming from municipal aquatic facilities and programs. Consultations undertaken for this Aquatics Facility Study reaffirm findings from the Community Parks, Recreation & Cultural Strategic Plan that indoor and outdoor aquatics experiences are highly valued by residents and that there is a desire for modernized facilities for the future.

Indoor Aquatics Strategy

By expanding the Tillsonburg Community Centre's indoor aquatics centre, the Town is positioning itself to respond to community needs and preferences for decades to come. The **addition of another pool tank** will allow considerable program flexibility to be added, particularly for a growing population of seniors, while **enlarged and added changerooms (including a family changeroom)** will greatly contribute to the user experience. An expansion also provides opportunity to carry out various **accessibility and aesthetic improvements** that will be attractive to pool users.

Outdoor Aquatics Strategy

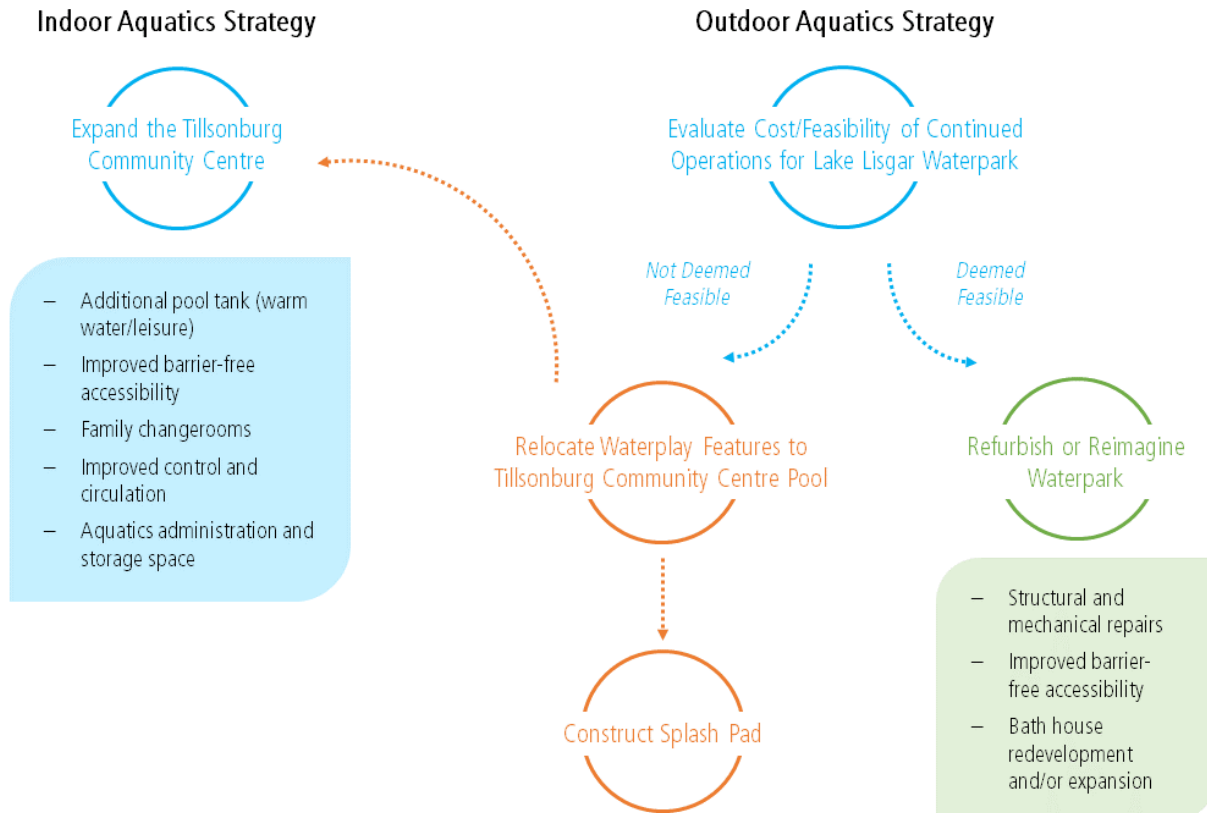
In recognition of the capital costs of renewal and improvement for the Lake Lisgar Waterpark, **the Town will need to make a decision as to whether the Waterpark continues to form part of its infrastructure portfolio.** There is merit in retaining the Waterpark when it comes to serving community needs and forming a piece of Tillsonburg's tourism strategy. However, this Study recognizes that there is a cost of doing so in an increasingly competitive entertainment destination market and the opinion/decision to reinvest capital must be carefully weighed by Town officials.



Tillsonburg Community Centre
Image Source: Town of Tillsonburg

Implementation Summary

The following schematic chart illustrates the inter-related indoor and outdoor aquatic provision strategies, largely contingent upon the Town's chosen course of action for operating the Lake Lisgar Waterpark.



Next Steps

The Tillsonburg Aquatics Facility Study represents a first step in determining needs and preferences of residents. An architectural feasibility study presently underway and any subsequent explorations undertaken by the Town should consider the preliminary design directions contained herein and conduct additional investigations/consultations as more information becomes available. For example, site-specific analyses, engineering and geotechnical works, capital and operating forecasts, etc. should be considered prior to coming to a final decision. In doing so, the Town will have undertaken the necessary quantitative and qualitative investigations to pursue a fiscally-responsible and community-focused path for implementation.

Appendix A: Community Survey Results

Tillsonburg Community Centre & Indoor Aquatics

1. Has anybody in your household used the indoor pool located inside the Tillsonburg Community Centre during the past year?

	#	%
Yes	538	83%
No	114	17%
Total	652	

2. If you answered “No” to the previous question, please tell us what has prevented you from swimming here (select up to two reasons).

	#	%
Programs are not offered at the convenient time	24	23%
Not interested in swimming	21	20%
Programs are too expensive	13	12%
I don't know enough about the pool or its programs	12	11%
The pool design is outdated	11	10%
Cleanliness of the pool or changerooms is not up to my level of expectation	11	10%
Programs are too busy	9	8%
No longer able to swim due to health condition / injury	6	6%
The pool is located too far away from my home or place of work	6	6%
The water temperature is uncomfortable	5	5%
The pool is not fully accessible for persons with disabilities or limited mobility	4	4%
There are no family changerooms	3	3%
Don't know how to swim	1	1%
Not enough parking	1	1%
Don't Know	10	
Number of People Answering	96	

Other Reasons

- Lack of Time (4)
- Have my own pool (2)
- Not a Tillsonburg resident (2)
- Age-related limitation
- Just moved to Tillsonburg
- Cannot go with my young children

3. How would you rate your overall experience during your last visit to the Tillsonburg Community Centre's indoor pool?

	#	%
Very Satisfied	158	30%
Somewhat Satisfied	251	47%
Neither Satisfied or Unsatisfied	53	10%
Somewhat Unsatisfied	51	10%
Very Unsatisfied	18	3%
I Have Never Used the Pool	1	0%
Don't Know / Unsure	1	0%
Total	532	

4. Please rate how important the following types of aquatic activities are to you in an indoor pool setting.

	Not Important at All / Not Important		Neutral		Somewhat Important / Very Important		Total
	#	%	#	%	#	%	
Swimming Lessons	38	7%	21	4%	507	90%	566
Leisure Swims	21	4%	48	9%	490	88%	559
Lifeguarding / Leadership Programs	38	7%	46	8%	473	85%	557
Aquatic Fitness (AquaFit) Programs	36	6%	58	10%	479	84%	573
Family / Parent and Tot Swims	52	9%	44	8%	460	83%	556
Therapeutic Programs	42	8%	78	14%	437	78%	557
Water Play (Shallow Water)	77	14%	76	14%	398	72%	551
Competitive Swimming (Masters, Swim Teams, etc.)	108	20%	126	23%	308	57%	542
Lane Swimming	112	20%	127	23%	313	57%	552
Aquatic Sports (e.g., Synchro, Water Polo, etc.)	106	20%	142	26%	292	54%	540
Platform Diving	177	33%	171	32%	189	35%	537
Scuba Diving	204	38%	186	35%	143	27%	533

Other Activities

- Aqua Jogging & Bicycling (2)
- Fun swims
- Community swims
- Special Needs programs
- Free swims

5. Please rate how important the following types of aquatic amenities are to you in an indoor pool setting.

	Not Important at All / Not Important		Neutral		Somewhat Important / Very Important		Total
	#	%	#	%	#	%	
Deepwater	36	6%	56	10%	481	84%	573
Special Needs / Accessibility Features	37	6%	58	10%	480	83%	575
Warm Water (30 degrees Celsius or 86 degrees Fahrenheit)	53	9%	46	8%	484	83%	583
Family Changerooms	52	9%	49	9%	475	82%	576
On-deck Viewing Space	87	15%	87	15%	402	70%	576
Ramp / Beach / Zero Depth Entry	114	20%	102	18%	347	62%	563
Hot Tub	214	37%	104	18%	254	44%	572
Waterslide	212	37%	109	19%	247	43%	568
Interactive Spray Features in the Pool	227	40%	125	22%	219	38%	571

Other Amenities

- Larger/better changerrooms (5)
- Therapeutic pool (2)
- Better viewing area (2)
- Clean and welcoming areas
- Competition sport designs/features
- Non-slip flooring
- Float belts for deep-water exercise
- Food concession

6. If the indoor pool at the Tillsonburg Community Centre is modernized or enhanced with some of the amenities or activities that you chose in the previous questions, how likely would your household be to USE THE POOL MORE OFTEN than you do right now?

	#	%
Very Likely	324	55%
Likely	180	31%
Neither Likely or Unlikely	46	8%
Unlikely	18	3%
Very Unlikely	14	2%
I Have Never Used the Indoor Pool Before	2	0%
Total	584	

Lake Lisgar Waterpark & Outdoor Aquatics

7. Has anybody in your household used the Lake Lisgar Waterpark during the past year?

	#	%
Yes	320	54%
No	273	46%
Total	593	

8. If you answered “No” to the previous question, please tell us what has prevented you from swimming here (select up to two reasons).

	#	%
The Waterpark is too busy	46	19%
Prefer to use a free splash pad in a park	45	19%
Admission is too expensive	36	15%
Not interested in swimming / waterplay	28	12%
The Waterpark design is outdated	20	8%
Cleanliness of the Waterpark or changerooms is not up to my level of expectation	19	8%
The water temperature is uncomfortable	15	6%
The Waterpark was closed for maintenance when I wanted to use it	15	6%
I don't know enough about the Water Park	9	4%
No longer able to swim due to health condition / injury	5	2%
Don't know how to swim	4	2%
The Waterpark is not fully accessible for persons with disabilities or limited mobility	4	2%
Not enough parking	4	2%
Prefer to use privately operated Waterparks (e.g., East Park in London)	4	2%
The Waterpark is located too far from my home or place of work	4	2%
There are no family changerooms	4	2%
Don't Know	30	
Number of People Answering	239	

Other Reasons

- Don't have children / grandchildren that would use it (17)
- Only participate in lane swims or aquafit (6)
- Too “old” to use a waterpark (6)
- My children are too young (5)
- Hours of operation do not work for me (5)
- Have my own pool (5)
- My children are too old for it (4)
- Prefer to use indoor pools (3)
- Too busy (2)
- Just moved to Tillsonburg
- Not enough waterplay features
- No aquafit programs are offered
- Too many unsupervised youth

9. How would you rate your overall experience during your last visit to the Lake Lisgar Waterpark?

	#	%
Very Satisfied	50	16%
Somewhat Satisfied	143	45%
Neither Satisfied or Unsatisfied	37	12%
Somewhat Unsatisfied	58	18%
Very Unsatisfied	30	9%
I Have Never Used the Waterpark	3	1%
Don't Know / Unsure	1	0%
Total	322	

10. Please rate how important the following types of aquatic activities are to you in an outdoor pool setting.

	Not Important at All / Not Important		Neutral		Somewhat Important / Very Important		Total
	#	%	#	%	#	%	
Water Play (Shallow Water)	58	11%	31	6%	448	83%	537
Leisure Swims	63	12%	54	10%	414	78%	531
Family / Parent and Tot Swims	72	13%	57	11%	408	76%	537
Lifeguarding / Leadership Programs	94	18%	98	18%	341	64%	533
Swimming Lessons	155	29%	106	20%	279	52%	540
Aquatic Fitness (Aquafit) Programs	175	33%	121	23%	241	45%	537
Competitive Swimming (Masters, Swim Teams, etc.)	253	49%	158	30%	109	21%	520
Lane Swimming	284	54%	133	25%	107	20%	524

11. Please rate how important the following types of aquatic amenities are to you in an outdoor pool setting.

	Not Important at All / Not Important		Neutral		Somewhat Important / Very Important		Total
	#	%	#	%	#	%	
Shade / Sun-Shelters	23	4%	13	2%	501	93%	537
Family Changerooms	45	8%	35	7%	453	85%	533
On-deck Viewing Space	54	10%	33	6%	445	84%	532
Beach / Zero Depth Entry	56	10%	35	7%	443	83%	534
Special Needs / Accessibility Features	44	8%	49	9%	437	82%	530
Waterslide	70	13%	42	8%	420	79%	532
Interactive Spray Features in the Pool	63	12%	53	10%	420	78%	536
Warm Water (30 degrees Celsius or 86 degrees Fahrenheit)	58	11%	81	15%	396	74%	535

	Not Important at All / Not Important		Neutral		Somewhat Important / Very Important		Total
	#	%	#	%	#	%	
Concessions / Food Area	76	14%	72	13%	388	72%	536
Inflatable Toys	110	21%	57	11%	366	69%	533
Deepwater	100	19%	89	17%	345	65%	534

12. If Lake Lisgar Waterpark is modernized or enhanced with some of the amenities or activities that your chose in the previous questions, how likely would you household be to use the Waterpark more often than you do right now?

	#	%
Very Likely	225	40%
Likely	180	32%
Neither Likely or Unlikely	74	13%
Unlikely	26	5%
Very Unlikely	31	5%
I Have Never Used the Waterpark Before	17	3%
Don't Know / Unsure	15	3%
Total	553	

Statements regarding Indoor and Outdoor Aquatics

13. Please rate your level of agreement with each of the following statements.

	Strongly Disagree / Somewhat Disagree		Neutral		Strongly Agree / Somewhat Agree		Total
	#	%	#	%	#	%	
Tillsonburg Community Centre							
It is important to me and my household that the Tillsonburg Community Centre's indoor swimming pool continues to serve current and future residents of Tillsonburg.	10	2%	8	1%	540	97%	558
The Tillsonburg Community Centre's indoor pool is an important part of the quality of life for the Town as a whole.	4	1%	21	4%	532	96%	557
I support the refurbishment of the Tillsonburg Community Centre's existing indoor pool to bring it and its supporting features up to a modern level of quality.	23	4%	34	6%	490	90%	547

	Strongly Disagree / Somewhat Disagree		Neutral		Strongly Agree / Somewhat Agree		Total
	#	%	#	%	#	%	
The Tillsonburg Community Centre's indoor pool provides a fun and enjoyable aquatic experience.	21	4%	38	7%	489	89%	548
I support the expansion of the Tillsonburg Community Centre's indoor pool and supporting features to allow new types of aquatic programs and activities to be offered.	34	6%	35	6%	481	87%	550
The Tillsonburg Community Centre's indoor pool provides my household with good value in relation to its program and admission fees.	41	8%	33	6%	472	86%	546
The Tillsonburg Community Centre's indoor pool is accessible to persons with disabilities, seniors, families with young children, and others with special needs.	96	18%	58	11%	370	71%	524
Lake Lisgar Waterpark							
The Lake Lisgar Waterpark provides a fun and enjoyable outdoor aquatic experience.	28	5%	51	10%	452	85%	531
It is important to me and my household that the Lake Lisgar Waterpark continues to serve current and future residents of Tillsonburg.	36	7%	55	10%	458	83%	549
The Lake Lisgar Waterpark is an important part of the quality of life for the town as a whole.	21	4%	74	14%	446	82%	541
The Lake Lisgar Waterpark is accessible to persons with disabilities, seniors, families with young children, and others with special needs.	31	6%	66	14%	390	80%	487
I support the refurbishment of the Lake Lisgar Waterpark to bring its existing pool and supporting features up to a modern level of quality.	48	9%	68	13%	420	78%	536
The Lake Lisgar Waterpark provides good value in relation to its admission rate.	76	15%	75	15%	360	70%	511
I support replacing the Lake Lisgar Waterpark with an expanded indoor aquatic centre at the Tillsonburg Community Centre (that is, having one centralized location for aquatic programs and waterplay is preferable to having two separate locations).	180	34%	74	14%	281	53%	535

Characteristics of Survey Respondents

14. In what year were you born?

	#	%
1990 and After	83	15%
1980 - 1989	178	33%
1970 - 1979	115	21%
1960 - 1969	68	12%
1950 - 1959	63	12%
1940 - 1949	30	5%
1930 - 1939	10	2%
Total	547	
Average Age	44	

15. Please indicate the number of people in the following age groups that currently live in your household.

Age Group	#	%
0 to 4 years	177	15%
5 to 9 years	166	14%
10 to 19 years	171	14%
20 to 34 years	199	17%
35 to 54 years	296	25%
55 to 69 years	128	11%
70+ years	55	5%
Number of People Answering	551	
Total Persons Reported	1,192	
Persons Per Household	2.2	

16. How many times have you visited the Tillsonburg Community Centre indoor pool and the Lake Lisgar Waterpark during the past two years?

Tillsonburg Community Centre Indoor Pool	#	%
0 times	42	8%
1 to 5 times	88	16%
6 to 15 times	102	19%
16 to 30 times	86	16%
30+ times	220	41%
Don't Know / Unsure	5	1%
Total	538	

Lake Lisgar Waterpark	#	%
0 times	163	30%
1 to 5 times	204	38%
6 to 15 times	91	17%
16 to 30 times	44	8%
30+ times	31	6%
Don't Know / Unsure	3	1%
Total	533	

17. As an optional question, please indicate the range applicable to your household's annual income.

	#	%
Less than \$35,000	32	8%
\$35,000 to \$74,999	130	33%
\$75,000 to \$124,999	146	37%
\$125,000 and over	84	21%
Number of People Answering	392	
Don't Know / Prefer Not to Answer	122	

18. As an optional question, please indicate your gender.

	#	%
Male	87	17%
Female	431	82%
Non-Binary/Other	5	1%
Total	523	

19. Are you a Tillsonburg resident?

	#	%
Yes	438	78%
No	120	22%
Total	558	

20. If you are not a Tillsonburg resident, please indicate where you are visiting us from.

	#	%
Norwich, Norfolk County, or Thames Centre	54	46%
Southwest Oxford	25	21%
Bayham	17	14%
Aylmer	7	6%
Malahide	5	4%
London	3	3%
Woodstock	2	2%
Brant County	1	1%
Zorra Township	1	1%
Other (please specify)	3	
Answered	118	

Other Municipalities

- St. Thomas
- East Zorra-Tavistock
- Greater Toronto Area

Appendix B:

Staff Workshop Summary

Date: November 12, 2018
Time: 5:00pm to 6:30pm,
Location: Tillsonburg Community Centre, Marland Room

Tillsonburg Community Centre

The Tillsonburg Community Centre indoor aquatics centre provides quality services through a broad range of programs that serve many age groups at various times throughout the week. Programming is viewed as innovative with a willingness of staff to try different programs – the aqua-bike program is a good example of this. Staff are excellent and many work here for a long time, and get to know pool users by name which also results in users coming back. The pool is easy to lifeguard with good sightlines.

A number of design and functional limitations were noted, largely associated with the era of the pool's original design in 1972. The pool was originally designed to accommodate competitive swimming rather than recreational/leisure swims that are more popular today and the storage room is undersized by modern standards. With the competitive design, the depth of the pool in the shallow end is such that tables have to be dropped in for young children's programs and lessons. While the pool gutters are sometimes useful for people to hold on to, they can make it awkward for children to climb out of the pool. Certain mechanical components are original or very old and the pool deck is in an aged state, while some structural components (e.g. the roof) are deteriorating as well. Staff noted that the pool deck needs to be replaced, and ideally would have deck drains to allow for easier cleaning and drying.

Staff noted that the multiple entrance/access points to the pool are challenging, particularly the back entrance (west side) that creates control issues (no swiping) as well as anybody being able to come from outside and walk directly on the pool deck. There was a thought about creating a new entrance, control desk and new changerooms at the west end by way of an expansion.

Accessibility for persons with disabilities was noted as a pressing issue of the aquatic centre. The absence of a family changeroom and supportive devices the male/female change rooms leads to persons with disabilities and their caregivers having to change in the guard office, or sometimes the arena changerooms. The lack of a family change room also poses a challenge for some parents whose children are of a different gender. While there is a portable lift to allow persons with disabilities to gain access, this can lead to an impression of being singled out or embarrassment for some users if they have a form of disability or exceed the weight limit, and thus they are unlikely to use the pool.

A better option for accessible entry would be to have a ramp entry into the pool to allow easier and more independent access into the pool (and would also make it easier for staff to bring the aqua-cycles into the pool as well). Staff noted that it would be important that adding a ramp should not result in a loss of a swimming lane and cited pools in Woodstock, Ingersoll and Waterloo as examples.

Other functional challenges relating to the changerooms include the fact that they walk out to the deep end of the pool which is not ideal. The changerooms are shared with the fitness centre and can become crowded at times, and clearer signage is needed to denote the changerooms as people frequently walk into the wrong one. The lifeguard office is small and becomes very crowded during peak program times, while aquatics administration staff noted that it would be ideal if they were located closer to the pool as they are disconnected at times from the front-line staff and the pool users.

The vision for the Tillsonburg Community Centre indoor aquatic centre was for an updated, aesthetically modern design with multiple pool tanks that allow lane and leisure swimming along with waterplay. The pool would benefit from having more deck space in general, additional seating on-deck and in the

upper viewing gallery, more storage and having more natural light come in (so long as it does not cause glare for guards and spectators). Staff tools such as improved lane rope attachment systems, guard chairs, tools to inflate the inflatable toys, and bathing suit dryers were also suggested. The possibility of having a retractable roof was also raised to allow indoor and outdoor aquatic activities to take place, while synergies with the rest of the community centre were also discussed particularly as it related to creating a holistic wellness experience by adding an indoor walking track and hot tub to complement the existing aquatic and fitness centre facilities.

Lake Lisgar Waterpark

The Lake Lisgar Waterpark was noted as being a concept that many people like due to the ability to swim, play, lounge on the deck, and socialize. It creates a family friendly environment where people can spend a few hours in an affordable setting, particularly since outside food is permitted. The zero-depth entry, a good sound system, “conversation nook” in the southeast corner of the pool, and slide (when it is open) were noted as strengths of the pool design. The Waterpark has historically been popular for school trips and day camps, though recent changes in pool safety regulations (relating to aquatic admission standards and parent to child ratios) has likely affected attendance in recent years.

Much like earlier conversations, Lake Lisgar Waterpark’s primary limitations were noted to be a result of the age of the bath house (circa 1946) and the pool (circa 1995). The bath house is old and deteriorating, with little natural light and tight changing quarters; the lack of a family change room and limited accessibility for persons with disabilities was a major concern noted by staff (ranging from narrow hallways to the lack of automatic doors). The Waterpark is most appealing to families whose children are elementary school age or younger, but is much less appealing to teens as it lacks the “thrilling, adventure or fun” elements found at waterparks such as the privately-operated East Park in London. Teens are also reluctant to use the Waterpark because of the number of families that go there. Functional concerns were raised relating to the condition of the pool deck and pool tank even after the most recent repairs (some pool users were cutting their feet on chips and raised bumps), spray features are deteriorating and some are no longer working, and showers being left on in the bath house (a timed push button would be better).

The future vision for Lake Lisgar Waterpark was one that updated/enhanced the waterplay elements and possibly adding an adventure element(s) to appeal to local teens. The current configuration of the pool has made it difficult to run programs in the past but staff could see demand for certain programs such as morning aquafit provided that the overall aesthetics of the bath house and pool were improved. However, there was consensus that the future success of the pool would be centred upon delivering leisure and waterplay experience.

Future Options & Implementation Strategy

To wrap-up the discussion regarding Tillsonburg’s indoor and outdoor aquatics, future implementation strategies were contemplated. Options generally revolved around the following three points:

- 1) Continuing to operate the indoor pool and waterpark as separate entities;
- 2) Integrating waterplay elements into an expanded indoor aquatic centre at the Tillsonburg Community Centre, and subsequently closing the Lake Lisgar Waterpark; and
- 3) Relocating outdoor waterplay components beside the Tillsonburg Community Centre and subsequently closing the Lake Lisgar Waterpark.

Benefits and challenges were raised for all three future options. Staff noted that there is a strong appeal to swimming outdoors during the summer among many pool users and residents, but recognized that inclement or cold weather would nevertheless potentially keep swimmers indoors at times. Some staff noted a historical sentiment with the Waterpark and spending their summers there but understood that preferences of today's customer may be different and has contributed to less use of the waterpark. If consolidating all aquatic opportunities indoors, a major facility expansion or complete reconstruction was identified as the primary way forward so that there could be sufficient space for multiple tanks (including for hydrotherapy), a waterslide and Tarzan rope, rock climbing walls, bulkheads to divide the pool into lane and leisure swimming zones, etc. Also finding ways to make the pool more attractive to people in their 20s and 30s is important by ensuring a future design or programming considers activities such as paddleboard yoga or aquatic pole dancing.

TILLSONBURG COMMUNITY CENTRE

DESIGN DISCUSSION, DESIGN OPTION REPORT, 2019

MJMA

maclennan jaunkalns miller architects



SITE OVERVIEW



Tillsonburg is a town with a strong relationship to water at the meeting of two major creeks. From the early mill days to the formation of Lake Lisgar and the establishment of the waterpark there, the town has prospered from its use of water, both financially and socially.



WATERPARK EARLY DAYS



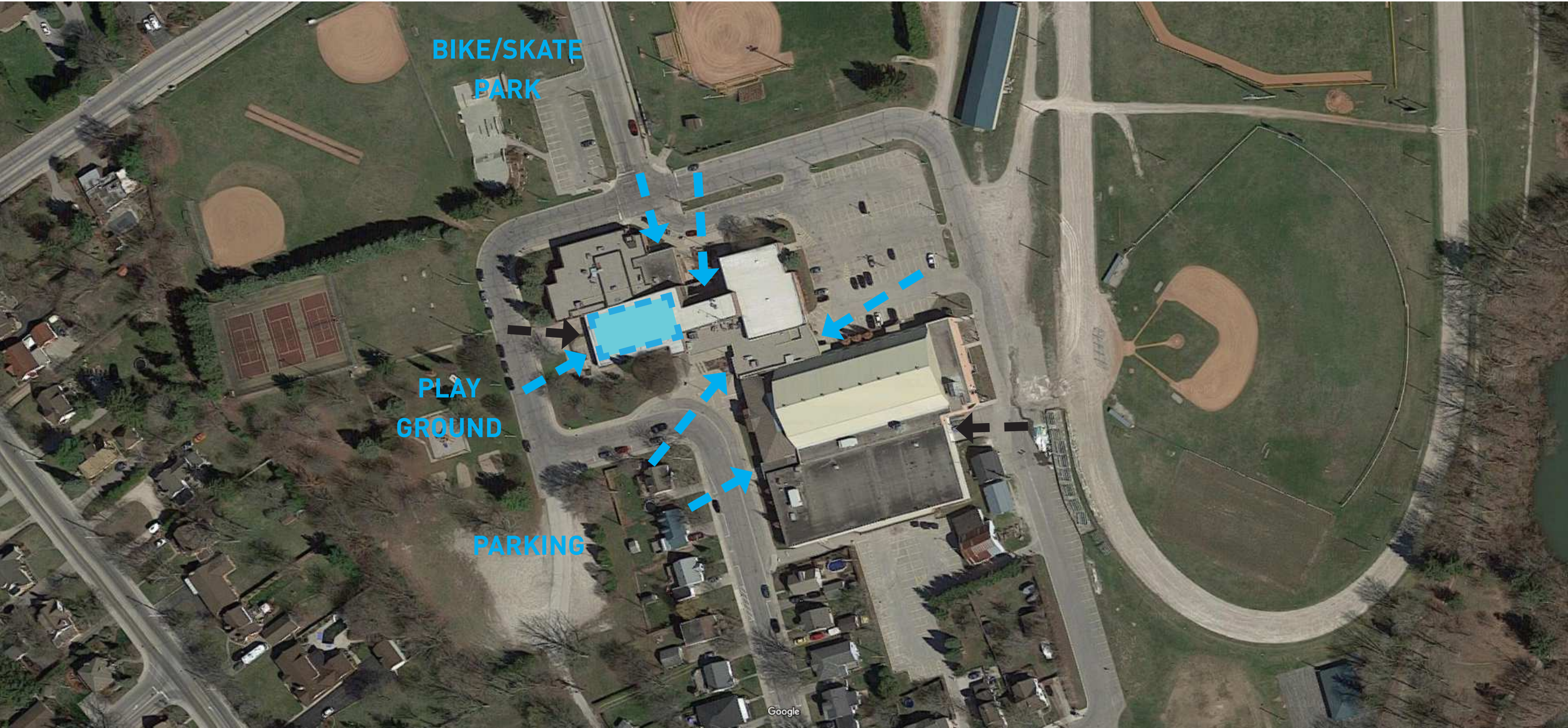


Unfortunately, the state of the waterpark is poor and requires several million dollars in estimated improvements to bring it back up to speed in terms of servicability, accessibility and modern function. Coupled with the limited seasonal use this facility provides, declining attendance from the 2019 Aquatics Facility Study, and the need to provide improvements to the community centre for year-round use, this study aims to envision a new splashpad adjacent to the existing facility in a consolidated water zone with the fairgrounds area. This is not to say that a splashpad could not be placed next to a refurbished waterpark; that is indeed possible, but the business case would need to be made for this. Currently, that business case seems elusive and not the purpose of this study. What is clear though, is that a consolidated waterzone has multiple advantages for operations, maintenannce, year round use and provides expansion possibilities for the fairgrounds and natural features within the park.



EXISTING MASTERPLAN

This vision of the Community Centre and Fairgrounds builds on the existing Park masterplan and formulates an option for the consolidated waterzone adjacent to the existing community centre. Hardy Avenue is proposed to be bisected by a new public plaza that connects the community centre to the western park for continuity by pedestrians. In this way, all roads lead to the community centre which has ample parking provided at each entry. The site circulation becomes less functional for vehicle traffic but much more useable and safe and connected for pedestrians.



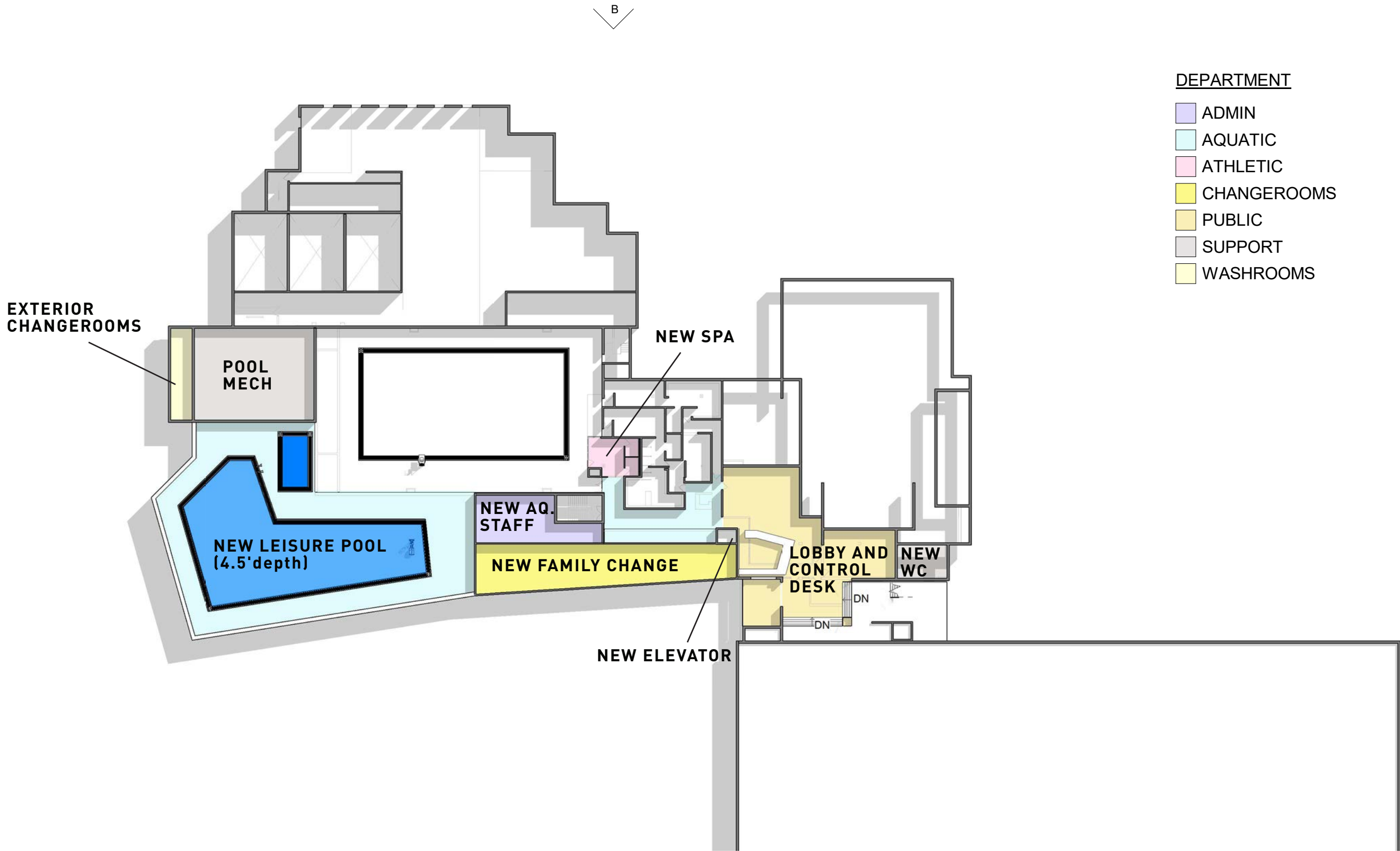
The existing Community Centre is surrounded by roads and relies on several entry points resulting in security issues and lack of centre. This proposal attempts to consolidate the circulation and main lobby spaces to the centre of the building

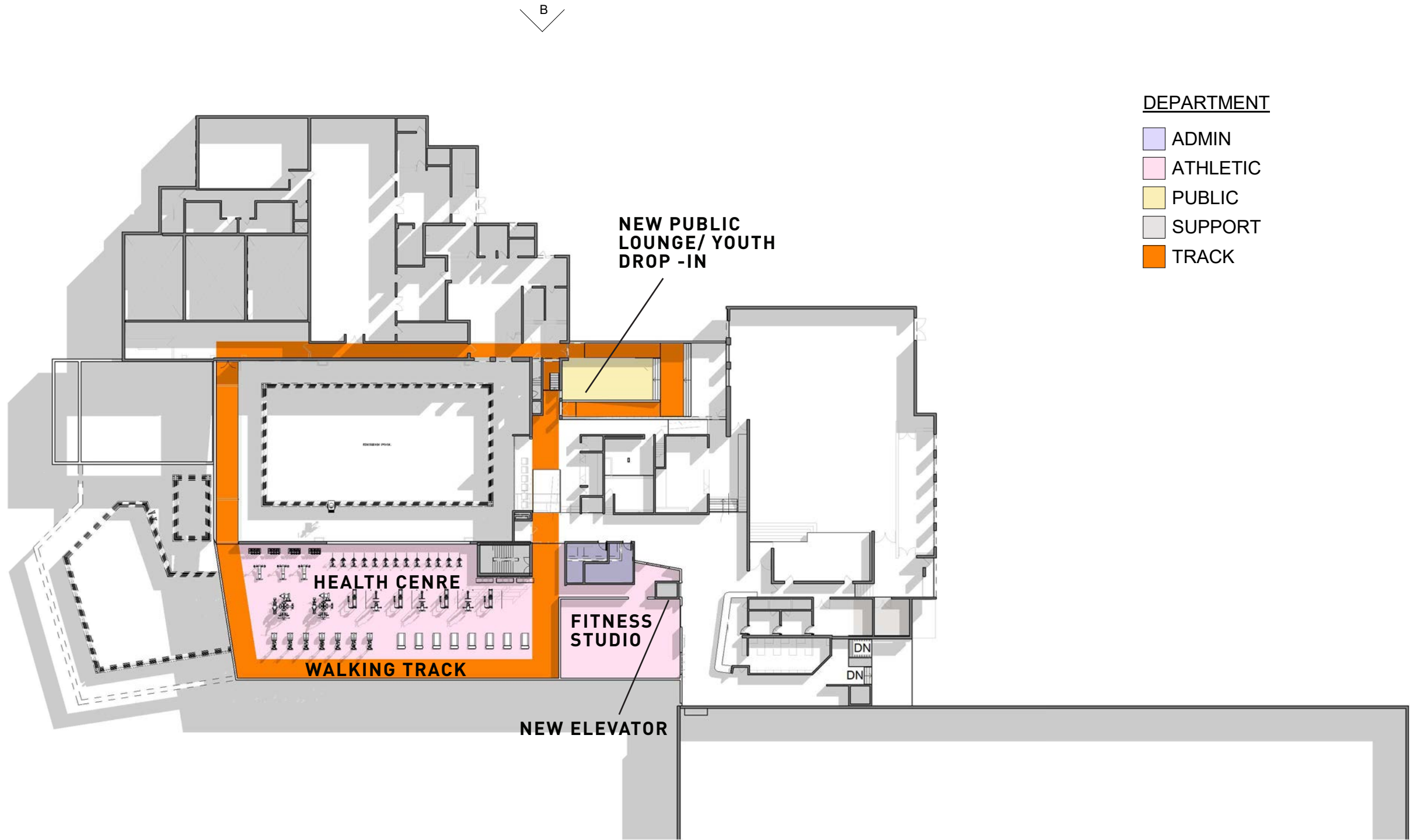
This consolidated water zone provides a new leisure pool and family changerooms on the face of the existing building and connects the site across Hardy Avenue to the western parklands with a new splashpad and wading pool. A potential walking loop and skating trail extends into the parkland here to improve useage through the seasons.

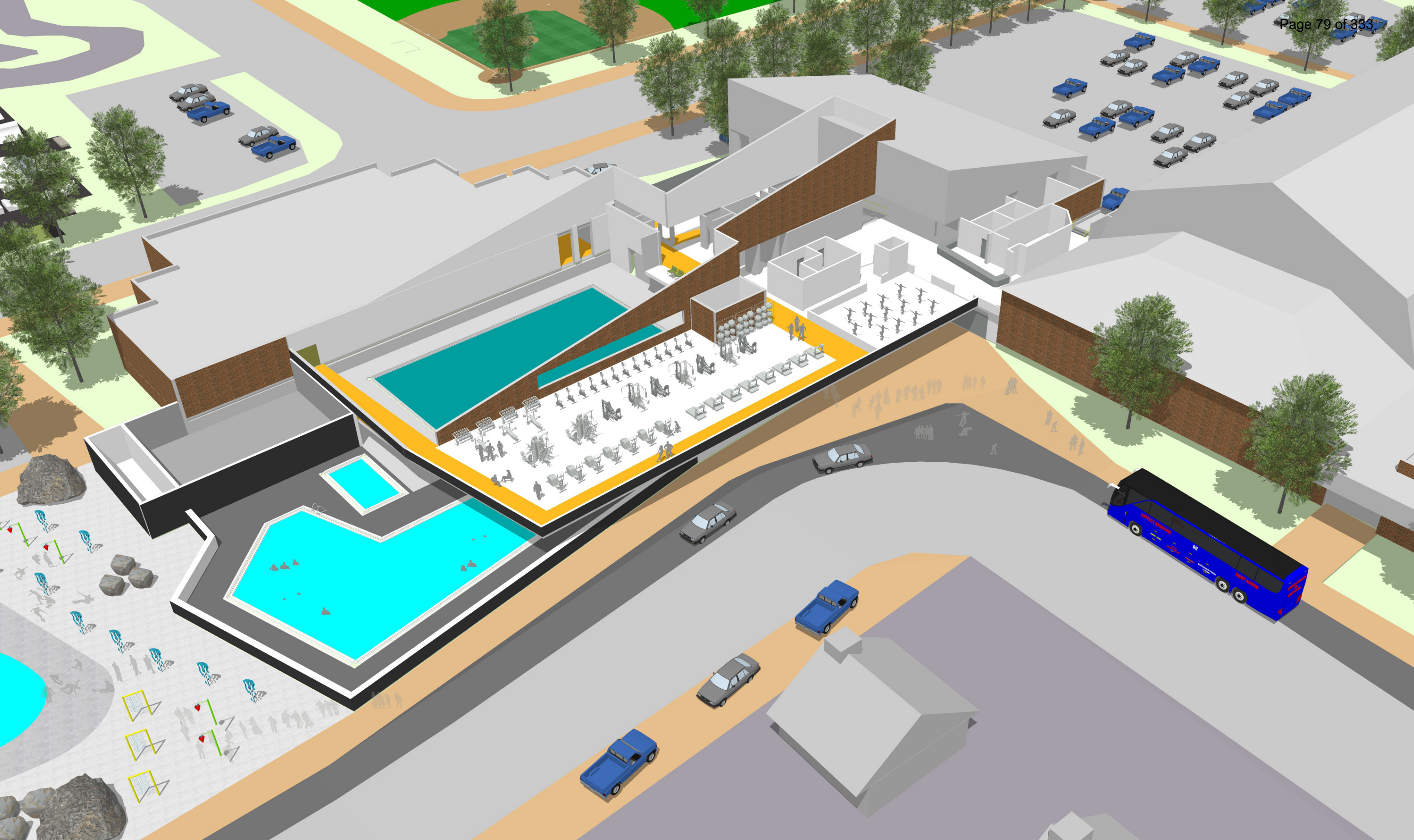




PLANS

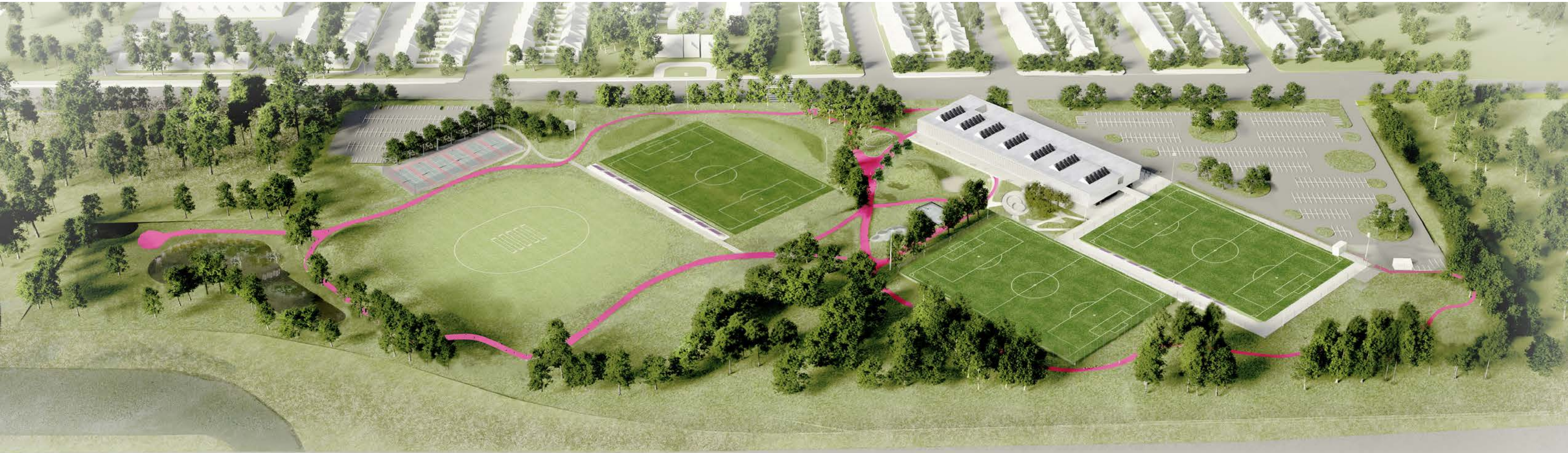




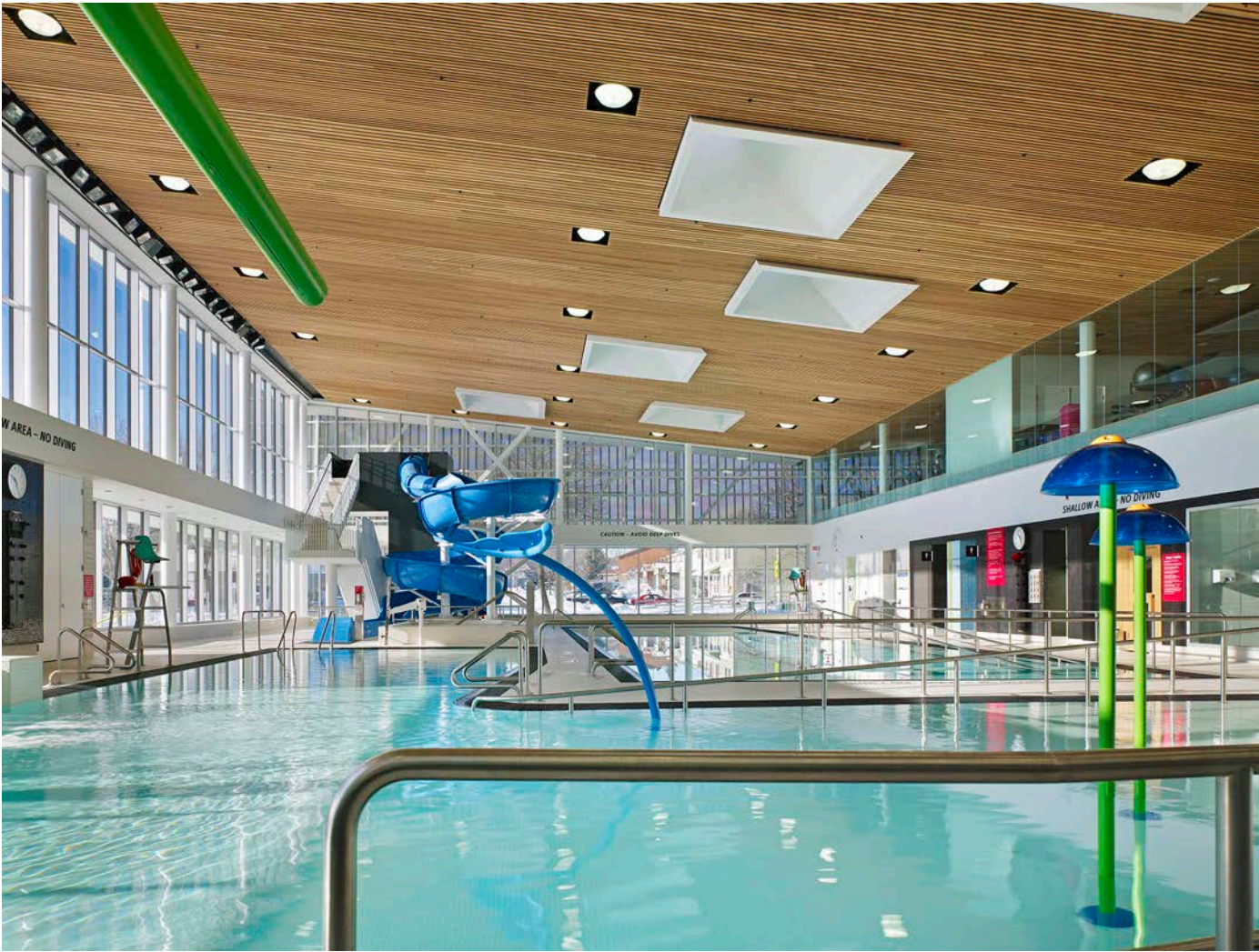


SIMILAR PROJECTS

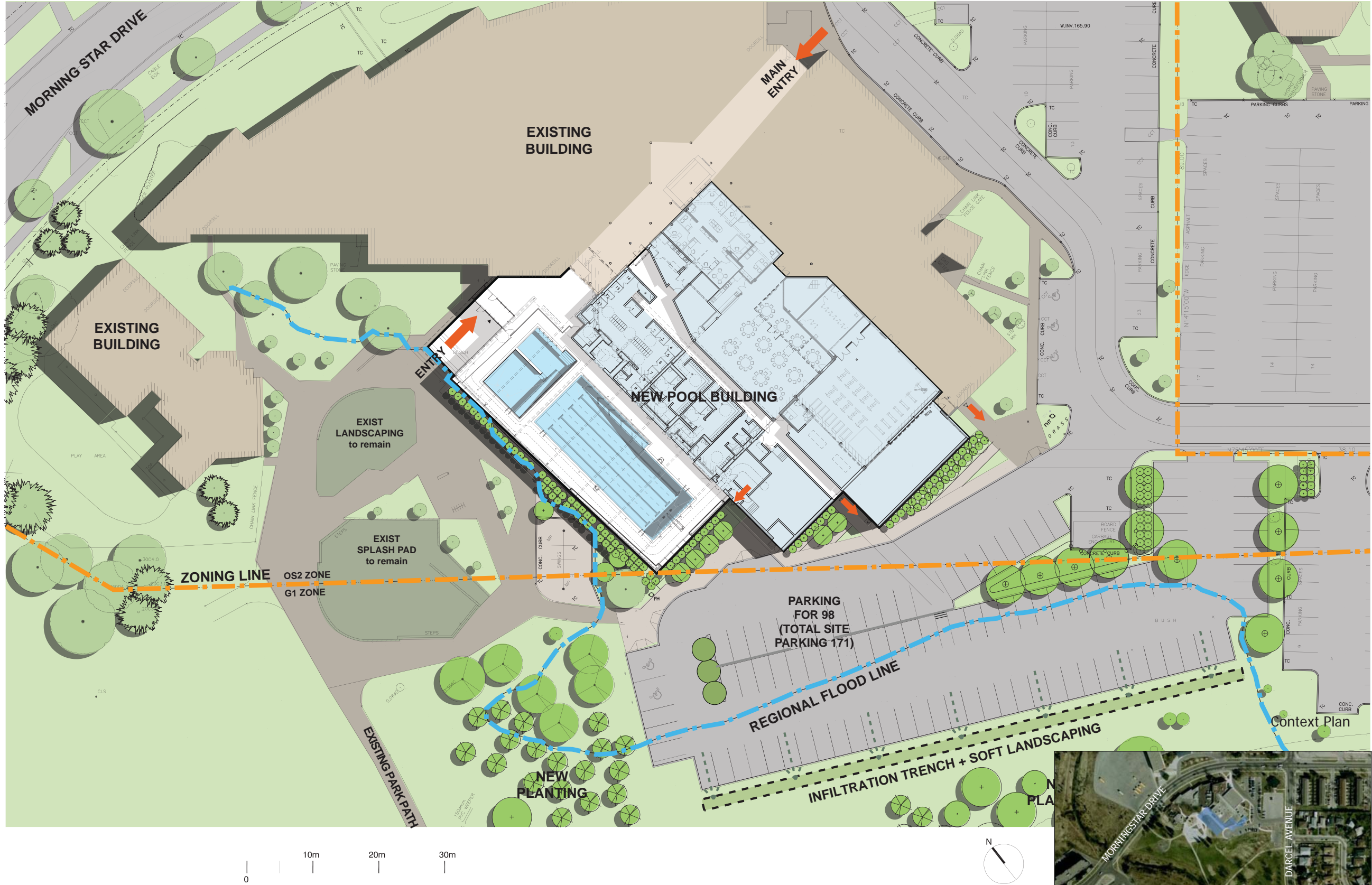












COSTING ASSUMPTIONS

Tillsonburg Costing Assumptions

COMMUNITY CENTRE

	Area	Rate	Value
Renovation			
Demolition	12,000 sf	\$35	\$420,000
Renovation area	Lower level 2,000 sf	\$175	\$350,000
(includes new elevator)	Upper level 2,000 sf	\$175	\$350,000
Pool Upgrades (per Sept 17, Pool Audit)			
Main drains		\$6,800	
Tactile Indicators		\$15,000	
Inlets replacement		\$100,000	
Protruding Step fix		\$17,000	
Gutter drop grates cleaning		\$6,500	
Recirculation Pump replacement		\$15,000	
Adding deck drains, new deck slope		\$37,000	
Replace deck tile		\$300,000	
Pool Tile		\$400,000	
Recirculation piping		\$220,000	
Chemical controller		\$6,000	
Chemical tanks		\$3,000	
Chemical feeds		\$2,500	
Tubing and chemical sensor		\$1,600	
Subtotal Pool Upgrades			\$1,130,400
New Construction	20,000 sf	\$600	\$12,000,000
Site development	20,000 sf	\$5	\$100,000
Mechanical site Servicing	5,000 sf	\$4	\$20,000
Electrical site servicing	5,000 sf	\$2	\$10,000
Asebestos Removal (assumed)			\$275,000
SUBTOTAL			\$14,655,400
General Requirements and Fees		10%	\$1,465,540
Design Allowance		20%	\$2,931,080
Escalation Allowance		4%	\$586,216
TOTAL Community Centre Upgrades	24,000 sf	\$818 /sf	\$19,638,236
Signage		0.50%	\$73,277
FFE Allowance		3%	\$439,662
Testing and Inspection Allowance		1.00%	\$146,554
Door Hardware			\$80,000
AV		2%	\$293,108
Community Centre Full Scope		\$861.28 /sf	\$20,670,837

SPLASHPAD

	Area	Rate	Value
New splashpad	5,000 sf	\$125	\$625,000
Wave Pool Upgrades (confirm minimum)			
Pool Deck		\$200,000	
Main Drains		\$6,800	
Main Drain body		\$28,000	
Skimmers		\$112,000	
Contrasting Tile		\$1,200	
Contrasting Tile Pool Perimeter		\$25,000	
New Sand Filters		\$40,000	
Larger Recirculating Pump		\$15,000	
Automatic Level Controller		\$4,500	
Flow Meter		\$1,500	
Update schedule piping		\$20,000	
Coping repair		\$62,000	
New water feature		\$25,000	
Subtotal Wave Pool Upgrades			\$541,000
Changeroom Building			
(includes new accessibility upgrades)	4,000 sf	\$250	\$1,000,000
Site development	25,000 sf	\$5	\$125,000
Mechanical site Servicing	20,000 sf	\$3.0	\$60,000
Electrical site servicing	20,000 sf	\$2.0	\$40,000
SUBTOTAL			\$2,351,000
General Requirements and Fees		10%	\$235,100
Design Allowance		20%	\$470,200
Escalation Allowance		10%	\$235,100
			\$3,291,400
Signage		0.50%	\$11,755
FFE Allowance		3%	\$70,530
Testing and Inspection Allowance		1.00%	\$23,510
Door Hardware			\$40,000
AV		2%	\$47,020
Splashpad Full Scope	9,000 sf	\$387 /sf	\$3,484,215

GRAND TOTAL ALL STAGES

33,000 sf	\$732 /sf	\$24,155,052
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Exclusions:

HST	Food Equipment/ Kitchen Equipment
Design Fees	Escalation beyond 2020
Legal fees and expenses	Premiums for single sourcing materials
Project Management Fees	Schedule Acceleration Premiums
Owner's administration Expenses	AESS Grade Steel
Permits and Development Charges	



To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Application for Zone Change- Removal of Holding Provision ZN 7-19-03 – Oxnard Developments Inc.

REPORT HIGHLIGHTS

- The application for zone change proposes to remove the holding provision from Phase 2 of the Potters Gate development. The appropriate servicing works have been completed and development agreements have been signed. Removal of the holding provision will allow for the issuance of building permits.
- Phase 2 consists of 3 blocks for semi-detached dwellings and street fronting townhouse dwellings.
- Planning staff are recommending approval of the application, as appropriate development agreements have been signed, and sufficient water and wastewater capacity is available for the development.

DISCUSSION

Background

OWNER: 2385667 Ontario Limited
9140 Leslie Street, Unit 210, Richmond Hill, ON L4B 0A9

LOCATION:

The subject properties are legally described as Blocks 6, 7, 9 of Plan 41M-272, Town of Tillsonburg. The blocks front on Harvest Avenue, and are located south of Potters Road and east of the Ontario Southland Railway, north of Simcoe Street.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"	Town of Tillsonburg Land Use Plan	Residential
Schedule "T-2"	Town of Tillsonburg Residential Density Plan	Low Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning: Special Low Density Residential Type 2 Holding Zone (R2-16H)

Proposed Zoning: Special Low Density Residential Type 2 Zone (R2-16)

PROPOSAL:

The purpose of the Application for Zone Change is to remove a holding provision on the subject lands to allow for the development of single detached dwellings and street fronting townhouse dwellings.

The subject properties are 3 existing blocks within Registered Plan 41M-272. Block 9 is located at the southeast corner of the Harvest Avenue and Potters Road intersection and has an area of 2866 m² (30,849 ft²). Block 7 is located on the east side of Harvest Avenue, south of block 9 and a future road connection to the lands to the east, and has an area of 3796 m² (40,860 ft²). Block 6 is located on the west side of Harvest Ave, south of the regional storm water management pond and adjacent to the Ontario Southland Railway, and has an area of 5512 m² (59,331 ft²).

Appropriate development agreements have been signed by the developer and the Town and County and the owner has now requested that the holding provision on the lands be lifted to allow for the issuance of building permits for the lands within this development.

Plate 1, Location Map with Existing Zoning, shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, 2015 Aerial Map, provides an aerial view of the subject property.

Plate 3, Applicant's Sketch, shows the proposed layout and dwelling types.

Application Review

PROVINCIAL POLICY STATEMENT:

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions "shall be consistent with" all policy statements issued under the Act.

Section 1.1.3.1 of the PPS states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted. Section 1.1.1 provides that healthy liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs; and avoiding development and land use patterns which may cause environmental or public health and safety concerns.

OFFICIAL PLAN:

The subject lands are designated 'Low Density Residential' according to the Official Plan. Within the 'Low Density Residential' designation, permitted land uses are primarily low density housing forms including single detached dwellings, duplexes and street fronting town houses and accessory uses. The use of the lands for semi-detached dwellings, street fronting townhouses and accessory uses thereto conforms to the 'Low Density Residential' policies of the Official Plan.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'R2-16(H)' according to the Town of Tillsonburg Zoning By-law.

Section 36 of the Planning Act governs the use of Holding Provisions. Holding provisions are typically used to ensure that technical or administrative matters are addressed prior to the intended use of a property being permitted. Removal of holding provisions does not require public notice or circulation of the application, and the only right to appeal lies with the applicant.

In this instance, holding provisions were applied to ensure that appropriate development agreements are in place, recommendations of the Noise and Vibration Study have been satisfactorily implemented, and adequate water and wastewater capacity is assigned to the development prior to the construction of dwelling units.

The applicant proposes to remove the holding provision to allow the lands to be used for residential purposes.

The R2-16 zoning permits single detached dwellings, semi-detached dwellings, duplex dwelling, and a street fronting townhouse dwelling. The R2-16 zone also has a number of varied development standards relating to reduced lot frontage, exterior side yard width, front yard depth, and interior side yard width for street fronting townhouse dwellings and semi-detached dwellings.

AGENCY COMMENTS:

The application was circulated to various public agencies considered to have an interest in the proposal. The Town Building Services Department and Town Engineering Services Department indicated that they have no concerns with the request to remove the holding provision from the lands. The Oxford County Public Works Department indicated that they have no objection to the request, as there is adequate water and wastewater treatment capacity to service the proposed development.

Planning Analysis

It is the opinion of this Office that the proposed zoning application is consistent with the policies of the Provincial Policy Statement and is in keeping with the policies of the County Official Plan and can therefore be supported from a planning perspective.

Oxford County Public Works Department have confirmed that there is sufficient water and wastewater capacity available to service the proposed development and the Town Engineering Department has indicated that they have no objection to the removal of the holding provision as the appropriate development agreements are in place. All recommendations of the Noise and

Vibration Study have been implemented through engineering design of the subdivision and appropriate clauses in the subdivision agreement.

It is Planning staff's opinion that the request to remove the holding provision within Phase 2 of Potters Gate to allow for residential development in the form of semi-detached dwellings and street fronting townhouses is appropriate from a planning perspective and can be given favourable consideration.

A copy of the draft amending by-law is attached for Council's consideration.

RECOMMENDATION

That the Council of the Town of Tillsonburg approve the zone change application, File No. ZN 7-19-03, as submitted by Oxnard Developments Inc., for lands described as Blocks 6,7 & 9, Plan 41M-272, Town of Tillsonburg, to rezone the subject lands to remove the Holding Provision from properties within Phase 2 of Potters Gate.

SIGNATURES

Authored by:

"original signed by"

Eric Gilbert, MCIP RPP,
Senior Planner

Approved for submission: *"original signed by"*

Gordon K. Hough, RPP
Director

Report No: CP 2019-85
COMMUNITY PLANNING
Council Date: April 8, 2019

Report Approval Details

Document Title:	ZN 7-19-03_ Report.docx
Attachments:	- Report Attachments.pdf
Final Approval Date:	Apr 2, 2019










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



David Calder - Apr 2, 2019 - 4:29 PM



Legend

- Environmental Protection/Flood Overlay
-  Flood Fringe
 -  Floodway
 -  Environmental Protection (EP1)
 -  Environmental Protection (EP2)
- Zoning
- Floodlines/Regulation Limit
-  100 Year Flood Line
 -  30 Metre Setback
 -  Conservation Authority Regulation Limit
 -  Regulatory Flood And Fill Lines
-  Zoning (Displays 1:16000 to 1:500)

Notes

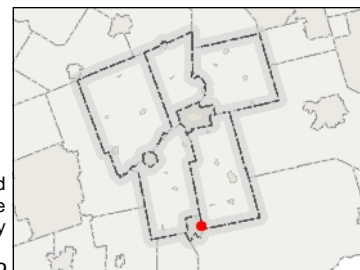
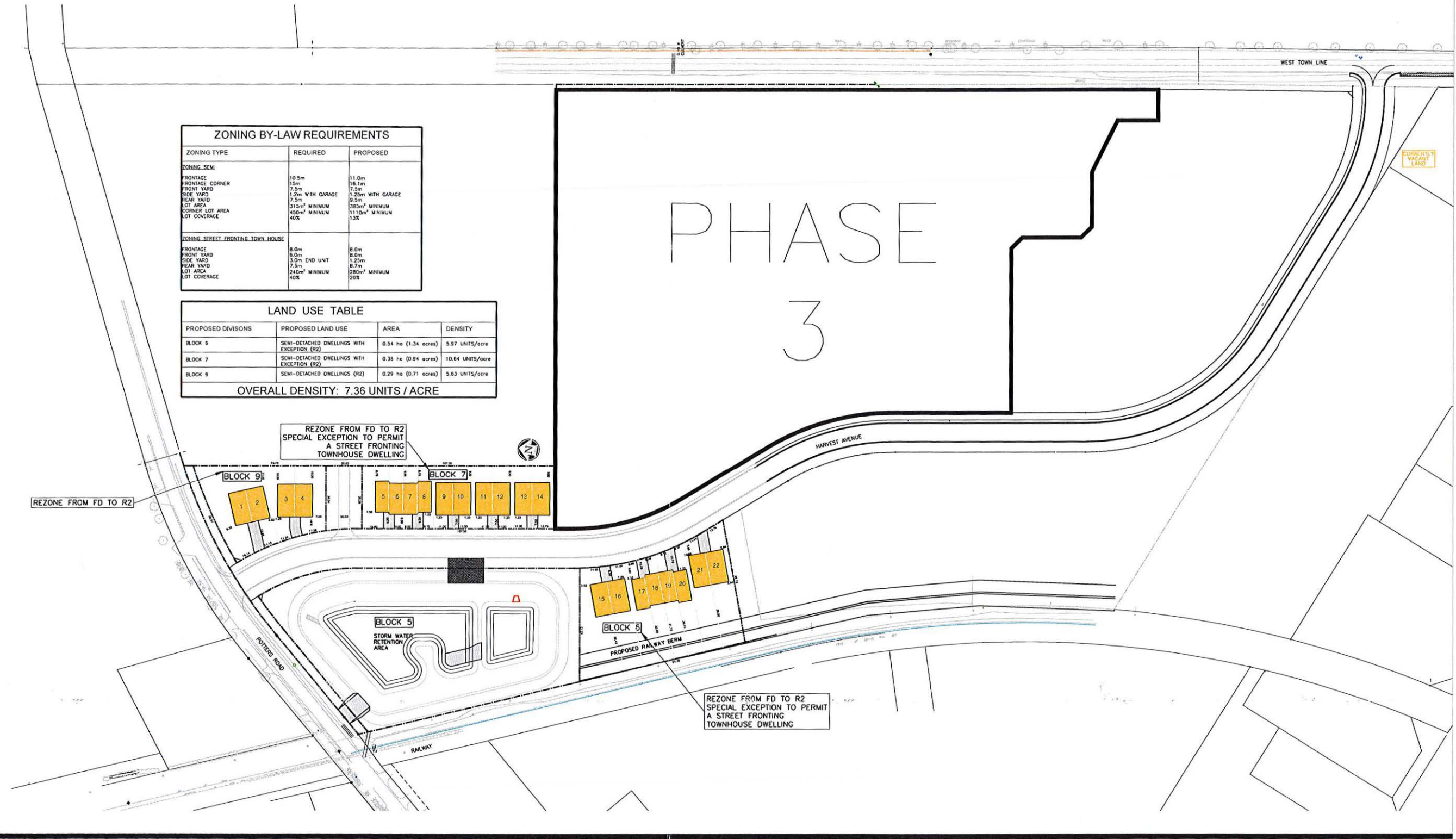



Plate 2: Applicant's Sketch
File No: ZN 7-19-03- 2385667 Ontario Limited
Blocks 6, 7, 9, Plan 41M-272, Town of Tillsonburg



	Report Title	CLK 19-10 Tillsonburg Transit Advisory Committee Terms of Reference
	Report No.	CLK 19-10
	Author	Sherry Hamilton, Chair of Tillsonburg Transit Advisory Committee and Amelia Jaggard, Legislative Services Coordinator
	Meeting Type	Council Meeting
	Council Date	April 8, 2019
	Attachments	Amended Terms of Reference (red line version)

RECOMMENDATION

THAT Council receives Report CLK 19-10 Tillsonburg Transit Advisory Committee Terms of Reference;
AND THAT Council approve the amended Terms of Reference for the Tillsonburg Transit Advisory Committee.

BACKGROUND

At the Tillsonburg Transit Advisory Committee meeting on March 19, 2019, the committee reviewed their Terms of Reference and passed the following resolution:

Moved by: David Brown

Seconded by: Pete Luciani

THAT the Terms of Reference for the Tillsonburg Transit Advisory Committee be amended under section 1 to include advising and assisting with the development of the intercommunity transit system.

Carried.

DISCUSSION

A red line version of the proposed amended Terms of Reference is attached for Council's review. In addition to the proposed amendment, the committee agreed that section 1.2 is no longer relevant and should be removed. An error in the term length was corrected from two years to four years in sections 2.1 and 3.1. Also, there was a duplication of information within the mandate and section 1.0; three sentences have been removed from the mandate.

FINANCIAL IMPACT/FUNDING SOURCE

N/A

COMMUNITY STRATEGIC PLAN (CSP) IMPACT

1. Excellence in Local Government

- ☒ Demonstrate strong leadership in Town initiatives
- ☒ Streamline communication and effectively collaborate within local government
- ☐ Demonstrate accountability



Report Approval Details

Document Title:	CLK 19-10 Transit Advisory Committee TOR.docx
Attachments:	- CLK 19-10 Attachment 1 - Amended TOR - Tillsonburg Transit Advisory Committee.docx
Final Approval Date:	Mar 31, 2019

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



David Calder - Mar 31, 2019 - 12:56 PM





Tillsonburg Transit Advisory Committee Terms of Reference

Mandate:

The objective of the Tillsonburg Transit Advisory Committee (TTAC) is to oversee and advise Town Council on the governance oversight of the Town's service providers contract for transit and specifically the policies and procedures related to service delivery of transit. The TTAC will provide a forum for input, exchange of ideas and debate on conventional and mobility transit related issues with representation from all affected groups in the community.

1.0. Role of the Community Transportation Advisory Committee

- 1.1. Advise Council on matters related to services of community transportation.
- 1.2. Advise and develop working relationships with community groups involved with community transportation and interconnectivity.
- 1.3. Advise and assist with the development of a public engagement program and promote the activities of the Committee and operational policies and procedures related to community transportation.
- 1.4. Advise and assist with the development of the intercommunity transit system.
- 1.5. To advise Council with regard to the Community Strategic Plan.
- 1.6. To set out clear goals for the committee for the term.
- 1.7. To liaise with other committees or organizations with overlapping roles and responsibilities.

2.0. Organization of the Committee

The Committee should be comprised of representatives of the community organizations and individuals associated with community transit. The Committee should also be comprised of a council representative and a nonvoting Town of Tillsonburg staff representative. Town Council will appoint members to the Tillsonburg Transit Advisory Committee.

The composition shall be as follows:

- Representative of Community Living Tillsonburg.
 - Representative of the Tillsonburg and District Multi Service Centre.
 - Representative of Social Planning Council Oxford.
 - Representative of Town of Tillsonburg Council.
 - Up to 4 community members including users of the transit system, 1 member from the Economic Development Advisory Committee and 1 member from the Accessibility Advisory Committee.
- 2.1. The term of a Committee Member is a four (4) year term.
 - 2.2. Additional members may be appointed throughout the term.
 - 2.3. There will be a minimum of 7 members and a maximum of 9 members.
 - 2.4. One member will be appointed by vote of the committee at the first meeting to chair the meetings for that term. The committee will also, at this time, select a vice-chair and secretary for the same duration.

- 2.5. Municipal staff including the CAO shall interact in an advisory manner to the committee as needed and the role of staff liaison shall be fulfilled by the CAO and the Director of Operations.

3.0. Meetings

- 3.1. The TTAC will hold meetings throughout the four (4) year period.
- 3.2. The date and time of the regular meetings will be established by the TTAC.
- 3.3. Meetings will have a formal agenda and adhere to the Town of Tillsonburg Procedural By-law.
- 3.4. Agendas and information packages, that will include the minutes from the previous meeting, will be sent (via mail, e-mail,) to TTAC Members prior to each meeting.
- 3.5. A majority of the Committee Members will constitute quorum for the transaction of business.

4.0. Role of the Chair

The Chair is responsible for insuring the smooth and effective operation of the Committee and its roles. This will include responsibility for:

- 4.1. Calling the meetings to order.
- 4.2. The Chair is encouraged to create an informal atmosphere to encourage the exchange of ideas such as, using a roundtable format.
- 4.3. Creating an agenda in consultation with secretary.
- 4.4. Chairing the meetings to ensure business is carried out efficiently and effectively.
- 4.5. Acting as spokesperson.
- 4.6. Representing the TTAC on other committees when necessary.
- 4.7. The Chair shall conduct meetings in accordance with the Town's Procedural By-law.
- 4.8. In the absence of the Chair, these responsibilities will be undertaken by a Vice-Chair.

5.0. Role of the Secretary

The Secretary is responsible for ensuring a complete up to date record for the TTAC.

- 5.1. In liaison with the Chair, arrange date, time and venue for meetings.
- 5.2. In liaison with the Chair, set agendas and circulate to the members two business days prior to the meeting.
- 5.3. Circulate draft minutes to the members.
- 5.4. Keep a complete up to date record of the committee minutes.

6.0. Role of Members

Membership on the Committee is a position of responsibility and requires a strong commitment to the Terms of Reference. Committee members are required to:

- 6.1. Attend all regular scheduled meetings. Members are required to notify the Chair, Secretary or the designated municipal staff liaison if they are unable to attend a meeting.
- 6.2. Review all information supplied to them.
- 6.3. Prepare information for use in the development of materials for the Committee.
- 6.4. Promote the role of the Committee.
- 6.5. Offer input to committee reports to Council.
- 6.6. Attend training as required to effectively perform their role as a committee member.
- 6.7. Committee Members are subject to The Municipal Conflict of Interest Act R.S.O, 1990, c.M50 and must disclose any direct or indirect pecuniary interest. The disclosure must be recorded in the minutes of the meeting.

7.0. Role of Municipal Staff

The Town of Tillsonburg, by its nature and purpose, affects and is affected by many different Municipal departments. Assistance will be provided on an as required basis from various departments. Municipal staff will be responsible for carrying out the following functions with respect to the Committee:


- 7.1. Acting as an information resource.
- 7.2. Orientation of Committee members at the first meeting after Council appointment.
- 7.3. Assist the Committee in its' reporting to Council.
- 7.4. Provide correspondence to the Committee.

8.0. Reports to Council

The Committee may advise and make recommendations to Council in accordance with its role. Reports may be submitted as follows:

- 8.1. Verbally by a Council representative.
- 8.2. Written Report from the staff liaison and presented by the Chair or the designated representative.

An annual report will also be submitted to Council at the beginning of each new year outlining the Committee's accomplishments in the previous twelve months.

	Report Title	Economic Development Advisory Committee Resolution Regarding THI's New Economic Evaluation Model
	Report No.	DCS 19-07
	Author	Staff on behalf of Jesse Goossens, Chair
	Meeting Type	Council Meeting
	Council Date	April 8, 2019
	Attachments	

RECOMMENDATION

THAT Council receive report DCS 19-07 Economic Development Advisory Committee Resolution Regarding THI's New Economic Evaluation Model as information.

BACKGROUND

At the Economic Development Advisory Committee meeting on March 21, 2019, the General Manager of Tillsonburg Hydro Inc provided an update on Tillsonburg Hydro Inc's (THI) Distribution System Expansion Costs and Charges changes as approved by the Board of Directors in January of 2019 as per the following motion.

AND THAT the Board confirm that THI use the EEM process capturing total capital costs (developer and THI) and ongoing costs defined as Operating, Maintenance, Administration, Depreciation and Interest costs as outlined in the Distribution System Code effective January 1, 2019;

AND THAT the expansion deposit collection be deferred until it is mandated by the regulator.

This motion resulted in a change to the cost-sharing ratio from 50:50 to 90:10 with the developer now bearing the majority of the costs as determined through the Economic Evaluation Model (EEM). This is different from other utilities in the area. While this requirement is now in place, no applications for system expansion have been received under the new regime yet.

The Board did defer the requirement for a system expansion deposit until such time as it is mandated.

DISCUSSION

At the Economic Development Advisory Committee meeting on March 21, 2019, the committee passed the following resolution:

THAT the Economic Development Advisory Committee advise Town Council that the Committee is deeply concerned about impacts to competitiveness with respect to the decision made by the Tillsonburg Hydro Inc. Board of Directors to increase the costs included in the Economic Evaluation Model as well as to increase the share of these costs paid by the developer.

The committee is concerned that the change to the Distribution System Expansion Costs and Charges will make the Town of Tillsonburg less attractive for new investment. In their Dec 11, 2018 letter to the THI Board of Directors, the committee asked that comparator information be provided but have not received any information in that regard to date.

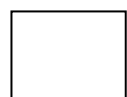
The committee would like the THI Board of Directors to reconsider their decision while taking into consideration the current practices of utilities in the adjacent communities. It is the Committee's intent to request a meeting with THI to bring these concerns forward and discuss potential options.

FINANCIAL IMPACT/FUNDING SOURCE

There is no financial impact related to this report.

COMMUNITY STRATEGIC PLAN (CSP) IMPACT

1. Excellence in Local Government
 - ☒ Demonstrate strong leadership in Town initiatives
 - ☐ Streamline communication and effectively collaborate within local government
 - ☐ Demonstrate accountability
2. Economic Sustainability
 - ☒ Support new and existing businesses and provide a variety of employment opportunities
 - ☐ Provide diverse retail services in the downtown core
 - ☐ Provide appropriate education and training opportunities in line with Tillsonburg's economy
3. Demographic Balance
 - ☐ Make Tillsonburg an attractive place to live for youth and young professionals
 - ☐ Provide opportunities for families to thrive
 - ☐ Support the aging population and an active senior citizenship
4. Culture and Community
 - ☐ Promote Tillsonburg as a unique and welcoming community
 - ☐ Provide a variety of leisure and cultural opportunities to suit all interests
 - ☐ Improve mobility and promote environmentally sustainable living



CAO



Report Approval Details


Document Title:	Report DCS 19-07 Economic Development Advisory Committee Resolution Regarding THI's New Economic Evaluation Model.docx
Attachments:	
Final Approval Date:	Mar 31, 2019

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



David Calder - Mar 31, 2019 - 12:25 PM



	Report Title	Tillsonburg Airport Advisory Committee Comment Regarding the Airport Development Manual
	Report No.	OPS 19-09
	Author	Staff on behalf of Mark Renaud, TAAC Chair
	Meeting Type	Council Meeting
	Council Date	April 8, 2019
	Attachments	

RECOMMENDATION

THAT Council receive Report OPS 19-09 Tillsonburg Airport Advisory Committee Comment Regarding the Airport Development Manual as information.

BACKGROUND

At the January 28th 2019 Regular Council meeting Report OPS 19-01 Airport Building Permits was referred to the Tillsonburg Airport Advisory Committee for review and comment prior to the matter being brought to Council for consideration.

SUMMARY

At the Tillsonburg Airport Advisory Committee meeting on March 21st 2019, the Committee was provided with a verbal summary of background information that led to Council's request from the Committee regarding Report OPS 19-01 Airport Building Permits. The Committee raised concerns of not being able to advance development at the Airport since South-West Oxford's position of no longer issuing building permits for the Airport. Through discussion and review of Report OPS 19-01 it was highlighted that neither South-West Oxford or the Town of Tillsonburg have the authority to require building permits at the Airport, but that since the Town owns the Airport Property an alternative process of administering Airport development entirely in-house by Town staff can achieve the same outcome. The Committee further discussed that an Airport Development Manual would help communicate expectations and requirements to potential applicants upfront and provide a more streamlined process for review and approval. The Committee then passed the following resolution:

Moved by: Geoffrey Lee

Seconded by: Jeremy Stockmans

"THAT the Tillsonburg Airport Advisory Committee supports the administration of development activity at the Airport entirely in-house by Town Staff,

AND THAT Town staff expedite the assembly of the Airport Development Manual"

Carried.

FINANCIAL IMPACT/FUNDING SOURCE

There is potential to increase revenues through land lease agreements associated with new hangar development at the Airport.

COMMUNITY STRATEGIC PLAN (CSP)

1. Excellence in Local Government
 - ☒ Demonstrate strong leadership in Town initiatives
 - ☐ Streamline communication and effectively collaborate within local government
 - ☐ Demonstrate accountability
2. Economic Sustainability
 - ☒ Support new and existing businesses and provide a variety of employment opportunities
 - ☐ Provide diverse retail services in the downtown core
 - ☐ Provide appropriate education and training opportunities in line with Tillsonburg's economy

Report Approval Details

Document Title:	OPS 19-09 Tillsonburg Airport Advisory Committee Comment Regarding the Airport Development Manual.docx
Attachments:	
Final Approval Date:	Apr 3, 2019

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



David Calder - Apr 3, 2019 - 8:28 AM

Minister of Infrastructure
and Communities



Ministre de l'Infrastructure
et des Collectivités

Ottawa, Canada K1P 0B6

March 27, 2019

His Worship Stephen Molnar
Mayor
Town of Tillsonburg
200 Broadway St., 2nd Floor
Tillsonburg, Ontario N4G 5A7

Dear Mr. Mayor:

I am pleased to inform you that, in accordance with the commitment in Budget 2019, the Government of Canada will provide an additional \$2.2 billion to the Gas Tax Fund. This one-time top-up will provide additional support to municipalities that face infrastructure deficits to support improved productivity, economic growth, a clean environment, and help to build strong cities and communities.

This special funding will be provided to Ontario recipients under the Canada–Ontario–Association of Municipalities of Ontario–Toronto Gas Tax Fund Administrative Agreement. An amount of \$819,443,895 will be provided to Ontario as well as individual signatories, and will then be distributed to ultimate recipients in accordance with the allocation formula used for gas tax payments made in 2018, as follows:

• Ontario:	\$819,443,895
○ Association Municipalities of Ontario	\$649,940,923
○ City of Toronto	\$167,421,424
○ Province of Ontario	\$2,081,548

Funds must be used in accordance with all the terms of the current Gas Tax Fund Administrative Agreement. Information on Ontario's federal Gas Tax Fund allocations per community prior to Budget 2019 can be found on Infrastructure Canada's website¹.

The gas tax top-up funding is expected to be transferred following royal assent of Budget 2019.

March 14, 2019 marked one year since the Canada–Ontario Integrated Bilateral Agreement was signed.

¹ <https://www.canada.ca/en/office-infrastructure/news/2018/background-ontarios-2018-19-federal-gas-tax-fund-allocations.html>

- 2 -

As I know you appreciate, under the Investing in Canada Infrastructure Program, proposed projects must first be prioritized by the province before they are submitted to Infrastructure Canada for consideration.

As a reminder, through the Integrated Bilateral Agreement with Ontario, \$11.9 billion is available to the province and is broken down as follows:

- \$8.3 billion for public transit;
- \$2.8 billion for green infrastructure;
- \$407 million for community, culture, and recreation infrastructure; and
- \$250 million for infrastructure in rural and northern communities.

The one-time top-up to the Gas Tax Fund adds substantial dollars to this Agreement. More importantly, those dollars flow to you.

We believe this is an important step to take to ensure your local priorities have the resources needed so projects can get moving and, crucially, the summer construction season is not missed. We all know how important that season is to make real progress on projects, not to mention job creation locally.

In the meantime, we continue to press the Ontario government to open intakes for all four streams so as to maximize the number of projects we can build together for Ontarians in 2019 and the years ahead.

We know you have proposals ready, and last week's announcement in Budget 2019 is a clear signal that we are there to support you.

Spring is already (at last) in the air. It is time to get projects moving so we do not lose a historic opportunity to build our communities and create good-paying jobs now.

I look forward to continuing to work with you on our shared infrastructure interests.

Yours sincerely,



The Honourable François-Philippe Champagne, P.C., M.P.
Minister of Infrastructure and Communities

c.c. City Clerk and Council

Enclosure – Gas Tax Fund fact sheet

THE FEDERAL GAS TAX FUND IN ONTARIO

The federal Gas Tax Fund delivers over \$2 billion every year to over 3600 communities across the country. For the 2018-19 fiscal year, this represents an investment of more than \$819 million from the Government of Canada to Ontario municipalities.

The **federal Gas Tax Fund (GTF)** is a permanent source of annual funding to provinces and territories, who in turn flow this funding to their municipalities to support local infrastructure priorities.

Every year, municipalities benefit from the support and flexibility of the federal Gas Tax Fund. They can pool, bank, and borrow against this funding — providing significant financial flexibility to plan infrastructure projects over the long term. Projects are chosen locally and prioritized according to the infrastructure needs of each community.

Communities select how best to direct the funds and have the flexibility to make strategic investments across 18 different project categories.

Because many municipalities across Canada continue to face serious infrastructure deficits, **Budget 2019** proposes a **one-time transfer of \$2.2 billion** through the federal Gas Tax Fund to address short-term priorities in municipalities and First Nations communities. This will double the Government of Canada's commitment to municipalities in 2018-19, with **Ontario municipalities of all sizes sharing an additional federal investment in local infrastructure of over \$819 million, for a total of approximately \$1.64 billion.**

QUICK FACTS:

- The federal Gas Tax Fund is allocated on a per capita basis for provinces, and provides a base funding amount of 0.75 percent of total annual funding for Prince Edward Island and each territory.
- On-reserve First Nations communities in provinces also receive an allocation on a per capita basis.
- The federal Gas Tax Fund has been indexed at two percent per year, meaning that it will continue to grow to provide additional support to municipalities.
- To date, more than \$23 billion has been invested in municipalities through the federal Gas Tax Fund.



THE FEDERAL GAS TAX FUND

Eligible projects include investments in infrastructure for construction, renewal or material enhancement in each of the following categories:



1. **Local roads and bridges** – roads, bridges and active transportation infrastructure (active transportation refers to investments that support active methods of travel. This can include: cycling lanes and paths, sidewalks, hiking and walking trails).
2. **Highways** – highway infrastructure.
3. **Short-sea shipping** – infrastructure related to the movement of cargo and passengers around the coast and on inland waterways.
4. **Short-line rail** – railway-related infrastructure for carriage of passengers or freight.
5. **Regional and local airports** – airport-related infrastructure (excludes the National Airport System).
6. **Broadband connectivity** – infrastructure that provides internet access to residents, businesses, and/or institutions in Canadian communities.
7. **Public transit** – infrastructure that supports a shared passenger transport system which is available for public use.
8. **Drinking water** – infrastructure that supports drinking water conservation, collection, treatment and distribution systems.
9. **Wastewater** – infrastructure that supports wastewater and storm water collection, treatment and management systems.
10. **Solid waste** – infrastructure that supports solid waste management systems including the collection, diversion and disposal of recyclables, compostable materials and garbage.
11. **Community energy systems** – infrastructure that generates or increases the efficient usage of energy, including energy retrofits of municipal buildings.
12. **Brownfield redevelopment** – remediation or decontamination and redevelopment of a brownfield site.
13. **Sport infrastructure** – amateur sport infrastructure (excludes facilities, including arenas, which would be used as the home of professional sports teams or major junior hockey teams, e.g. Junior A).
14. **Recreational infrastructure** – recreational facilities or networks.
15. **Cultural infrastructure** – infrastructure that supports arts, humanities, and heritage.
16. **Tourism infrastructure** – infrastructure that attracts travelers for recreation, leisure, business or other purposes.
17. **Disaster mitigation** – infrastructure that reduces or eliminates the long-term impacts and risks associated with natural disasters.
18. **Capacity building** – investments related to strengthening the ability of municipalities to develop long-term planning practices (e.g., including local asset management planning, public transit network planning, etc.)

Note: Investments in health infrastructure (hospitals, convalescent and senior centres) are not eligible.





Big Brothers Big Sisters
of Ingersoll, Tillsonburg & Area
 Mentoring Programs and Services

March 28, 2019

Mayor & Members of Council
 Town of Tillsonburg
 200 Broadway Street, 2nd Floor
 Tillsonburg, Ontario
 N4G 5A7

Dear Mayor & Members of Council:

Re: 2019 Municipal Grant

On behalf of the Board of Directors, staff, volunteers and families of Big Brothers Big Sisters of Ingersoll, Tillsonburg & Area, we wish to express our sincere gratitude to the Council for their generous allocation of **\$3,000** to assist our organization in continuing to provide quality mentoring programs and services to the children within the community.

Big Brothers Big Sisters continues to play a vital role in the community by fostering healthy, supportive mentoring friendships to the young people in the Tillsonburg area. Through these relationships, Little Brothers, Little Sisters and Mentees grow to become confident, happy, independent, healthy young men and women. Your ongoing support allows us to continue this program.

Thank you once again for your donation and believing in what we do.

Yours in Friendship,

Deb Landon
 Executive Director

-----start something

Head Office & Mailing Address:

58 Thames Street South, Ingersoll, Ontario N5C 2T1
 Phone: 519-485-1801 • Fax: 519-485-1805
 ingtburg@bigbrothersbigsisters.ca • www.sharethefun.org • CN: 118968478

Satellite Office:

96 Tillson Ave., Tillsonburg, ON N4G 3A1
 Phone: 519-842-9008 ext 229





TILLSONBURG DISTRICT
Chamber of Commerce

April 2, 2019

To: Board of Directors, Tillsonburg Hydro Inc.
Ian MacKenzie, General Manager, Tillsonburg Hydro Inc.
Mayor Stephen Molnar
Members of Tillsonburg Town Council

Re: Tillsonburg Hydro Inc. (THI) Distribution System Expansion Costs and Charges

This letter is a follow-up to our Tillsonburg District Chamber of Commerce (TDCC) policy of December 13, 2018 titled **"Tillsonburg Hydro Inc. (THI) Amendments to Expansion Deposit Collection and Calculation of Incremental Costs to New Customers"**.

The TDCC remains concerned that the changes THI has adopted negatively impacts economic growth in Tillsonburg and our ability to remain competitive with our neighboring jurisdictions.

Recommendations

The Tillsonburg District Chamber of Commerce urges Tillsonburg Hydro Inc. to:

1. Utilize a minimum 45-day consultation with the Tillsonburg District Chamber of Commerce, local stakeholders such as developers, Tillsonburg Economic Development Advisory Committee and Tillsonburg Town Council for any changes in policies, procedures and fees that affect developers and business customers of THI.
2. Eliminate the mandatory expansion deposit until mandated by the OEB.
3. Continue with the 50/50 calculation rather than the 90/10 calculation that commenced January 1 2019 between THI and the developer until mandated by the OEB. Once mandated utilize the minimum percentage for the developers' portion permitted by the OEB. Use the same costs that were used previously to determine the amount while permitted by the OEB.
4. Negotiate with the OEB to reduce regulatory burdens to communities such as Tillsonburg.

Our original policy dated and submitted December 13, 2018 is enclosed with this correspondence.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matt Esseltine', with a stylized flourish extending to the right.

Matt Esseltine
President of the Board
Tillsonburg District Chamber of Commerce

Encl.

cc: Tillsonburg District Chamber of Commerce Board of Directors
David Calder, CAO Town of Tillsonburg
Cephas Panschow, Development Commissioner, Town of Tillsonburg
Jesse Goossens, Chair, Economic Development Advisory Committee
Honorable Ernie Hardeman, MPP Oxford County & Minister of Agriculture, Food & Rural Affairs
Honorable Greg Rickford, MPP Kenora & Minister of Energy, Northern Development & Mines



TILLSONBURG DISTRICT
Chamber of Commerce

BUSINESS. VITALITY.

Tillsonburg Hydro Inc (THI) Amendments to Expansion Deposit Collection and Calculation of Incremental Costs to New Customers

Tillsonburg District Chamber of Commerce Position

Issue

The TDCC is submitting this policy to support the economic growth in Tillsonburg by maintaining residential and commercial development projects at a competitive cost.

Background

THI has adopted changes that take affect January 1, 2019 with regards to work flow, expansion deposit collection and the way in which the calculations for incremental costs for new customers are done.

These adopted changes increase the costs of developing new projects in the Town of Tillsonburg. These can lead to discouraging residential and commercial developers from picking Tillsonburg to do business in. Although there are other LDC's that have adopted similar models, there are some that have not, and Tillsonburg needs to remain competitive.

Recommendations

The Tillsonburg District Chamber of Commerce urges Tillsonburg Hydro Inc to:

1. Utilize a minimum 45-day consultation with the Tillsonburg District Chamber of Commerce, the Tillsonburg Economic Development Advisory Committee and Tillsonburg Town Council for any changes in policies, procedures and fees that affect developers and business customers of THI.
2. Eliminate the mandatory expansion deposit until mandated by the OEB.
3. Continue with the 50/50 calculation rather than the 90/10 calculation that is slated to commence January 1 2019 between THI and the developer until mandated by the OEB. Once mandated utilize the minimum percentage for the developers' portion permitted by the OEB. Use the same costs that were used previously to determine the amount while permitted by the OEB.

Submitted: December 13, 2018



Update on Tillsonburg Hydro Inc. (THI) Distribution System Expansion Costs and Charges

January 31, 2019

Background

THI is regulated by the Ontario Energy Board (OEB). The OEB uses many codes, regulations and directions to communicate the various regulations that Local Distribution Companies (LDC) follow. THI as a licensed LDC is obligated to follow the codes, regulations and directions published.

The rules and guidelines for Distribution System Expansion is managed through the Distribution System Code (DSC) – dated March 15, 2018. Along with the published DSC the OEB is currently in the process of updating the DSC.

Feedback was received from the Development Community through the discussion at the December 5th Development Community meeting, at the December 11th Development Committee meeting and correspondence received from interested parties addressed to the THI Board. The THI Board considered stakeholder input as well as OEB rules and risks. The following resolution was passed:

Board Resolution Passed - January 2019

AND THAT the Board confirm that THI use the EEM process capturing total capital costs (developer and THI) and ongoing costs defined as Operating, Maintenance, Administration, Depreciation and Interest costs as outlined in the Distribution System Code effective January 1, 2019;

AND THAT the expansion deposit collection be deferred until it is mandated by the regulator.

Discussion

At the December 5th meeting, Hydro Operations Staff indicated that they would reach out to the regulator (OEB) to validate the costs included and the process in which THI calculates the incremental costs per customer. This value is what changes the allocation of the capital costs between the developer and THI. OEB Staff responded with the following on December 10, 2018:

“As stated in the DSC Appendix B, any incremental attributable costs directly associated with the addition of new customers to the system would be included in the operating and maintenance expenditures.

Based on the limited information you have provided, Operations / Maintenance, Billing / Collecting, Administration, Amortization and Interest (OMADI) can be used as incremental attributable costs in the economic evaluation as long as those costs are not included anywhere else in the evaluation (i.e. no double counting).


The average cost per customer based on a distributor’s current costs is considered appropriate to be used to estimate the incremental cost per every new customer that is part of the expansion.”

THI believes that they are following the Distribution System Code (DSC), the intent of the DSC and OEB staff interpretations of the regulations. Not following this direction would put THI’s future revenue streams and regulatory compliance at risk. As a result, the THI Board passed the resolution above and will continue to use the average full cost per customer (including OM&A costs, plus depreciation and interest) in allocating the capital cost of future developments. The expansion deposit will not be collected until mandated by the regulator and at such time the THI Board will review the proper level of the deposits to be levied against future developments.

If you have any questions or concerns, please don’t hesitate to contact me directly.

Sincerely,

Ian McKenzie
General Manager
imckenzie@tillsonburg.ca

	Report Title	MMAH – Regional Government Review
	Report No.	MYR 19-06
	Author	Mayor Molnar
	Meeting Type	Open Session
	Council Date	April 8, 2019
	Attachments	Various – As attached

RECOMMENDATION

WHEREAS the Province of Ontario (MMAH) has begun a Regional Government Reform initiative that includes Oxford County and hence the Town of Tillsonburg;

AND Whereas the Council for the Town of Tillsonburg supports an open, transparent and fact-based approach to identifying any areas of operational efficiencies and financial savings;

And WHEREAS the Town of Tillsonburg is committed to both protect and enhance, in a responsible manner, the proud legacy of our municipality;

AND WHEREAS the Council for the Town of Tillsonburg opposes a One Tier Governance structure in Oxford County as historical indications suggest it will not result in better decision making, will not result in improved services or level of customer service and will not provide any overall net cost efficiencies;

AND WHEREAS the Town of Tillsonburg supports the continuation of a Two Tier Governance structure and supports an open and transparent approach to identify local and regional efficiencies;

NOW THEREFORE BE IT RESOLVED that Council for the Town of Tillsonburg endorses any opportunity to reinforce and enhance a Two-tier Governance structure in Oxford County;

AND FURTHER THAT the material contained within this report be made available to the CAO for his subsequent report as anticipated;

AND FURTHER THAT Council endorses the opportunity for enhanced Public Engagement by hosting an Open House session as to be facilitated by Town staff

AND FURTHER THAT this report be forward to the other municipalities in Oxford, including the County of Oxford as information.

EXECUTIVE SUMMARY

On January 15, 2019 (Attachment 1) the Minister of Municipal Affairs and Housing for the Province of Ontario announced that the Government is moving ahead with a review of Regional Government. While a “County” by name, Oxford is a Regional government as referenced in the Municipal Act. Two special advisors (Michael Fenn and Ken Seiling)

have been appointed to consult broadly over the coming weeks and to provide recommendations to improve governance, decision-making and service delivery. Recommendations to the Government of Ontario are expected by early summer of 2019.

The last official review of municipal governance structure occurred some twenty years ago as expected within the Savings and Restructuring Act, 1996. At this time a service delivery review was undertaken by KPMG regarding 11 specific municipal services to identify any opportunities for operation symmetry and/or financial savings. At this same time period the size of Tillsonburg's Municipal Council was reduced from 9 members to 5, while County Council was reduced from 20 members to 10.

Subsequent to the last official review, some local services were uploaded to the County of Oxford for both operation efficiency and financial savings. Primary among these were Solid Waste Management and Recycling, Tourism and Strategic Long-term Planning. Examples of reviewed services that remained status quo included Fire, Policing, By-law Enforcement Economic Development, Airport, Building Inspection and a modified Roads partnership.

As the Town of Tillsonburg works proactively with our municipal partners in Oxford County we remain committed to continuous improvement and the identification of operational efficiencies on a regular basis.

The statistical approach to finding reasonable and achievable solutions was reinforced by the objective studies conducted by KPMG (October 2000) and the parallel report by CN Watson of April 2000. It would be unfortunate that any amendment to the current governance structure of Tillsonburg and Oxford County was not based on a similar fact based analysis.

OBJECTIVE

Council will be reminded that at the regular Council meeting of February 28, 2019 the following resolution was approved relative to Correspondence from the City of Woodstock. (Attachment 2)

12.4 Regional Reform Report - Woodstock City Council

Oxford CAO's will be meeting to discuss the regional governance review.

The CAO will report back to Council prior to a report being submitted to County Council.

Stakeholders will have an opportunity to provide input.

Resolution # 7 Moved By: Councillor Luciani Seconded By: Councillor Esseltine

THAT Council receives the report for Woodstock City Council regarding regional government review, as information;

AND THAT Council direct the CAO to participate with Oxford County CAO's in discussions regarding the regional governance review;

AND THAT this initiative be added to the 2019 Business Plans.

The CAO has been in meetings with the other 8 CAOs in Oxford and while awaiting his more comprehensive operational report, this author feels it is important to share any progress that has been made at County Council and to encourage local dialogue on this very important review.

BACKGROUND

Attached to this report as information are various documents and resolutions that hope to bring some clarity to the process to date and share publicly the material that would hopefully stimulate open and transparent dialogue within our community.

Attached as referenced;

Attachment 1)	Letter from Minister Clark (January 15, 2019)
Attachment 2)	Correspondence from City of Woodstock (February 26, 2019)
Attachment 3)	Correspondence from Zorra Township (March 6, 2019)
Attachment 4)	County Report CAO 2019-03 (March 27, 2019)
Attachment 5)	Amended Resolution Report CAO 2019-03 (Attachment 4)
Attachment 6)	County Resolution regarding “One-time” Funding from MMAH
Attachment 7)	Correspondence from Minister Clark re; Tillsonburg “One-time” Funding

FINANCIAL IMPACT/FUNDING SOURCE

There is no immediate Financial Impact based on receiving the information in this report.

COMMUNITY STRATEGIC PLAN (CSP) IMPACT

1. Excellence in Local Government
 - ☒ Demonstrate strong leadership in Town initiatives
 - ☒ Demonstrate accountability
2. Economic Sustainability
 - ☒ Support new and existing businesses and provide a variety of employment opportunities
3. Demographic Balance
 - ☒ Make Tillsonburg an attractive place to live for youth and young professionals
 - ☒ Provide opportunities for families to thrive
 - ☒ Support the aging population and an active senior citizenship

Stephen Molnar

A-1

From: Minister (MMAH) <minister.mah@ontario.ca>
Sent: January-15-19 2:11 PM
To: Stephen Molnar
Subject: A Message From Minister Steve Clark

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
 Toronto ON M5G 2E5
 Tel.: 416 585-7000
 Fax: 416 585-6470

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17e étage
 Toronto ON M5G 2E5
 Tél. : 416 585-7000
 Téléc. : 416 585-6470



January 15, 2019

Dear Mayor Molnar:
smolnar@tillsonburg.ca

As you are aware, our government is undertaking a review of regional government in Ontario. Regional governments have been in place in Ontario for 50 years. In that time populations have changed, infrastructure pressures have increased, and taxpayers' dollars have been stretched. Building on what's working well, the review will identify improvements to make better use of taxpayer dollars while ensuring government works efficiently and effectively for the people.

Today, I announced our government's plan to move forward on this commitment with the appointment of two special advisors who will conduct the review and provide me with recommendations. These two advisors are Michael Fenn and Ken Seiling.

Michael and Ken have extensive knowledge and experience in municipal government and I am confident in their ability to deliver on this important commitment.

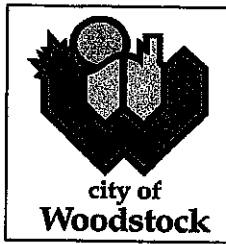
As the head of council, you are responsible for making local decisions and providing high-quality service to the residents of your community. Your participation in this review is crucial to help us understand the unique needs of your region.

You can expect to hear from the advisors shortly regarding the review and how you will be engaged. I look forward to hearing your opinions and ideas to ensure municipalities in your region are working for the people.

Sincerely,

A handwritten signature in black ink that reads 'Steve Clark'.

Steve Clark



Office of the City Clerk
Woodstock City Hall
P.O. Box 1539
500 Dundas Street
Woodstock, ON
N4S 0A7
Telephone (519) 539-1291

February 26, 2019

Chloe Senior, Clerk
County of Oxford
P.O. Box 1614
21 Reeve St.
Woodstock, ON N4S 7Y3

Via e-mail - csenior@oxfordcounty.ca

Re: Regional Reform

At the regular meeting of Woodstock City Council held on Thursday February 21, 2019, the following resolution was passed:

"That Woodstock City Council support the transfer of Consent and Subdivision approval authority to the City of Woodstock and that water distribution and waste water collection become a non-exclusive sphere of jurisdiction in Oxford County;

AND FURTHER that the following resolution be adopted by Woodstock City Council:

WHEREAS the Ontario Government has begun a Regional Reform Initiative that includes Oxford County;

AND WHEREAS the City of Woodstock opposes a one tier governance structure in Oxford County as it will not result in better decision making, will not result in improved services and will not provide cost efficiencies;

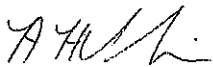
AND WHEREAS the City of Woodstock supports the continuation of a two tier governance structure and prefers to develop a "Made in Oxford" solution by looking at service rationalization and realignment;

NOW THEREFORE BE IT RESOLVED that Woodstock City Council requests Oxford County Council to facilitate and coordinate a process for developing a two tier "Made in Oxford" solution and that this report be circulated to all Oxford County Municipalities for consideration of endorsement;

AND FURTHER that this report be forwarded to the Ministry of Municipal Affairs, the Oxford Member of Provincial Parliament and the Regional Reform Special Advisors."

The report mentioned in the resolution is attached for your reference.

Yours Truly,



Amelia Humphries
City Clerk
City of Woodstock

cc via email: Oxford County Clerks
 Ministry of Municipal Affairs
 Ernie Hardeman, Oxford M.P.P.
 Michael Fenn, Special Advisor
 Ken Seiling, Special Advisor

To: Members of Council

Re: Regional Reform

AIM

To discuss the Regional Reform initiative, potential options and implications of Regional Reform and to provide City Council with an opportunity to submit comments on this initiative.

BACKGROUND

On January 15, 2019 the Ontario Government announced that it is moving ahead with a review of Regional Government. Two special advisors have been appointed to consult broadly over the coming months and provide recommendations to improve governance, decision-making and service delivery. Recommendations to the Ontario Government in these areas are expected by early summer of this year.

The last review of municipal governance occurred approximately 20 years ago pursuant to the *Savings and Restructuring Act*, 1996. There was significant municipal restructuring across Ontario at this time. In Oxford the County retained KPMG to undertake a restructuring and rationalization of services study. The number of County, City and Township Councillors was reduced as a result of the governance recommendations from this study. There were 11 municipal services studied as part of the rationalization of services portion of the study. These 11 services were subjected to the triple majority process and generally resulted in the migration of tourism and waste collection to the upper tier (subject to contracting for service to Woodstock and South West Oxford). The County did not properly assume the authority for waste collection which is the reason why the Municipal Act does not assign exclusive authority to the County for this service. The review also identified significant cost savings in rationalizing the dual road authority system (ie County Road Authority for County Roads and Municipal Road Authority for Local Roads). Devolution of the road program to area municipalities was estimated to generate the highest savings followed by the County contracting road maintenance for County roads to the lower tiers. Rather than implement one of these recommendations the decision was to pursue a "Cooperative and Innovative Services Model" which provides for joint purchasing, route optimizations and co-operative capital planning.

Province wide the stated objective of finding savings and efficiencies through this last municipal government restructuring was not achieved. The appended article, *"Amalgamations brought fewer Ontario cities, but more city workers"* by Wendy Gillis, January 13, 2014 provides observations and analysis of municipal government ten years after the amalgamations. *"The conclusion is very strong: amalgamation didn't reduce the size of municipal government"* and *"The results show that municipal public sector grew, both in employment and cost, and expanded at a faster rate than it had in the decade before amalgamations"*.

What can be learned from this experience is that there are certain services which are best delivered at a local scale and there are other services which can be better delivered on a wider geographical scale.

COMMENTS

The current Regional Reform initiative is two pronged with the first area focusing on governance and structure and the second area on service efficiencies and service quality improvements.

Governance and Structure

Oxford County is first and foremost a rural County. The most significant force of change is the rapid growth of the City of Woodstock. The demand for growth opportunities should be expected to strengthen in the future; the difference will be that these opportunities will emerge and/or strengthen in other serviced communities in the County. This Regional Reform initiative should look ahead to the Oxford 20 years from now and what structural changes will best serve the taxpayer over these years.

Oxford County has a two tier government structure. Oxford County is a Regional Government but is essentially a servicing sharing organization that delivers services that are best managed on a larger geographical basis. One landfill for the entire County is a good example of a service that is best shared on a wider geographical basis.

Several alternative governance structures can be considered and are summarized below.

One Tier

The services delivered by the three urban municipalities and five townships are devolved to one level of government; presumably the County of Oxford under this option.

Based on the experience of amalgamations from twenty years ago, there should be no savings anticipated over the long term and any cost efficiencies related to one tier government will be eroded. This erosion will stem from the fact that some lower tier municipalities are unionized and others are not. There will be pressure to unionize with the County as one employer. Woodstock is the only municipality in the County with exclusively career firefighters and all other lower tier municipalities use volunteer firefighters. There will be similar pressure to migrate to the more costly career firefighter model.

The rural/urban service needs differ and there will be pressure to standardize services resulting in increasing cost. There is also concern that there will be pressure to standardize levels of service at a lower level than currently established in urban areas.

Decisions regarding matters such as zoning are best made at a local level where each Councillor voting on an application is elected to the community in which the application is made. Economic development is also best managed at a local level where competition drives decisions.

Page 129 of 333
Page 30 of 154
The Oxford Community Police Service (OCPS) can be considered a pilot project of one tier government. OCPS provided police services to the City of Woodstock, the Township of Blandford Blenheim, the Township of East-Zorra Tavistock and the Township of Norwich. This partnership disbanded in 2009 due to concerns over service levels and service costs.

Staff do not believe that a one tier system of government is appropriate for Oxford County.

Two Tier with Possible Lower Tier Boundary Realignments

A service rationalization review with consideration for lower tier boundary realignments is an option for consideration.

Staff suggest that this option be supported for further consideration.

Separated City(s) & County Amalgamation

This option considers creating a separated City status for some or all of the urban municipalities in the County and amalgamation of the County of Oxford with the County of Elgin, County of Middlesex and/or the County of Perth. Stratford and St Marys in Perth County are separated cities as is the City of St Thomas in Elgin County and London in Middlesex County. Service sharing agreements exist in Elgin, Middlesex and Perth Counties with their urban counterparts for various services.

The County of Oxford recently devolved Public Health to a new organization that serves both Oxford and Elgin Counties. Clearly, Public Health has emerged as a local service that is better delivered on a broader geographical basis than the current County boundaries. This option takes this example one step further to consider whether there are more services offered by the County that could be better delivered if moved to a larger geographical area.

This option has merit but brings greater difficulties to implement given that Elgin, Middlesex and Perth are not currently part of the Regional Reform initiative.

Service Efficiencies and Service Quality Improvements

There has always been a practice of resource sharing, working cooperatively and partnerships in the delivery of municipal services in the County. This sharing occurs both informally and contractually. The Regional Reform Initiative is an opportunity to consider "who does what" in the context of what is best for the taxpayer having regard for what we think the needs of Oxford residents and businesses will be 20 years from now. This is a challenging, yet intriguing question and there will be different perspectives. From the perspective of the City of Woodstock Staff suggest the following as services to be considered for changes.

Consent and Subdivision Approval

Land division responsibility currently resides with the County of Oxford. Consent applications are approved by a Land Division Committee which is appointed by County Council. Subdivision planning applications are approved by County Council. Public

meetings for both consent and subdivision applications occur at the City and then duplicated at either Land Division Committee or during Committee of the Whole at County Council. The public perceives that the public meeting held at the City is the statutory public meeting, but it is not. A local municipality is the decision making authority for zoning bylaw changes and Staff see no reason that Land Division decisions (consent or subdivision) should be different. Page 130 of 333
Page 31 of 154

Staff suggest that these authorities should be transferred to the lower tier municipalities.

Water Distribution and Wastewater Collection Services

The City recommends consideration be given to affecting a shared authority to the City for water distribution and wastewater collection services within the City. The City currently provides maintenance services and capital replacement under contract to the County. The intent is to affect the following functions by granting shared authority to the City of Woodstock to:

- Independently approve wastewater collection and water distribution infrastructure to support economic development opportunities.
- Independently fund the cost of extensions to these systems.
- Independently approve operating and capital budget for this infrastructure.
- Pass a development charge bylaw for such infrastructure.
- Implement a one window approach to development approvals.
- Have the same status as other lower tier municipalities.

Successful economic development often hinges on the ability to provide information, servicing and upgrades in a guaranteed timely fashion. It is one of the most important development tools available.

Staff suggest that wastewater collection and water distribution be considered for non-exclusive status in the Municipal Act.

County Roads

The KPMG study undertaken by the County during the last governance and service review in July of 2000 estimated savings of approximately \$1.2 million if the County contracts road maintenance to area municipalities. Intuitively this estimate seems conservative considering the savings from eliminating the duplication of road patrol yards and equipment. This operational model exists in Elgin County and in the urban municipalities of Oxford County. Capital road reconstruction remains a county responsibility under this model.

The additional responsibility of County roads for a Township will result in more staff for the Township and less staff for the County. Township staff deliver services beyond roads and these additional staff will help support Township services when needed unlike a County roads employee.

Staff suggest that a devolution of County roads maintenance to all area municipalities be considered and that Lower Tier Municipal Councils request reports from their staff exploring the pros and cons of providing maintenance services on County roads under contract to the County.

RECOMMENDATION

That Woodstock City Council support the transfer of Consent and Subdivision approval authority to the City of Woodstock and that water distribution and waste water collection become a non-exclusive sphere of jurisdiction in Oxford County;

AND FURTHER that the following resolution be adopted by Woodstock City Council:

WHEREAS the Ontario Government has begun a Regional Reform Initiative that includes Oxford County;

AND WHEREAS the City of Woodstock opposes a one tier governance structure in Oxford County as it will not result in better decision making, will not result in improved services and will not provide cost efficiencies;

AND WHEREAS the City of Woodstock supports the continuation of a two tier governance structure and prefers to develop a "Made in Oxford" solution by looking at service rationalization and realignment;

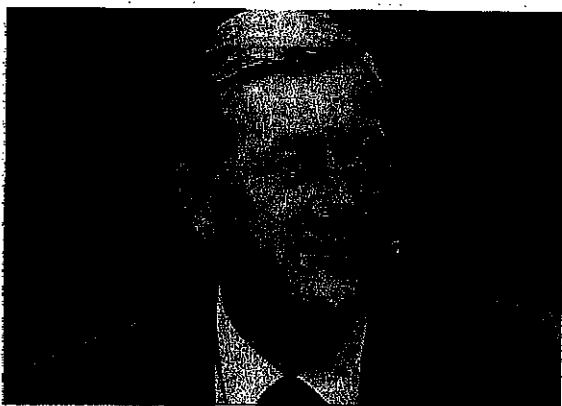
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AND FURTHER that this report be forwarded to the Ministry of Municipal Affairs, the Oxford Member of Provincial Parliament and the Regional Reform Special Advisors.

David Creery, M.B.A., P. Eng., Chief Administrative Officer

News / GTA

Amalgamation brought fewer Ontario cities, but more city workers, report finds
New analysis finds local governments actually grew bigger, faster, after Mike Harris's so-called Common Sense Revolution, which massively restructured Toronto and other cities with the aim of reducing costs.



JOHN MAHLER FILE PHOTO

New research by a professor at Western University shows that the Common Sense Revolution espoused by former Ontario premier Mike Harris, seen here in a portrait from 1994, was unsuccessful in reducing the size of municipal government.

By: Wendy Gillis News reporter, Published on Mon Jan 13 2014

It was dubbed the Common Sense Revolution — Progressive Conservative premier Mike Harris's 1995 campaign to slash the province's bloated public sector through massive municipal government restructuring, to the tune of \$250 million in taxpayer savings.

But new analysis has found that while amalgamation technically decreased the number of municipalities in Ontario — down from 850 to 445 — and 23 per cent of elected official positions were axed, more people than ever are working in Ontario's municipal governments.

"The conclusion is very strong: amalgamation didn't reduce the size of municipal government," said Timothy Cobban, political science professor at Western University and lead researcher.

Cobban and his team crunched government data, including Statistics Canada numbers for 15 years before and after the provincial amalgamation, to determine just how much sense Harris's plan made in the long run.

The results show the municipal public sector grew, both in employment and cost, and expanded at a faster rate than it had in the decade before amalgamation.

From 1981 to 1996, Ontario's municipal governments grew by 23.9 per cent overall, adding 39,191 jobs. During the 15 years post-amalgamation, from 1996 to 2011, they grew by 38.8 per cent, adding 104,200 jobs. In total, about 270,000 people work in the municipal public sector in Ontario today, compared with 160,000 people in 1995.

That has translated into a sizeable spending spike: in 1981, Ontario spent just under \$200 million on local government salaries and wages. By 2011, that number had increased to \$750 million.

The rising number of government workers is not explained by population growth, Cobban says: The statistics show that in 1990, there were 15.8 municipal workers per thousand residents, while in 2010 there were 20.9 workers per thousand.

Cobban attributes this expansion to several other factors.

First, when municipalities merge, there will inevitably be jobs created in some fields. For instance, if suburban and urban areas merge, new firefighters will probably need to be hired, because the suburb may have previously had a part-time or volunteer department.

"Typically, as they get merged into a city, you end up with a full-time fire department and various other services," said Cobban. "There's upward pressure on services as people in one area of a city will understandably demand comparable services as people on other sides of the city."

Amalgamation also tends to hike wages for public-sector employees, since merging of collective bargaining units usually means compensation is harmonized upwards, Cobban said.

Growth can also be partly explained by the so-called "downloading" of provincial responsibilities onto municipalities that occurred under the Harris government, including social assistance, public housing and public health.

For instance, in 1991, just 3.4 per cent of Ontario's municipal government workers were employed in social services. By 2011, that number had more than doubled, to 7.8 per cent.

But numbers also increased in areas unaffected by downloading, including administrative roles such as clerks and treasurers, Cobban found.

"This is a significant finding because the (Common Sense Revolution) platform sought to reduce the number of administration roles . . . by reducing the number of municipalities, but this did not occur," Cobban wrote in a preliminary report on the research, prepared for a recent presentation to Hamilton's city council.

The findings don't necessarily mean amalgamation as a whole was a failure, Cobban said. Though it's clear it didn't achieve its stated goal, it may have produced municipalities that are stronger and better run, he said.

"We're agnostic about the conclusion, about whether it's good or bad on its own," he said.

Andrew Sancton, Western University professor and author of *Merger Mania: The Assault on Local Government*, said he was not surprised by the findings.

Sancton was hired by the pre-amalgamation city of Toronto to prepare a rebuttal to the province's report, prepared by KPMG, which said the changes suggested in the Common Sense Revolution would save money.

Based on academic research and real-world examples of other amalgamated cities, Sancton's report found that there wasn't a strong argument to be made for economies of scale — that is, that costs decrease when operations grow. Sancton found that there weren't many economies of scale in services that were not already amalgamated in Toronto and other cities.

It also foreshadowed Cobban's findings, saying wage and service levels were likely to increase.

"All the evidence was that there was little or no prospect of saving money," he said.

Chris Stockwell, a member of the Harris government during amalgamation, said he was opposed to it from the beginning. He claims there was little discussion about its implications before the idea was launched into the public realm during the 1995 election.

"Listen, I'm a big fan of the Harris government; we made some good decisions, but this one . . . it just came out of the air," Stockwell said.

A politician who worked in local, regional and then provincial government, Stockwell felt government grew less connected to constituents the bigger it got, and that small governments are the most efficient.

Doug Holyday, former Toronto deputy mayor and now the MPP for Etobicoke-Lakeshore, was Etobicoke's mayor during the push for amalgamation, and was in the minority among GTA mayors when he did not oppose it.

At the time, it seemed there was logic in fusing the numerous clerical offices, fire departments and more, and he was seeing similar moves in the corporate world.

"There were companies amalgamating throughout the world that were doing it, for good reason, and I thought those good reasons should apply here," he said. But he's not surprised to learn the size and cost of municipal governments in Ontario is larger than ever. "I watched it happen," he said.

A major problem was the lack of political will on the part of municipal leaders, who did not strongly enforce cuts in the number of jobs in their offices by getting rid of redundant positions, he said.

"Bureaucracy just by its nature grows, unless it's fought with," Holyday said.

Cobban's team also found that Ontario has more municipal government workers than any other province. Forty-three per cent of all municipal employees in Canada work in Ontario — a disproportionately large share, says Cobban, since Ontario has only 38 per cent of the country's population.

Researchers also found a shift in government employment in Canada in general. In 1981, the largest portion of government workers were federal, followed by provincial workers, then municipal. By 2000, that structure had become bottom heavy, with 43 per cent of public-sector employees in Canada working for municipal governments, followed by the federal then provincial governments.

Amalgamation, by the numbers

Number of municipal workers in Canada in 1981: 270,000

Number of municipal workers in Canada in 2011: 580,000

Percentage of Canadian municipal workers employed in Ontario: 43

Percentage of Canadian population living in Ontario: 38

Local government employees per 1,000 people in 1990, in Ontario: 15.8

Local government employees per 1,000 people in 2010, in Ontario: 20.9

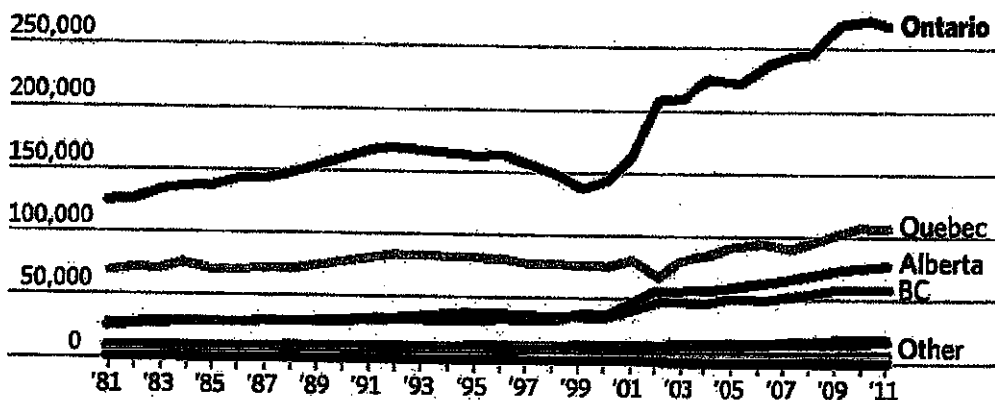
Post-amalgamation views

The Tory government in the late nineties pushed amalgamation on several communities in Ontario, including Toronto, arguing the move would cut the size of government. But a Western University study has found that while amalgamation lowered the number of municipalities in Ontario it did not cut the number of public sector employees.

Local general government employment in Canada, by province

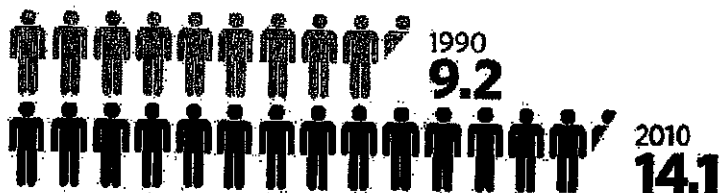
TOTAL NUMBER OF PERSONS EMPLOYED

300,000

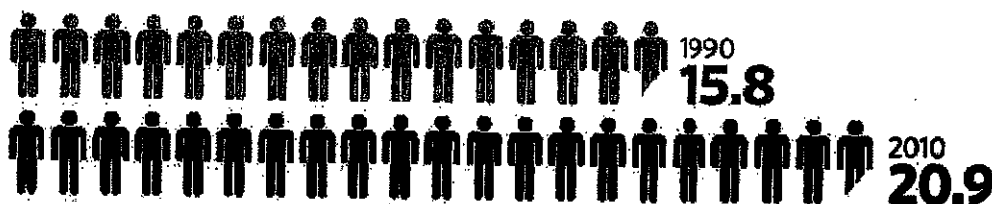


Local general government employees per 1,000 persons

AVERAGE CANADIAN PROVINCES



ONTARIO



SOURCE: Statistics Canada; Timothy Cobban, Western University

VIEW 2 PHOTOS
TORONTO STAR GRAPHIC

Note - January 13, 2014: This article was edited from a previous version.

A.3

Submitted by: Don MacLeod, Chief Administrative Officer

Report No: 2019-046

Council Meeting Date: March 6, 2019

Agenda Item: 7.6(e)

Subject: Regional Government Review

File: D17 Annexation/Amalgamation

RECOMMENDATION:

For Council's consideration.

BACKGROUND & COMMENTS:

Minister of Municipal Affairs and Housing, Steve Clark, announced on January 15, 2019, the government was commencing a review of regional governments in Ontario. This review includes the regions of Durham, Halton, Niagara, Peel, Waterloo and York, counties of Oxford and Simcoe (not including cities of Barrie and Orillia) and the District of Muskoka.

The Minister of Municipal Affairs and Housing has appointed two special advisors as an advisory body to help with this review, Ken Seiling and Michael Fenn. The mandate of the advisory body is to provide expert advice to the Minister and to make recommendations to the government on opportunities to improve regional governance and service delivery.

Recommendations from the advisory body will focus on the following questions:

Questions on municipal governance and decision-making;

- a. Is the decision-making (mechanisms and priorities) of upper- and lower-tier municipalities efficiently aligned?
- b. Does the existing model support the capacity of the municipalities to make decisions efficiently?
- c. Are two-tier structures appropriate for all of these municipalities?
- d. Does the distribution of councillors represent the residents well?
- e. Do the ways that regional councillors/heads of council get elected/appointed to serve on regional council help to align lower- and upper-tier priorities?

Questions on municipal service delivery;

- f. Is there opportunity for more efficient allocation of various service responsibilities?
- g. Is there duplication of activities?
- h. Are there opportunities for cost savings?
- i. Are there barriers to making effective and responsive infrastructure and service delivery decisions?

To set the context for this current review, it is important to understand why and how Oxford County has been included in a regional government review. The present municipal structure in

Oxford was created through the **County of Oxford Act** which restructured Oxford County in 1975. This restructuring saw the 15 villages and townships amalgamated into the existing five rural townships as well as the inclusion of Woodstock in the County structure. Ingersoll and Tillsonburg were already in the County structure. Oxford was the last major restructuring from an initiative started by the Progressive Conservative government in 1969 and saw the creation of 10 regions and one district. Listed below are the dates of creation:

- Ottawa Carleton 1969
- Niagara 1970
- Muskoka 1071
- York 1971
- Sudbury 1973
- Waterloo 1973
- Durham 1974
- Halton 1974
- Haldimand-Norfolk 1974
- Hamilton-Wentworth 1974
- Peel 1974
- Oxford 1975

Regional municipalities (or regions) are upper-tier municipalities created by the province to generally provide area wide services such as:

- maintenance and construction of arterial roads in both rural and urban areas
- transit
- policing
- sewer and water systems
- waste disposal
- region-wide land use planning and development
- health and social services

Each region had specific legislation that set out which level of government was responsible for provision of services. Hence the variations in each of the regions and Oxford County.

The next round of municipal restructuring took place under the Mike Harris government in the late 1990's and saw the number of municipalities in Ontario reduced from 815 to 445. In this round of restructuring there were forced amalgamations through the provincial appointment of commissioners and resulted in the creation of single-tier municipalities including:

- Hamilton
- Ottawa
- Prince Edward County
- Chatham-Kent
- Kawartha Lakes
- Haldimand
- Norfolk

In addition, there were many amalgamations that took place to avoid having the province appoint a commissioner.

In Oxford, the County retained KPMG to undertake a restructuring and rationalization of services study. The number of County, City and Township Councillors was reduced as a result of the governance recommendations from this study. There were 11 municipal services studied as part of the rationalization of services portion of the study. These 11 services were subjected to the triple majority process and generally resulted in the migration of tourism and waste collection to the upper tier (subject to contracting for service to Woodstock and South West Oxford). The County did not properly assume the authority for waste collection which is the reason why the **Municipal Act** does not assign exclusive authority to the County for this service. The review also identified significant cost savings in rationalizing the dual road authority system (i.e. County vs. lower-tier). Devolution of the road program to area municipalities was estimated to generate the highest savings followed by the County contracting road maintenance for County roads to the lower tiers. Rather than implement one of these recommendations the decision was to pursue a "Cooperative and Innovative Services Model" which provides for joint purchasing, route optimizations and co-operative capital planning.

This now leads to the current review and the questions that Ken Seiling and Michael Fenn have been tasked to provide recommendations on. The questions listed on page one deal with two distinct streams; governance and service delivery.

Governance and Decision Making

This report does not review the questions surrounding governance and decision making other than to address the primary concern is whether the province will impose a single-tier structure.

There is an overwhelming body of evidence over the past 20 years that anticipated savings from creation of single-tier municipalities does not come to fruition. Given the short duration the two special advisors have to review nine upper-tier governments and 73 lower-tier governments there is no possible way the required in-depth financial analysis can be carried out to determine whether creation of single-tier municipalities can be a financial success.

Municipal Service Delivery

There has always been a practice of resource sharing, working cooperatively and partnerships in the delivery of municipal services in the County. This sharing occurs both informally and contractually. Zorra has shared various staff position such as By-law Enforcement Officer, Building Inspector and Fire Chief with both Ingersoll and South-West Oxford. There is backfilling of absences from these key positions as well. Arrangements like this are present across all municipalities and is part of the overall commitment to continuous review of providing services at an affordable cost.

However, there are several service improvements that could, and should be considered as part of this review. The following list is by no means exhaustive and are those services that have previously been discussed.

Policing

At present, Zorra and South-West Oxford are the only two municipalities served by the OPP without a police services board. Consideration should be given to creating an OPP police services board for the seven OPP serviced municipalities. There would be relatively minor cost-savings, but efficiencies would be gained by eliminating five boards and reporting of the Detachment Commander to each. It is recommended that further study be given to this option.

County Roads

The KPMG study undertaken by the County during the last governance and service review in July of 2000 estimated savings of approximately \$1.2 million if the County contracted road maintenance to area municipalities. This operational model exists in Elgin County and in the urban municipalities of Oxford County. It is recommended that further study be given to this option.

Emergency Management

Discussion took place several years ago regarding whether the Emergency Management function should be migrated to the upper-tier. At the time, there was thorough discussion regarding this option and unfortunately no consensus was reached primarily due to lower-tier municipalities not wanting to cede control to the County. There was and continues to be a legislative impediment by not permitting an upper-tier to assume this responsibility. The duplication of work with respect to emergency management is considerable as is the lack of specialization at the local-tier level. Each lower-tier has an individual appointed as a CEMC but is not dedicated fully to this function. In addition, the administrative support required to meet the requirements of the **Emergency Management and Civil Protection Act**, is extremely onerous and duplicated nine times. It is recommended that further study be given to this option.

Integrated Phone Service

The County, Zorra, South-West Oxford, Ingersoll, Tillsonburg and Blandford-Blenheim are in the process of having an integrated phone service installed through Bell Total Connect. It is anticipated each municipality will achieve savings of approximately 50% off present costs. This system will be seamless, and calls answered in one municipality can be transferred to another without having the ratepayer hang up and call again. From a customer service point of view, this enhancement will provide a much higher level of service at a lower cost. There would be considerable benefit from having all municipalities participate in this project. It is recommended that further study be given to this option.

Should Council concur with the recommendations for further study, a resolution should be passed and circulated to Oxford municipalities.

FINANCIAL IMPLICATIONS

N/A.

LINK TO STRATEGIC PLAN

N/A

ATTACHMENTS

Submitted by:



Don MacLeod
Chief Administrative Officer

To: Warden and Members of County Council

From: Chief Administrative Officer

Regional Governance Review

RECOMMENDATIONS

1. That, Oxford County Council wishes to consider and evaluate all governance options (Single Tier, Existing Two-Tier and Refined Two-Tier) in developing a position on the Regional Governance Review;
2. And further, that the Warden convene a Special Meeting of County Council for the purpose of conducting a public session forum where Members of Council will participate in a professionally formulated and facilitated workshop to sequentially draw consensus and conclusion on:
 - a. What about Oxford is important to protect;
 - b. An evaluation criteria to assess the relative merits of all alternatives to the status quo;
 - c. Critical Success Factors and key desired outcomes;
 - d. The evaluation of a Two-Tier Status Quo, Modified Two-Tier and Single Tier;
 - e. Concluding recommendations;
3. And further, that the Warden share Report No. CAO 2019-03 with the Honourable Steve Clark, Minister of Municipal Affairs and Housing and Oxford's M.P.P., the Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs.

REPORT HIGHLIGHTS

- This report presents County Council with a recommended approach designed to best articulate, quantify and present an Oxford County governance position that will allow recommendations to flow logically and translate into desired outcomes.

Implementation Points

Upon adoption of Report No. CAO 2019-03, the Warden and Deputy Warden, with the support of staff, will retain independent professional facilitation resources qualified to develop, facilitate and report outcomes as noted herein. Additionally, the Warden will work with the Clerk to convene a Special Council Meeting (Public Session) as outlined herein.

Report No: CAO 2019-03
CAO/CLERK
Council Date: March 27, 2019

Financial Impact

The adoption of this report has no financial impact beyond that which is approved within the approved 2019 Budget and Business Plan. The Treasurer has reviewed this report and agrees with the financial impact information.

Risks/Implications

There is no risk associated with the adoption of this report. Nonetheless, considering the Ministry of Municipal Affairs and Housing's mandate to review regional governance and their invitation to affected municipalities to suggest ways in which they can meet that mandate, failure to present a locally designed plan leaves the County and Area Municipalities potentially subject to change that may not respect the unique qualities and opportunities inherent in our community.

Strategic Plan (2015-2018)

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

3. i. **A County that Thinks Ahead and Wisely Shapes the Future** – Influence federal and provincial policy with implications for the County by:
 - *Advocating for fairness for rural and small urban communities*
 - *Advocating for human and health care services, facilities and resources, support for local industry, etc.*
 - *Advocating for federal and provincial initiatives that are appropriate to our county*
4. i. **A County that Informs and Engages** - Harness the power of the community through conversation and dialogue by:
 - *Providing multiple opportunities for public participation and a meaningful voice in civic affairs*
5. i. **A County that Performs and Delivers Results** – Enhance our customer service focus and responsiveness to our municipal partners and the public by:
 - *Implementing clearly defined customer service standards and expectations*
5. ii. **A County that Performs and Delivers Results** - Deliver exceptional services by:
 - *Regularly reviewing service level standards to assess potential for improved access to services / amenities*

DISCUSSION

Background

On January 15, 2019, the Honourable Steve Clark, Minister of Municipal Affairs and Housing announced that the Province of Ontario has initiated a review of the **governance, service**

Report No: CAO 2019-03
CAO/CLERK
Council Date: March 27, 2019

delivery, and decision-making functionality of eight regional municipalities (Durham Region, Halton Region, Muskoka District, Niagara Region, Oxford County, Peel Region, York Region, Waterloo Region) and Simcoe County (Regional Government Review).

On Sunday January 27, 2019, a delegation of Oxford County Council met Minister Clark (ROMA Conference delegation) in part seeking clarity on the expectations of the Regional Governance Review. On February 6, 2019 and March 8, 2019, each of the nine Oxford Heads of Council met individually with the Minister's Special Advisors. On March 13, 2019, Minister Clark announced the launch of an Online Consultation for Residents, Businesses and Stakeholders accessible at Consultation: Regional Government Review.

At the local level, the City of Woodstock and the Township of Zorra staff have both reported to their respective Area Municipal Councils. Correspondence from the City of Woodstock was included as correspondence in the February 27, 2019 County Council agenda at which time Council adopted a resolution of receipt and requested a report from the Chief Administrative Officer.

Zorra Township correspondence on the matter is included in the March 27, 2019 County Council agenda.

Comments

Internal Coordination and Information Sharing

The Oxford CAOs met once to discuss the Regional Governance Review, reviewed the Oxford County Chart of Services prepared by the County at the request of the Ministry of Municipal Affairs and Housing (MMAH) and have shared some correspondence, including prior governance review information that was also shared with Council.

As requested by MMAH, on February 4, 2019, the Oxford County Chart of Services was submitted to the Ministry following discussion and review with the Area CAOs. Notwithstanding the above, there has not been substantive dialogue or coordination to this point.

There was no consultation or dialogue regarding the Woodstock or Zorra reports prior to public release, nor was this report shared prior to agenda release. In preparation for this report, input from the Area Municipal CAOs was sought regarding a breakdown of some of the 2017 Financial Information Return (FIR) data presented in this report as well as perspective on an evaluation criteria for each of the Minister's stated review pillars, namely Governance, Decision-making and Service Delivery. Limited input was received with respect to how any governance options being considered should be evaluated relative the three pillars of the provincial review.

Oxford County Governance Compilation

The aforementioned Oxford County Chart of Services, as reviewed and agreed by the Area Municipal CAOs and submitted to MMAH, was used as the basis for the Oxford County Governance compilation (Attachment 1). This summary provides a Community Overview along with a Governance, Service Delivery and Decision-making overview. The compilation is intended to illustrate some key parameters relevant to Oxford County's current two-tier

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governance model as well as an illustration of a comparable jurisdiction operated within a single tier governance model. All data presented was compiled from public webpages, 2017 Financial Information Reporting (FIR) and 2017 Salary Disclosure data.

This compilation was not provided for any reason other than to illustrate the magnitude and complexity of municipal governance, service delivery and decision-making in the municipal context in Ontario. The breadth and complexity of municipal services is often misunderstood or overlooked. At the same time, our economic, community and environmental wellbeing are often critically influenced by the manner and structure in which we are governed.

For the purposes of this report, the Municipality of Chatham-Kent was used as a comparable single tier community. As illustrated in Attachment 1, while Chatham-Kent comprises approximately 20% greater geography, it represents only 3% more households, almost 8% less population. Chatham-Kent also comprises a less diversified total tax base (land assessment value) that is approximately 25% lower than that of Oxford County,

Governance

The functionality of a governance structure is often assessed by the perception of bureaucracy or its complexity, though with complexity may come other desired benefits. Notwithstanding, Attachment 1 illustrates some key comparable data relating a typical single tier to Oxford's existing two-tier governance structure.

Staffing

While the combined Oxford budgets are within 5% of Chatham-Kent's budget, the senior staff to manage the operations effectively are substantively different. Oxford's existing governance structure requires dramatically more senior staff at overall substantially higher costs:

- Chief Administrative Officers - Oxford has ~900% more at ~525% greater cost
- Senior Management Teams - Oxford has ~380% more at ~275% greater cost

Total salary expenditures as a percentage of overall expenditures is comparable in Chatham-Kent to the combined total in Oxford. While the overall % cost of management staff in the Oxford's two-tier governance model is not known at this point, the Oxford County organization is comparable to Chatham-Kent though supervisor span of control is broader in Chatham-Kent, as is typical of opportunities presented in larger organizations.

Elected Officials

Assessing elected representation in Chatham-Kent to the existing Oxford two-tier model is worthy of consideration.

Lower levels of government are often seen as closer to the population they represent. An important clarification however is that it is not the service delivery that is seen as closer to the population. Rather the relative closeness is viewed more from the visibility of the elected officials in the community.

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Clearly population densities are much lower in small urban/rural communities when compared to the much denser medium and large urban centres across the province. As such, living in a smaller community typically includes a greater expectation of knowing, and regularly seeing, your broader community neighbours in a way that is not even contemplated in larger urban centres. The same expectation is true in regard to the visibility of political representatives in small communities. Notably the represented population of an elected official in a dense urban area is not comparable to that in a small/urban area. The challenge is, where does the reasonable balance lie?

Chatham-Kent Council comprises 17 Councillors representing 6,000 residents/elected official (2,300 households over 144 km²) on average across the area it represents. Across Oxford County's existing two-tier model, 42 Councillors represent approximately 2,600 residents/elected official (1,100 households and 48 km²) on average across the area. In Chatham-Kent one Mayor is elected at large by the eligible voters in a 102,000 geographic area, while the Oxford two-tier system requires eight Heads of Council (Mayors) elected at large by electors of communities ranging from less than 6,000 to just over 40,000 residents.

While the Oxford two-tier system requires no additional elected officials, an additional 10 elected official positions, comprising the Mayors of each of the eight Area Municipalities and two additional elected representatives from Woodstock comprise County Council. From within, Council elects a Head of Council (Warden), bringing the total Heads of Council to nine as compared to the Chatham-Kent single Head of Council. None of the nine Heads of Council in the Oxford model are elected at large by electors across the entire area representing the 110,000 residents.

Service Delivery

It is reasonable to assume that in the end, residents and businesses care about the affordability, effectiveness, access to and standards (levels) of service delivered to the community. The delivery agent is not the issue, the cost, quality, access, and reliability are the critical factors, not who is delivering the service.

As mentioned previously, the breadth and complexity of municipal services is often misunderstood or overlooked. The services delivered are effectively the same in Chatham-Kent as they are in total across Oxford County. There will be differences in service levels and methodologies of course. Service levels typically directly correlate to cost. Methodologies can impact cost and in some cases the very nature of the service provided. Delivery methodology examples might include Rural (often referenced as Volunteer) Fire Service versus Urban (Full-time) Fire Services or the use of community volunteers to operate and maintain recreation and community facilities. The existing two-tier governance model in Oxford allows each of the eight Area Municipalities the flexibility to choose the operation methodology and service level which best suits its community needs, in terms of practicality and affordability. General conversation with Chatham-Kent staff suggests they vary their service levels and methodologies by community based on need, practicality and affordability, utilizing the legislative authority that all municipalities have to apply an area rated tax levy and users fees/charges based on varying service levels. The area rating and fee for service systems available to municipalities is generally underutilized. Nonetheless, its intended goal is cost (tax and/or user fees) fairness in recognition of municipal service levels available to the ratepayer/user.

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There are two key service level differences between the Chatham-Kent and Oxford governance model in its complexity. Staff at both the Area Municipal and County level in Oxford work to great ends to simplify that complexity. Notwithstanding, often enough residents are being directed either to the County or to an Area Municipality for the service they are seeking or need assistance with. This complexity is clearly illustrated in Attachment 1 by simply following the "Ys" that represent a service delivered in an Area Municipality or at the County. The number of services that are delivered by all is staggering, both resident facing services and administrative or organizational support services. In comparison, within the Chatham-Kent single tier model, there are no duplicate "Ys".

The second key service issue is the fact that the vast majority of administrative or organizational support services are essentially undertaken by all nine government entities in Oxford. These services are not luxuries, rather they are essential to any effective organization. While there are a number of partnerships and synergies leveraged (tax collection, leveraged procurements etc.) the critical reality is they all need to exist in the current two-tier structure almost always nine times over. That is not to say they are duplicated, they are not. Each of the nine organizations in Oxford have their specific needs and many opportunities to partner with one or more municipalities is often explored. The single tier model in Chatham-Kent does not need to search those opportunities, rather they have a built in ability to optimize their delivery.

The other service level issue is the allocation of costs. Within the municipal framework today exists the ability to allocate property taxes by service area and access user fees and charges. The appropriate application of these two tools will be essential to ensure cost fairness relative to services received regardless of any proposed governance refinement or change options.

Decision-making

The primary issue surrounding governance related decision-making is likely to be complexity. Both single tier and two-tier models have equal ability to adjust service levels and apply area rated tax levies, apply user fees/rates, make long-term decisions, seek input from and engage the public.

Decision-making in a two-tier model is inherently more complex if the decision at hand spans more than one Area Municipality. As example in the Oxford context, if a community group wishes to broadly introduce or profile an issue and seek political support it may need to address up to nine municipal Councils. Similarly, a municipal Council wishing to influence decisions/action across all of the member municipalities must bring the matter to the remaining eight municipal Councils for collective action/decision. Often before setting a strategy at County Council for example, appropriately the input of all eight municipalities or municipal Councils is sought. While it is fair to say that complexity can increase in a two-tier system, it does not necessarily mean better decision making can only exist in a single tier. Consultation with local councils/staff on various planning policy matters is useful in understanding localized issues and garner perspective that may not be captured as readily in a single-tier approach. Larger single tier municipalities have used Community Councils/Advisory Councils to re-gain the potential advantage of the two-tier structure in this regard.

Most typically within the development industry, multiple Council approvals and/or staff input/approvals from upper and lower tier municipalities are required for a particular project to

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move forward. For instance, water/wastewater servicing and/or connection approvals and agreements, roadway access approvals, site plan, zoning, building permit, fire safety approvals, plan of subdivision or official plan related, virtually all development activity requires at least some level of engagement with both levels of government in a two-tier structure. The specific municipalities will differ by application, notwithstanding developers and builders must deal with different zoning by-laws and building permit approval processes in each of the eight Area Municipalities they wish to do business in. Yes, the inherent complexity in a two-tier governance structure can always be streamlined, though it will never be eliminated.

An Oxford Approach

While the Province's specific intent or overall goals have not been clearly articulated, what is evident is that change in **governance, service delivery, and decision-making** functionality will be paramount to long-term success. Regardless of the outcomes of the governance review, the potential for added financial and service delivery pressures on municipal governments as the Province moves towards its own vision of financial, community and environmental vitality is real. The inevitable pressures that will be created, highlight the need to ensure an effective governance, service delivery and decision-making model is in place to respond.

Area Municipal Councils are beginning to take specific positions, as evident from the Woodstock and Zorra reports. County Council has not taken a formal position at this point. Notwithstanding local positions, County Council is urged to take a methodical approach prior to doing so.

Respectfully, the local municipal positions taken thus far appear to disregard any significant consideration of alternatives beyond minor tweaking of the existing two-tier governance model. Nor do they provide any indication of how the specific two-tier proposals made can be evaluated against either the existing two-tier structure, other alternatives or what the Province may propose at the conclusion of its review process.

Protecting what is Important

Council is urged to determine what is important to protect regardless of the governance structure. For example, often referenced as vital to the success of County Council is the rural/urban balance. It exists at County Council today, as evident with the Chatham-Kent model it can be protected going forward if Oxford so defines it. There are other elements of our community that must be protected regardless of the governance structure we operate within. Only Council can identify and emphasize those critical views to the Minister of Municipal Affairs and Housing, the Premier of Ontario and our local MPP.

Define a Criteria for Comparative Evaluation

An evaluation criteria need not involve extensive analysis, nor should it all be about savings. Notwithstanding, any alternative governance proposals should be about ensuring the most functional governance, service delivery and decision-making model. To do so requires the ability to easily assess alternatives relatively against a pre-set assessment criteria. Without such an assessment, any position lacks objectivity and credibility. Some of those criteria may be presented in Attachment 1. Others may need to be developed along with the inclusion of a methodology to ensure an assessment of "What is important". Care should be taken not to over complicate or over analyze.

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Determine what is needed for Success

Any governance model will comprise critical success factors necessary to ensure promised and successful outcomes through implementation.

Discussions with Provincial officials has indicated legislative reform is possible through the regional governance review process. Does Oxford wish to pursue broader change, as part of the legislative reform necessary to implement any significant regional governance changes?

Examples of such broader change might be:

- Oxford may wish to pursue legislative reform to currently mandated services or legislated board requirements so it can "decide for itself";
- Legislatively protecting what Oxford defines as important regardless of governance (e.g. urban/rural balance at Council);
- What of the proposed governance model must be enshrined in legislation/regulation to ensure successful delivery of promised outcomes?

Council may also wish to define the specific outcome targets and implementation actions necessary to ensure what is promised is delivered.

Process

As outline in this report, Council's position and input to the Regional Governance Review should be established through a thoughtful methodical process culminating in a clear understanding and articulation of the desired outcomes and specific relative merits to the **governance, service delivery and decision-making** functionality of any proposed governance model. It is staff's position that this determination should be entirely political and formulated in public.

As such, staff suggest that the Warden convene a Special Meeting of County Council. The purpose of the meeting being a public session forum where Members of Council participate in a professionally formulated and facilitated workshop to sequentially draw consensus and conclusion on:

- a) What about Oxford is important to protect;
- b) An evaluation criteria to assess the relative merits of all alternatives to the status quo;
- c) Critical Success Factors and key desired outcomes;
- d) The evaluation of a Two-Tier Status Quo, Modified Two-Tier and Single Tier;
- e) Concluding recommendations.

Critical to the success of the proposed process is the selection of an independent professional facilitator to develop and facilitate the session and finalize a report summarizing the outcomes.

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Conclusions

Staff recommend Council take specific action to develop its formal position and input to the Regional Governance Review through a thoughtful methodical process culminating in a clear understanding and articulation of the desired outcomes and specific relative merits to the **governance, service delivery and decision-making** functionality of any proposed governance model.

SIGNATURES

Approved for submission:

Original signed by _____

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENT

Attachment 1 Oxford County - Regional Governance Review

Oxford County - Regional Governance Review

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ATTACHMENT 1 – Report CAO 2019-03

(Based on filed 2017 Financial Information Reports, for comparison purposes only)

	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes
Community Overview				
Population Served	102,000	109,979		
Households	47,938	46,352		
Land Area (km²)	2,458	2,040		
Property Assessment Value (Total)	~ \$ 11.7 Billion	~\$ 15.6 Billion		
% Farm	36.2%	26.7%		
% Industrial, Commercial, Institutional	9.6%	11.7%		
% Residential (all classes)	54.2%	61.6%		
Governance				
Number of Councils	1	9		
Number of Elected Officials	18	50		
Number of Elected positions	18	60		
Rural – Urban split (@ single or upper tier)	50-55% Rural	50%		
Total Budget (Gross)	~\$366.6 M	~\$189.9M	~\$149.9M	
		~\$348.8 M		
% Staff Expenditures (salary & wages)	37%	32%	43%	
		36%		
Staff (FTE)	1355* (excl. Volunteer Fire)	631.5	n/a	
		n/a		
FT	1270	509	590	
PT	633	298	556	
Seasonal	188	9	284	
CAO	1	1	8	
Estimated CAO Salary and Benefits	~\$315,000	~\$275,000	~\$1,380,000	Estimated based on 2017 Salary Disclosure plus estimated 30% benefits cost
~ Executive Team	9	7	~24	
~ Total Executive Team Salary and Benefits	~\$1,760,000	~\$806,000	~\$4,050,000	
% Management Staff	~11.3%	~11 %	n/a	
~ Mgt. Span of Control (Avg.)	~1:8.6	~1:8	n/a	
Strategic Planning and Long-term Commitments	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	Oxford County - Long Term Strategies (Initiated & Supported) <ul style="list-style-type: none">Corporate Strategic Plan, Future Oxford Community Sustainability Plan, Community Wellbeing (Supporting FOCSP), 100% Renewable Energy, Zero Waste, Zero Poverty

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	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes
Service Delivery				
Administration	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	<ul style="list-style-type: none">• Administrative oversight and management• Municipal Budgets and Business Planning• Financial Planning• Asset Management• Risk Management• Freedom of Information• Human Resources• Communications• Clerk and Council support• County provides IT support to five area municipalities• GIS mapping services• Web services provided to area municipalities on an as need basis• Enterprise VoIP system – in process• Enterprise electronic document management system• Enterprise property management system – in process• Collaborate procurement for multi-function photocopiers (County, Tillsonburg, Ingersoll, Woodstock)
Airports	Y	N	Y	Tillsonburg owns/operates small municipal airport
Ambulance	Y	Y	N	Tiered response agreements with all Area Municipalities
Animal Control	Y	N	Y,Y,Y,Y,Y,Y,Y,Y	
Building Services and Chief Building Officials and property standards	Y	N	Y,Y,Y,Y,Y,Y,Y,Y	Shared CBO services between two rural municipalities
Cemeteries	Y	N	Y,Y,Y,Y,Y,Y,Y,Y	Municipal and private operators
Childcare (Early Years)	Y	Y	N	Fully integrated social housing, Ontario Works and Childcare (Early Years) programs Subsidy managed through Oxford Service Manager, private (non-profit and for-profit) operators

	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes
Court Security (Police Function)	N	Y	N	Woodstock Police provide Court security, receives partial subsidy from County, and provincial grant under the Court Security and Prisoner Transportation Program. All Area Municipalities fund prisoner transportation. County pays full POA Court security costs provided through Woodstock Police Services
Court Services	Y (POA)	Y (POA)		Province provides Court Services, facility under lease from the County County pays full POA Court costs
Cultural Services (museums, arts galleries and performing arts centres)	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	Area municipal with exception of County Archive service/operations County Archives accommodates archival collections of three area municipalities.
Development Charges	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	Woodstock administers independent by-law update cycle/process Remaining municipalities participate in a coordinated by-law update process with County (Zorra and SVOX considering first DC By-law in 2019)
Debt Financing	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	Area Municipality debt approved and issued through County

	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes
Economic Development	Y	Y (limited)	Y,Y,Y,Y	<p>Rural Oxford Rural Economic Development Corp (Non-profit) jointly controlled (through ROEDC Board) and funded by 5 Rural municipalities</p> <p>Woodstock, Ingersoll and Tillsonburg deliver Ec. Dev. within their respective municipal operations</p> <p>Woodstock, Ec. Dev includes Woodstock and Area Small Business Enterprise Centre (Provincial business program supported) – County partially funds this program.</p> <p>County funding for Oxford Connections, a coordination partnership of all Area Municipal Ec. Dev (urban and rural) operations</p> <p>County financially supports Oxford Workforce Development Partnership, Local Employment Planning Council and Oxford Immigration Partnership Council</p> <p>Community Futures Oxford (Federally and Sand Plains funded)</p> <p>County provides subsidies to various municipal Ec. Dev programs and member of South Central Ontario Regional Ec. Dev. Corp</p> <p>County contracts Legacy Fund administration through Community Futures Oxford</p> <p>County funds and internally operates Tourism program/services</p>
Electric Utilities (Local Delivery Corp)	Y (Fibre as well)	N	Y,Y,Y,Y,Y,Y	<p>3 Local Delivery Operators in Oxford</p> <ul style="list-style-type: none"> Tillsonburg Hydro Inc. (sole municipal ownership) ERTH – operates within and outside Oxford (urban and settlement areas) within Ingersoll, Norwich, SWOX, Zorra and EZT all have share of ownership and Board seat) Hydro One

	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes
Emergency Management	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	9 Emergency Plans, ECG and CEMC etc.
Fire	Y (blended service)	N	Y,Y,Y,Y,Y,Y,Y,Y	Delivery by Area Municipalities, services varies from full time service to volunteer based services
Forestry, and Woodlands Conservation	N	Y	Y,Y,Y,Y,Y,Y,Y,Y	County administered Woodlands Conservation By-law County Managed Forests and forested lands operated and managed by County, and trees within County road ROW Area municipalities manage woodlots and street trees within their ownership
Land-Use Planning	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	County provides full range of municipal planning services (including GIS-based planning information) for the County and Area Municipalities (AM) via a single harmonized service. There are no AM planning departments/staff The County Official Plan serves as the OP for the County and Area Municipalities (AMs), providing County-wide and AM specific policy direction in a single, integrated document. Each AM has their own Zoning By-laws, developed and maintained by County planning County is the approval authority for Official Plan/Amendments, Subdivisions & Condominiums and consents; AMs approve zoning, site plan and minor variances; County provides professional planning services (e.g. review, reports & recommendations for all County and AM applications) County is an executing party to all Municipal Servicing agreements and Subdivision agreements administered through AMs and supported by County Planning services; County Land Division Committee severance agreements administered by AMs

	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes
				Policy development, growth management and related studies and special projects (natural heritage studies, source protection planning, etc.) are undertaken at the County level; County also provides planning support for AM planning-related studies/projects (Community Improvement Plans, Urban Design Guidelines, etc.)
Libraries	Y	Y	Y	Oxford County Library serves 7 of 8 Area Municipalities Woodstock Library Service
Long-term care homes (senior services)	Y	Y	N	County operates 228 LTC beds in 3 facilities (Woodstock, Tillsonburg and Ingersoll) Private LTC operations in EZT, Ingersoll, Woodstock and Tillsonburg
Municipal Elections	Y	N	Y,Y,Y,Y,Y,Y,Y,Y	ERO administered through each Area Municipal Clerk Woodstock Clerk administers County School Trustee election, coordinated with area municipal ERO
Municipal licensing	Y	N	Y,Y,Y,Y,Y,Y,Y,Y	Administered through each area municipality
Parks and Recreation	Y	N	Y,Y,Y,Y,Y,Y,Y,Y	Rural municipal operations extensively supported through community volunteers Includes Community Centres
Police	Y	N	Y,Y,Y,Y,Y,Y,Y,Y	Woodstock Police Service OPP (contract and non-contract based) across remaining area municipalities
Public Health	Y (internal)	Y	N	Southwestern Public Health Board (Est. in 2018) municipal funding through Oxford, Elgin County and City of St. Thomas Norwich operates Medical Centre

	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes
Roads, Bridges, Culverts, Active Transportation and structures	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	County and Area Municipal operations and capital, coordinated as appropriate Roads operating agreement with Woodstock, Tillsonburg and Ingersoll within urban centres (County cost) County has boundary road maintenance agreements with neighbouring municipalities bordering Oxford County Street lighting and sidewalks at Area Municipal level
Social and Supported Housing	Y	Y	N	Fully integrated social housing, Ontario Works and Childcare (Early Years) programs Full Social housing continuum through County owned and operated facilities as well County supported non-profit and charitable operations
Social Assistance (Ontario Works)	Y	Y	N	Fully integrated social housing, Ontario Works and Childcare (Early Years) programs
Solid Waste Management	Y	Y	Y	All solid waste management costs incurred by County County contracts private operator for delivery of curbside co-collections (all but SWOX and Woodstock), bulk collections, recyclables transfer to processor along with contract operations of septic drop-off & haulage (including leachate) to WWTP, C&D, L&Y processing County internally operates landfill, (waste disposal, biosolids storage, public drop-off and HHW programs (at landfill site) County contracts SWOX in-house delivery of curbside co-collections (at County approved 6 day cycle) service level (6 day cycle) through contract with County Oxford contracts Woodstock to establish waste management programs, includes internal operation of curbside collections

	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes
				and contract operations of public drop-off, recyclables transfer to processor All area municipalities operate leaf and yard waste depot and transfer at County cost
Storm water	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	County responsible for County road storm drainage only Multiple conservation authorities (Upper Thames, Grand River, Long Point and Catfish Creek) proportionate municipal funding through County
Tax Collections	Y	N	Y,Y,Y,Y,Y,Y,Y,Y	Tax billing and collections (including County levy) administered through each area municipality
Tax Policy	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y (consulted)	Established annually at County in consultation with all Area Municipal Treasurers
Trails	Y	Y (Limited)	Y,Y,Y,Y,Y,Y,Y,Y	County/Tilsonburg partnership for TCT trail development <ul style="list-style-type: none"> County responsible for capital improvements to trail specific infrastructure Tilsonburg responsible for operation & maintenance of TCT with municipal limits Not-for Profit trail development partners
Transit	Y	N	Y,Y	Tilsonburg operates TGo service Woodstock Transit Oxford administers social service transportation cost program
Wastewater (Municipal)	Y (Public Utilities Corp)	Y	Y,Y (Limited)	Oxford responsible for wastewater programs County-wide (all treatment, collection, pumping, sewer use control and over strength agreements, source water protection etc.)

	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes
				Woodstock and Tillsonburg contracted to provide wastewater collection operations and capital delivery services within municipal limits Ingersoll contracted to provide wastewater capital delivery services within municipal limits
Water (Municipal)	Y (Public Utilities Corp)	Y	Y, Y(Limited)	Oxford responsible for municipal water programs County-wide (all treatment, distribution, pumping, storage, wells, DWQMS source water protection) Woodstock and Tillsonburg contracted to provide water distribution operations services and capital delivery within municipal limits Ingersoll contracted to provide water capital delivery services within municipal limits County has water agreements with neighbouring municipalities bordering Oxford County (i.e. Perth East, Norfolk)
Water/Wastewater Asset Management, Capital Programming, Financing and Billing	Y (Public Utilities Corp)	Y	N	County establishes all water/wastewater rates, financing, asset management, capital programs and billing services Tillsonburg Hydro Inc. contracted to provide Tillsonburg area water and wastewater billing County contracts private utility to provide water/wastewater billing to all other customers in the County Woodstock, Ingersoll and Tillsonburg contracted delivery of water/wastewater engineering and coordinated capital works delivery

	Comparable Single Tier (Chatham-Kent)	Oxford County Existing Two-Tier Structure		
		County	8 Area Municipalities	Explanatory notes

Decision Making				
Localized Service Levels	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	<ul style="list-style-type: none"> Ability to set area service levels and delivery methodologies exists regardless of governance structure
Localized Cost Allocations (Area Rating)	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	<ul style="list-style-type: none"> Enhanced Area Rating framework could provide broader application regardless of governance structure
Strategic Policy Applications	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	<ul style="list-style-type: none"> Approached differently by each governance body
Decisions Required by Multiple Councils	N	Y	Y	<ul style="list-style-type: none"> Most common with development related approvals
Statutory Public Meetings	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	
Ability to Seek Public Input	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	
Ability for Public to Delegate	Y	Y	Y,Y,Y,Y,Y,Y,Y,Y	

A-5

Municipal Council of the County of Oxford

Date: Wednesday, March 27, 2019

Moved By: David Mayberry
Seconded By: Sandra Talbot

Resolved that the recommendations contained in Report No. CAO 2019-03, titled "Regional Governance Review", be received as information

And further, that County Council request a meeting with Minister Clark and the Heads of Council of all Oxford Municipalities to discuss:

- a. the expected outcomes and expectations of the regional review and;
- b. to discuss the necessary timelines for completion of a Made in Oxford solution to achieve the desired outcomes of the provincial review.

And further, that County Council review and evaluate the governance options in developing a position on the regional governance review;

And further, that the Warden convene a special meeting of council for the purpose of conducting a public session forum where members of County Council and lower tier councils will participate in a professional formulated and facilitated workshop to draw consensus and conclusions on:

1. what about our municipalities is important to protect;
2. an evaluation criteria to assess the relative merit of alternatives and the status quo;
3. critical success factors and key desired outcomes;
4. the evaluation of the current two-tier, a modified two-tier and single-tier options;
5. concluding recommendations.

Motion CARRIED

Municipal Council of the County of Oxford

Date: Wednesday, March 27, 2019

Moved By: David Mayberry
Seconded By: Sandra Talbot

That the correspondence from the Ministry of Municipal Affairs and Housing dated March 20, 2019 regarding a one-time funding grant for modernizing municipal services for small and rural municipalities be received;

AND WHEREAS the Honourable Steve Clark, Minister of Municipal Affairs and Housing through email correspondence to the Heads of Council of Ontario's small and rural municipalities, dated March 20, 2019, informing that the Ministry is providing a one-time payment in 2018-19 fiscal year to support those municipalities in efforts to become more efficient and reduce expenditure growth in the longer term;

AND WHEREAS Warden Larry Martin received the aforementioned correspondence informing that the County of Oxford's one-time payment as determined on the basis of a formula that considers the number of households in the municipality is \$725,000;

AND WHEREAS the one-time unconditional payment is intended to help modernize service delivery and reduce future costs through investments in projects such as: service delivery reviews, development of shared services agreements, and capital investments, and is best determined by the recipient municipality;

AND WHEREAS on January 15, 2019, the Honourable Steve Clark, Minister of Municipal Affairs and Housing announced that the Province of Ontario has initiated a review of the governance, service delivery, and decision-making functionality of eight regional municipalities (Durham Region, Halton Region, Muskoka District, Niagara Region, Oxford County, Peel Region, York Region, Waterloo Region) and Simcoe County;

AND WHEREAS on February 27, 2019 Oxford County Council agenda adopted a resolution providing direction for the Chief Administrative Officer to provide a report in response to a resolution adopted by the Council of the City of Woodstock, dated February 26, 2019; regarding the aforementioned Regional Review;

AND WHEREAS the theme of the one-time payment initiative is similar in nature and intent to that of the ongoing Regional Review to which Oxford County is a party to, and that Report No. CAO 2019-03, entitled "Regional Governance Review", prepared in response to Council's request, is being presented to County Council for consideration at their March 27, 2019 Council meeting.

NOW THEREFORE BE IT RESOLVED that consideration for the use of the unconditional one-time payment of \$725,000 allocated to Oxford County for determining the most appropriate means of investing in initiatives to improve service delivery as it relates to Oxford County be referred to the Chief Administrative Officer for a report, subject to direction from Council regarding the disposition of Report No. CAO 2019-03, entitled "Regional Governance Review";

AND FURTHER that the Chief Administrative Officer engage in discussions with the Area Municipal Chief Administrative Officers to identify potential opportunities that will leverage the overall investment designed to maximize future cost savings through improved service delivery for all of Oxford County residents and businesses.

Motion CARRIED

A-7

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel.: 416 585-7000
Fax: 416 585-6470

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M5G 2E5
Tél. : 416 585-7000
Télééc. : 416 585-6470



March 20, 2019

Your Worship
Mayor Stephen Molnar
Town of Tillsonburg
smolnar@tillsonburg.ca

Dear Mayor Molnar:

Our government for the people was elected to restore trust, transparency and accountability in Ontario's finances. As you know, the province has undertaken a line-by-line review of our own expenditures, and we have been clear that we expect our partners, including municipalities, to take steps to become more efficient as well.

Municipalities play a key role in delivering many provincial services that people across Ontario rely on. Taxpayers deserve modern, efficient service delivery that puts people at the centre and respects hard-earned dollars.

Transforming service delivery and identifying more modern, efficient ways of operating is critical and complex work. As Minister of Municipal Affairs and Housing, I recognize that many of Ontario's small and rural municipalities may have limited capacity to plan and manage transformation, depending on the resources they have available and how far they have moved on their own modernization agendas.

That is why we are providing a one-time payment in the 2018-19 fiscal year to support small and rural municipalities' efforts to become more efficient and reduce expenditure growth in the longer term.

To ensure that this investment is targeted to where it is needed most, municipal allocations are based on a formula, which takes into consideration the number of households in a municipality and whether it is urban or rural.

While this investment is unconditional, it is intended to help modernize service delivery and reduce future costs through investments in projects such as: service delivery reviews, development of shared services agreements, and capital investments. Our government believes that municipalities are best positioned to understand the unique circumstances and determine where and how this money is best spent.

I am pleased to share that Town of Tillsonburg receive a one-time payment of \$622,976 which will flow in this fiscal year.


Staff from our regional Municipal Services Offices will be in touch in the coming days for your acknowledgement of this letter and to discuss any questions that you might have. I encourage you to work with ministry staff as you begin to think about the best way to proceed for your community. The Municipal Services Offices can offer advice and point to examples that may be helpful as you contemplate local solutions. In the future, we would be interested to hear about your modernization success stories.

Thank you once again for your commitment to demonstrating value for money. I look forward to continuing to work together to help the people and businesses in communities across our province thrive.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Clark". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Steve Clark
Minister of Municipal Affairs and Housing

	Report Title	Ice Cream Refreshment Vehicles
	Report No.	CLK 19-11
	Author	Donna Wilson, Town Clerk
	Meeting Type	Council Meeting
	Council Date	April 8, 2019
	Attachments	By-Law 4269 To amend By-Law to include Ice Cream Refreshment Vehicles By-Law 3666 Business Licence By-Law

RECOMMENDATION

THAT Council receives Report CL 19-11, Ice Cream Refreshment Vehicles;

AND THAT a By-Law to amend By-Law 3666 be brought forward for Council consideration.

BACKGROUND

Sections 150 to 159 of the Municipal Act, apply to municipalities in the exercise of a power to pass by-laws licensing businesses under any section of this Act or any other Act. The Act provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality for one or more of the following purposes: health and safety, nuisance control or consumer protection.

DISCUSSION

At the November 26, 2012 Council meeting Council passed By-Law 3666, To Govern the Licensing of Businesses within the Town of Tillsonburg. The Municipality has received a request to operate an "Ice Cream Vehicle" within the Town. As the current by-law did not define this type of business it became necessary to amend the by-law to allow this type of business to operate in the Town of Tillsonburg.

The proposed changes to the by-law include:

- defining ice cream bicycle and ice cream truck;
- defines that heated or cooked food, milk or any beverages or any goods, wares or merchandise other than ice cream and frozen refreshments are not allowed to be sold under this type of license;
- sections 7.3 & 7.4 of By-Law 3666 do not allow the operation of a food vending business to be located on municipal property, therefore the amendment allows ice cream bicycles and trucks to operate on municipal property, including road allowances and municipal parks;
- ice cream vehicles shall not operate on any travelled portion of a road allowance within the BIA area;
- ice cream bicycle or trucks are not allowed to operate between the hours of 9:00 p.m. and 7:00 a.m. on any day;
- requires the business owner provide insurance coverage in respect of any one accident to the limit of five million dollars (\$5,000,000) which shall name the Town as additional insured.

CONSULTATION/COMMUNICATION

The draft by-law amendment was provided to SLT for comment as well as the Chief Building Official (CBO). The BIA was also provided the draft by-law to provide comment on an additional business type operating within the town and in particular the Business Improvement Area.

The CBO provided comments;

- bicycles are not allowed on sidewalks in the downtown core as per By-Law 2488-89 and therefore I don't think it is safe for this type of business to be pedaling down Broadway soliciting business where cars are backing out of parking stalls.

- Broadway sidewalks are probably wide enough if you consider amending/permitting but the side streets where the buildings are up to the property lines will not be wide enough to permit a typical ice cream vehicle and still allow pedestrian movement.

SLT reviewed the By-Law and responded to the CBO's comments. To address this concern section 7.13 was added as follows: "No person shall operate or permit the operation of an ice cream vehicle on any travelled portion of a road allowance within the BIA area." This would allow that an ice cream vehicle would have to pull into a vacant parking stall or to a curb within the BIA in order to operate in this area.

The draft by-law was sent to the BIA Executive Director to provide to the BIA for comment. The document was circulated and comments from individual members provided. The comments from four BIA members were all positive and in favour of the amendment. The current BIA Board consists of 6 members, therefore a majority have provided comments in favour of the amendment.

Staff reviewed licensing by-laws for ice cream vending from a number of municipalities including the Town of Collingwood, Municipality of Clarington, Township of Severn and the Town of Orangeville.

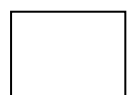
FINANCIAL IMPACT/FUNDING SOURCE

The Town will receive licencing fees for any business who applies to operate an Ice Cream Vehicle within the Town of Tillsonburg.

COMMUNITY STRATEGIC PLAN (CSP) IMPACT

1. Economic Sustainability

- ☒ Support new and existing businesses and provide a variety of employment opportunities
- ☒ Provide diverse retail services in the downtown core





Report Approval Details

Document Title:	CLK 19-07 Amend Business Licence By-Law to include Ice Cream vehicles.docx
Attachments:	- By-Law 4269 amend 3666 Licence Ice Cream vehicle.docx - 3666 To govern the licensing of businesses within the Corporation of.pdf
Final Approval Date:	Mar 31, 2019

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



David Calder - Mar 31, 2019 - 12:31 PM



THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 4269

A BY-LAW to amend By-Law 3666, to Govern the Licensing of Businesses within the Town of Tillsonburg.

WHEREAS The Corporation of the Town of Tillsonburg deems it necessary and expedient to amend the Town's Business Licensing by-law to include an Ice Cream Truck or Ice Cream Bicycle as a Licenced Business in the Town of Tillsonburg;

WHEREAS Section 150 & 151 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, without limiting the broad powers granted to municipalities through sections 9, 10 and 11 of the *Municipal Act, 2001*, c. 25 provides that a local municipality may licence, regulate and govern any business wholly or partly carried on within the municipality for one or more of the following purposes: health and safety, nuisance control or consumer protection;

AND WHEREAS Sections 150 to 159 of the Municipal Act, apply to municipalities in the exercise of a power to pass by-laws licensing businesses under any section of this Act or any other Act. 2006, c. 32, Sched. A, s. 82.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Town of Tillsonburg enacts as follows:

2.0 DEFINITIONS

"ice cream bicycle" means an insulated container for storing and transporting frozen ice cream, propelled totally by muscular power without motorized assistance and from which ice cream and other frozen confections may be sold.

"ice cream truck" means a vehicle modified to transport frozen ice cream from place to place, which is duly licensed by the Ministry of Transportation and is capable of being driven on highways or within municipalities and from which ice cream and other frozen confections may be sold.

1. THAT Section 7.0 FOOD VENDING shall be amended as follows:

- 7.7 No person shall operate a competing refreshment vehicle, refreshment stand, Ice Cream Truck or Bicycle within 8 metres (26 feet) of any other refreshment vehicle, refreshment stand or Ice Cream Vehicle/Stand or within 8 metres (26 feet) of the vehicular entrance to the property or in any location which will obstruct the flow of vehicles.
- 7.11 Provisions Applicable to Ice Cream Trucks and Ice Cream Bicycles
No person shall operate an ice cream truck or an ice cream bicycle from which is sold:
 - heated or cooked food
 - milk or any beverages
 - any goods, wares or merchandise or other item other than ice cream, and frozen refreshments.
- 7.12 Despite Section 7.3 & 7.4, ice cream vehicles may be permitted to operate on municipal property, including road allowances and municipal parks.
- 7.13 No person shall operate or permit the operation of an ice cream vehicle on any travelled portion of a road allowance within the BIA area.
- 7.14 No person shall operate or permit the operation of an ice cream truck or bicycle between the hours of 9:00 p.m. and 7 a.m. on any day.

Insurance

- 7.14 No person shall operate an ice cream truck or ice cream bicycle unless he takes out and keeps in force during such operation a comprehensive policy of public liability and property damage insurance acceptable to the Licensing Officer.
 - 7.15 The policy shall, at a minimum, provide insurance coverage in respect of any one accident to the limit of five million dollars (\$5,000,000) exclusive of interest and costs, against loss or damage resulting from bodily injury to, or death of one (1) or more persons and loss of, or damage to, property.
 - 7.16 Such policy or policies shall be in the name of the owner and shall name The Corporation of the Town of Tillsonburg as an additional insured thereunder, and shall state that The Corporation of the Town of Tillsonburg shall be indemnified by the owner of the licence so that if a law suit is filed against the Town, notwithstanding that the operator or owner of the licence had general liability insurance, the operator or owner of the licence or vehicle will be required to pay to the Town any and all costs it incurred, or losses suffered by the Town, as a result of any legal proceeding. All policy or policies shall also contain a cross-liability of interest clause protecting the Town against any actions, causes of actions, claims and demands whatsoever which may arise resulting from the Town's issuance of the permit to use the designated area.
 - 7.18 The proof of insurance shall include a provision that the licensing officer will be given at least ten day's notice in writing of any cancellation, expiration or variation in the policy.
 - 7.20 No person shall fail to have the proof of insurance with him while operating a refreshment vehicle or refreshment stand
2. THAT these amendments to By-Law 3666 are hereby declared to be part of that By-Law as if written therein.
3. This By-Law shall come into full force and take effect upon the final passing hereof.

READ A FIRST AND SECOND TIME THIS 8th DAY OF APRIL, 2019.

READ A THIRD AND FINAL TIME AND PASSED THIS 8th DAY OF APRIL, 2019.

Mayor – Stephen Molnar

Town Clerk – Donna Wilson

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 3666

BEING A BY-LAW to govern the licensing of businesses within the Corporation of the Town of Tillsonburg;

WHEREAS Section 150 & 151 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, 25without limiting the broad powers granted to municipalities through sections 9, 10 and 11 of the *Municipal Act, 2001*, c. 25 provides that a local municipality may licence, regulate and govern any business wholly or partly carried on within the municipality for one or more of the following purposes: health and safety, nuisance control or consumer protection;

AND WHEREAS Sections150 to 159 of the Municipal Act, apply to municipalities in the exercise of a power to pass by-laws licensing businesses under any section of this Act or any other Act. 2006, c. 32, Sched. A, s. 82.

AND WEREAS it is necessary and expedient that there shall be rules governing the licensing of businesses within the Corporation of the Town of Tillsonburg.

AND WEREAS the Council of the Corporation of the Town of Tillsonburg deems it expedient and necessary to repeal By-Laws 996, 1866, 1867, 2100, 2315, & 2761;

THEREFORE THE COUNCIL OF THE TOWN OF TILLSONBURG ENACT AS FOLLOWS:

1.0 SHORT TITLE

This By-Law shall be known as and referred to as the “Town of Tillsonburg Business Licensing By-Law”.

2.0 DEFINITIONS

In this by-law

“antique/collectible show/flea market” shall include the exhibiting or offering for sale on a temporary basis at one location, antique or collectible goods, wares or merchandise where such is permitted under the Town’s Zoning By-law.

"applicant" means a person who is required to be Licenced pursuant to this by-law or who has made an application for a Licence to the Clerk and shall include a Licensee.

"attendant" means any person other than a Licenced owner or operator who provides

services.

"auctioneer" means any person selling or putting up for sale goods, wares, merchandise or effects by public auction.

"business" means a trade, business or occupation and includes the sale or hire of goods or services on an intermittent or one-time basis, the showing for the purpose of the sale or hire of samples, patterns or specimens of any goods and any activity or thing.

"charitable organization" means an organization which is created primarily for a charitable object or purpose in Ontario, is operated not for profit, and includes a religious organization or minor sports group.

"chief building official" means the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the Building Code Act, S.O., 1992, By-Law 23 or his designate.

"chief fire official" means the person who may, from time to time, be appointed by Council to the position of Chief of the Fire Department of the Town or his designate.

"clerk" means the Clerk of The Corporation of the Town of Tillsonburg.

"council" means the Council of The Corporation of the Town of Tillsonburg.

"door to door sales" shall include any business, person or organization which engages in the solicitation, sale, purchase or rental of goods, wares, merchandise or services, or has aforementioned actions conducted on their behalf, on a door to door basis.

"door to door salesperson" shall include any person who engages in the solicitation, sale, purchase, or rental of goods, wares merchandise, or services on a door to door basis including salespersons or agents.

"keeper" shall mean the proprietor or manager of a business.

"Licensee" means a person who has been issued a Licence pursuant to this By-Law either in the current calendar year or in a previous calendar year and shall include an Applicant.

"Licensing Officer" means the Clerk of the Town of Tillsonburg or his/her designate.

"local producer" means any person who grows local produce, including those who reside in abutting townships.

"local produce" means products grown on lands in the Town of Tillsonburg or surrounding Townships and Counties.

"mobile vending vehicle" means a motorized vehicle as defined by the Highway Traffic Act designed for the purpose of preparing, selling or dispensing food or drinks from the actual vehicle, intended for the consumption by the general public.

"Municipal Law Enforcement Officer" means a person appointed under authority of the Police Services Act for the purpose of enforcing Town by-laws.

"non-profit charitable organizations" means whether incorporated or not, which have objects and purposes that are exclusively and wholly charitable. The organization is recognized by Revenue Canada as being "charitable" and it is complying with the reporting requirements under the Charities Accounting Act or is completing a Public Information Return under the Income Tax Act.

"non-profit non-charitable organizations" means whether incorporated or not, which have objects and purposes that are both charitable and non-charitable and that raise money for the relief of poverty, the advancement of education, the advancement of religion, culture and the arts, health and welfare and for athletic clubs and associations.

"owner" means a person who has in respect of premises, an estate for life or a greater estate, legal or equitable or leasehold estate.

"pawnbroker" means a person who carries on the business of taking by way of pawn or pledge any article or second hand goods for the repayment of money lent thereon.

"pawn shop" means a place where the business of a pawnbroker is carried on and includes any area where any such goods are stored or the business is carried on and all relevant documents pertaining to the conduct of operating a pawn shop.

"person" includes a corporation or a partnership.

"reasonable grounds" a set of facts or circumstances which would cause a person of ordinary and prudent judgment to believe beyond a mere suspicion.

"refreshment vehicle" means a vehicle as defined by the Highway Traffic Act, or portable unit designed for the purpose of preparing, selling or dispensing food or drinks intended for consumption by the general public.

"refreshment stand" means any facility (other than a restaurant or similar permanent establishment) from which food and refreshments are for sale or sold for consumption by the public on a seasonal basis, but does not include a refreshment vehicle.

"salesperson" means a person who, within the Town of Tillsonburg, goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards. Shall include a Door to Door Salesperson or any person who engages in the solicitation, sale, purchase, or rental of goods, wares merchandise, or services on a door to door basis including salespersons or agents. Shall not include a business to business salesperson.

"second-hand goods" shall include but not limited to clothes, books, bottles, bicycles, automobiles, furniture and electronics.

“second hand goods dealer” means a person who carries on the business of selling second hand goods.

“second hand goods shop” means a place in which a second hand goods dealer exercises the trade of receiving or taking on consignment any second hand goods for resale and includes any area where any such goods are stored or the business is carried on and all relevant documents pertaining to the conduct of operating a second hand goods shop.

"services" includes activities, facilities, performances, exhibitions, viewings and encounters, but does not include the exhibition of film approved under the Theatres Act.

"to provide" when used in relation to services, includes to furnish, perform, solicit or give such services and "providing" and "provision" have corresponding meanings.

“Town” shall mean The Corporation of the Town of Tillsonburg.

3.0 GENERAL PROVISIONS

3.1 Application - in writing

Every application for a Licence shall be made in writing on a form provided by the Clerks' Office and may be obtained at the Tillsonburg Customer Service Centre or the Town's web site and the required fee shall be deposited upon approval of the application.

3.2 Fee - set out

The Licence fee for each Licence required shall be set out in the current Town of Tillsonburg Rates & Fees By-Law.

3.3 Licence - term

Licence issued pursuant to this By-Law shall be for a period from January 1 to December 31 each year, except as set out in Section 4.

3.4 Licence - issue subject to requirements

Subject to the applicant meeting the requirements of this By-Law, Each licence shall be issued in the name of the Town and shall be granted and signed by the Clerk and the Director of Finance and/or their designates.

3.5 Licence - displayed - clearly visible

Every Licence issued in accordance with this By-Law shall be displayed in a prominent place and be clearly visible to the public at all times.

3.6 Every Salesperson Licence, licenced in accordance with this By-Law shall at all times, while carrying on business, carry the licence with him/her and shall upon demand exhibit it to any Municipal By-law Enforcement Officer, Citizen of the Town of Tillsonburg or Ontario Provincial Police Officer.

3.7 Every Licence applied for pursuant to this By-Law shall be subject to the following inspections/approvals where required:

All applications subject to:

- i) Zoning approval
- ii) Building Department approval
- iii) Fire Department approval

The following approvals required based on the type of business

- iv) Health Unit approval where required
- v) boards, commissions, authorities or agencies as the Clerk considers may have an interest or potential interest in the application, and who may submit comments or recommendations to the Clerk in respect of the application

- 3.8 Approvals must be received from each department/agency as set out in Section 3.7 before a Licence is issued.
- 3.9 The Licensing Officer may refuse a licence if any applicant who, have past breaches of this By-Law or because of failure to comply with the requirements of this By-Law or other applicable By-laws of the Town or of any local board thereof, or of any statute, order-in-council, or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, or Board or Commission thereof, in, upon or in connection with the applied for licenced activity of the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the Licenced activity.
The Licensing Officer or designate shall give the applicant notice of the refusal to issue the licence applied for, in writing, said notice to be served personally or by mail to the applicant at the address shown on the application.
- 3.10 If the Licensing Officer deems that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, the Licensing Officer may, for the time and on such conditions as considered appropriate, without a hearing, suspend a licence subject to providing the licensee with the reasons for the suspension, either orally or in writing and providing an opportunity to respond to them. If the Licensing Officer deems it necessary to suspend a licence for any other reason other than those listed above, then the licensee shall receive a sixty (60) day notice to comply with the requirements of the licence. If at the end of the sixty (60) day period the requirements have not been complied with then the licence shall be suspended at that time.
- 3.11 While any licence granted under this By-Law is suspended or cancelled, the licensee shall not exercise any right or privilege conferred by such licence and any such licensee attempting to exercise any right or privilege under such licence during such suspension or cancellation shall be liable to the same penalties and may be prosecuted in the same way as though such person had procured no such licence.
- 3.12 Notice of revocation of any Licence may be given by registered letter mailed to the address on the Licence and upon such mailing the Licence shall terminate.
- 3.13 Where the Licensing Officer refuses to issue a Licence, suspend or revokes a Licence under this By-Law, the applicant or Licensee may appeal this decision by filing with the Clerk or Designate, an appeal in writing, of the said decision within fifteen days of being notified of the decision. The Clerk or Designate shall provide the Licensing Appeal Committee with a report as to the status of the licence.

- 3.14 Upon determination of the review hearing date, the Clerk or designate shall give notice in writing to the applicant or licensee, said notice to:
- (a) include a statement:
 - (i) as to the time, date, place and purpose of the review hearing; and
 - (ii) that, if the applicant does not attend the review hearing, the Licensing Appeal Committee shall proceed in the absence of the applicant or licensee and the applicant or licensee will not be entitled to any further notice.
- 3.15 The Licensing Appeal Committee shall be comprised of the Chief Building Official, CAO or designate, one member of the BIA and one member of the Chamber of Commerce. Upon receipt of an appeal from an applicant, the Committee shall hold a hearing in accordance with the Statutory Powers Procedure Act and may, after the appropriate hearing is conducted, issue a Licence, refuse to issue a Licence, revoke a Licence or suspend a Licence and may make any suspension of a Licence subject to such terms or conditions as the Licensing Appeal Committee may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the applicant or any Licensee.
- 3.16 The Licensing Appeal Committee, in considering whether or not to issue a Licence, refuse to issue a Licence, or to revoke or suspend a Licence may have regard to the following:
- (a) whether or not the applicant or Licensee and the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of a business which is Licenced or which is required to be Licenced, pursuant to this By-Law, complies with all requirements of this By-Law.
 - (b) whether or not the applicant or Licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this By-Law or has committed past breaches of this By-Law.
 - (c) whether or not the applicant or Licensee has failed to comply with any requirements of any other applicable By-Law of the Town or any local board thereof or of any statute, order-in-council or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon or in connection with the Licenced activity or the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the Licenced activity.
 - (d) whether the conduct of the licence holder or other related circumstance afford reasonable grounds for belief that the carrying on of the business of the licence holder in respect of the premises for which the licence is sought would infringe on the rights or endanger the health or safety of any other members of the public.
 - (e) the fee payable in respect of the licence has not been paid.
 - (f) the applicant is in default with respect to any financial or other obligation to the Town.

- 3.17 The decision of the Licensing Appeal Committee to refuse to issue a Licence, revoke a Licence or suspend a Licence may be subject to such terms as the Licensing Appeal Committee shall impose and shall be final.
- 3.18 Despite any of the provisions of this By-law, any proceedings may be disposed of by a decision of the Appeal Committee given:
- (a) without a hearing; or
 - (b) without compliance with any other requirements of the Statutory Powers Procedure Act or of this By-Law, where the licensee has waived such hearing or compliance.
- 3.19 No Licence issued under the provisions of this By-Law shall be transferable and is only valid in respect of the person or of the premises named therein, except that where two or more persons carry on business in partnership in one location only one licence is required, unless such transfer is approved by the Clerk.
- 3.20 Every Licensee shall re-apply as set out in this By-Law one month prior to the expiry of the said Licence by filling out the appropriate application form.

4.0 NEW OR EXISTING BUSINESS (located within a commercial zone) and/or HOME OCCUPATION BUSINESS

- 4.1 Operation – without licence – prohibited
No person shall carry on business within the Town of Tillsonburg without first having obtained a licence to do so. Such licence shall only be required when first operating on the specific location and no renewals shall be required. Change of location will require a new licence. The licence is a requirement of the business owner and not the landlord of the premises.
- 4.2 No person shall, by virtue of one licence, carry on business in more than one location without first obtaining a licence for that location.
- 4.3 No person shall change the location of their business without obtaining a licence for the new location.
- 4.3 No person shall transfer such licence to another person with whom they have sold or transferred ownership of their business. Each new business owner shall be required to obtain a new licence.

5.0 AUCTIONEER

- 5.1 Operation - without Licence prohibited
No auctioneer or person shall operate, maintain or engage in the business, trade or occupation of an auctioneer within the Town without first having obtained an Auctioneer's Licence to do so.
- 5.2 No auctioneer or person shall sell or put up for sale goods, wares, merchandise or effects by auction within the Town without first having obtained an Auctioneer's Licence.

- 5.3 No Auctioneer shall offer for sale or cause to be sold, goods, wares or merchandise brought into the Town of Tillsonburg for the purpose of disposing of them by auction sale, save and except:
- (a) livestock and/or agricultural implements or used household articles, furniture or effects, and
 - (b) goods or chattels seized under an execution or detained for rent, being offered for sale by a sheriff or bailiff, and
 - (c) goods or wares sold for a charitable purpose.
- 5.4 No Auctioneer shall dispose of by public auction, the stock in trade of a merchant except for the purpose of closing out the business in which the owner has been engaged and, such sale may be conducted for one day for every year that the owner has carried on the same business continuously but in no case shall such sale exceed five (5) days and it is specifically provided that no goods, wares or merchandise shall be added to the stock of such owner for the purpose of sale by auction.
- 5.5 Every person who exercises the business, trade or occupation of an auctioneer shall, at the place of each auction, prominently display his or her Auctioneer's Licence, his or her name and business address and shall, on all public business, include such name and business address in the advertisement.
- 5.6 No auctioneer shall permit any disorder in his or her auction room or offices.
- 5.7 No auctioneer shall conduct or permit to be conducted any mock auction.
- 5.8 No auctioneer shall knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects that may be offered for sale.
- 5.9 No auctioneer shall do anything that is calculated to, or which may reasonably have the effect of confusing a purchaser as to the amount paid for any article or articles.
- 5.10 No auctioneer shall avail himself or herself of the services of or act in concert with, persons known in the trade as "beaters", "boosters" or "shills" for the purpose of raising or stimulating bids.
- 5.11 No auctioneer shall sell or put up for sale by auction any goods, wares, merchandise or effects on a reserved bid basis without first advertising the fact of such a reserve bid prior to the auction and as well as announcing clearly to those in attendance at the auction the fact of such reserve bid.
- 5.12 Every person who exercises the business, trade or occupation of an auctioneer shall keep proper books of account of the business transacted by him or her as an auctioneer. The books shall give the names and addresses of the owner of the goods, wares, or merchandise to be sold, the description of the same, the price for which the same may be sold, the names and addresses of the persons purchasing such goods, wares or merchandise or any portion thereof, and the sale price, and the auctioneer shall, after the

sale of the same, or any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds, less the auctioneer's proper and legal commission and charges. The auctioneer shall, in case no sale is made of such goods, on payment of his or her proper costs and charges, return such goods to the person or persons entitled to receive the same on proper demand being made thereof.

- 5.13 Every person/organization conducting an auction on behalf of a non-profit charitable organization or non-profit non-charitable organization must obtain a Daily Auction Licence.

6.0 VENDING/SALESPERSON

- 6.1 Operation - without Licence prohibited – for unprepared foods only
No salesperson shall go from place to place or to a particular place within the Town of Tillsonburg, with goods, wares or merchandise for sale, or carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards without having first obtained a Licence from the Town of Tillsonburg.
- 6.2 Every owner/operator of a fruit and vegetable stand shall obtain a Licence for each location to sell local produce only. A fruit and vegetable stand may be permitted only in the Service Commercial (SC), Neighbourhood Commercial (NC) and Major Institutional (IN2) Zones, as defined in the Towns current Zoning By-Law. .
- 6.3 The applicant shall take out a separate Licence for each location where goods, wares, merchandise or local produce are sold from and the applicant shall operate only in the location set out in the Licence.
- 6.4 No vending/salesperson shall operate from a specific location without the written permission of the private property owner.
- 6.5 All mobile vending, fruit/vegetable owner/operators shall be prohibited to operate on any municipal owned lands except for where a special event permit has been issued by the Town.
- 6.6 No person/organization shall be required to obtain a Licence in accordance with section 6 if the goods, wares or merchandise are being sold on behalf of a non-profit charitable organization or a non-profit non-charitable organization.
- 6.7 No owner of a business, operating in the Town of Tillsonburg shall be required to obtain a Licence in accordance with Section 6; if the goods, wares, merchandise, and/or fruit and vegetables being sold are such that are offered for sale in the aforementioned business premise and if such items are sold on the property owned/occupied by the said business.
- 6.8 In addition to the exemption set out in Section 6.10, every owner of a business must comply with the Town of Tillsonburg's Zoning By-law.

- 6.9 The provisions of this Section shall not apply to a salesperson who are operating in conjunction with any Council approved special event.
- 6.10 Every Mobile Vending Owner Operator shall provide the required parking as per the Town of Tillsonburg's Zoning By-Law.

7.0 FOOD VENDING

- 7.0 Operation - without Licence – prohibited – prepared food sales
No person shall operate or maintain a mobile vending vehicle within the municipality without first obtaining a Licence to do so. Venders operating under a Special Occasion Permit shall be exempt from this By-Law.
- 7.1 Refreshment vehicles or refreshment stands may be permitted to operate only in the Service Commercial (SC), Neighbourhood Commercial (NC), Restricted Industrial (MR) and General Industrial (MG) Zones, as defined in the Town's Zoning By-law.
- 7.2 Notwithstanding Section 7.1, at the discretion of the Licensing Officer, refreshment vehicles or refreshment stands may be permitted to operate in an Institutional (IN1, IN2) Zone with a licence provided that the funds from the sale of the food are used for charitable purposes.
- 7.3 No person shall operate any refreshment vehicle or refreshment stand from any property except from a location or locations approved by the Licensing Officer and as listed on the licence for such refreshment vehicle or refreshment stand.
- 7.4 No person shall operate a refreshment vehicle or refreshment stand on any municipal property, which shall, for the purposes of this by-law, include, but not limited to, road allowances, municipal parks, parking lots, Community Centre and recreation facilities, except as described in Sections 7.5 and 7.6.
- 7.5 The operation of a refreshment vehicle or refreshment stand may be permitted without obtaining a licence in a municipal park or facility under the control of the Parks and Recreation Department during a special event/tournament for which a Parks & Recreation Services Rental Agreement or Special Events Planner has been obtained by a non-profit community association or charitable organization.
- 7.6 Licenced vendors who wish to operate at a Council sanctioned community event at a location outside the Central Commercial zone must obtain the express written permission of the event organizers, and provide a copy of such letter of permission to the Licensing Officer at least one (1) week in advance of the event.
- 7.7 No person shall operate a competing refreshment vehicle or refreshment stand within 8 metres (26 feet) of any other refreshment vehicle or refreshment stand or within 8 metres (26 feet) of the vehicular entrance to the property or in any location which will obstruct the flow of vehicles.

- 7.8 No person shall operate a refreshment vehicle or refreshment stand within 150 metres (492 feet) of any other restaurant.
- 7.8.1 Notwithstanding Sections 7.8, the location of special fund raising events shall be at the discretion of the Licensing Officer.
- 7.9 Every person applying for a licence to permit the operation of a refreshment vehicle or refreshment stand who intends to operate from private property shall submit with the application a letter of permission with respect to the proposed use from the registered property owner or his authorized agent.
- 7.10 Notwithstanding anything in Section 7, the owner of a mobile lunch truck, which has the sole purpose of travelling from place to place to serve a number of private locations is permitted to serve his clients in any zone and shall not be required to provide letters of permission from the property owners.

All policy or policies shall also contain a cross-liability of interest clause protecting the Town against any actions, causes of actions, claims and demands whatsoever which may arise resulting from the Town's issuance of the permit to use the designated area.

8.0 PAWNBROKER

- 8.1 Operation - without licence - prohibited
No person shall carry on the business of a pawnbroker or second hand goods dealer within the limits of the Town without having first obtained a licence for such pawnbroker or second hand goods dealer as provided for in this By-Law. A second hand goods dealer does not include flea markets, second hand bookstores, second hand clothing stores or second hand car dealers.
- 8.2 No person shall, by virtue of one licence, carry on business as a pawnbroker or second hand goods dealer in more than one shop.
- 8.3 Any licence issued pursuant to the provisions of this By-Law shall be displayed in a conspicuous place in or on the premises where a pawnbroker or second hand goods dealer is carrying on the business of a pawnbroker or second hand goods dealer.
- 8.4 Where two or more persons carry on business as pawnbrokers or second hand goods dealer in partnership in the same shop, only one licence is necessary.
- 8.5 Any person requiring a new licence for a year following the date of expiry of any previous licence shall apply for the new licence in the same manner as any new applicant.
- 8.6 Every applicant for a pawnbroker or second hand goods dealer licence shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:
(a) payment of the prescribed licence fee; and
(b) in the case of a pawnbroker's licence, security in the amount of \$2,000 to the

- municipality in a form satisfactory to the Treasurer (which security shall be maintained in effect for so long as the applicant holds a pawnbroker's licence); and
- (c) a current Criminal Records Check for all listed owners and managers; and
- (d) any other document or information requested by the Clerk or designate.
- 8.7 Every application will be subject to approvals from such municipal or provincial departments or agencies, as the Clerk deems necessary.
- 8.8 A licence issued under the provisions of this Chapter shall not be transferable and is valid only in respect of the person and the premises named therein.
- 8.9 No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the trade, calling, business or occupation for which the application is being made is in contravention of any by-law of the Town.
- 8.10 Each licence granted under this By-Law shall be for one year from January 1 in the current year and expire on the 31st of December one year after issuance or sooner if the licence so indicates.
- 8.11 Applications for a renewal of a licence must be received by the Clerk or designate on or before the 31st day of December in the year preceding the year for which the current licence is intended to be renewed.
- 8.12 Every licensee shall notify the Clerk within seven days of any change in his/her business or home address.
- 8.13 Council may revoke any licence granted under this Chapter at any time if it deems it in the public interest to do so and, in such event, the licensee shall be given a refund of the licence fee proportionate to the unexpired term of the licence.
- 8.14 The per annum licence fee payable shall be in accordance with the current Rates & Fees By-Law for the Corporation of the Town of Tillsonburg.
- 8.16 Every person operating a pawn shop or second hand goods shop shall carry a minimum of \$2,000,000 comprehensive general liability insurance and shall furnish proof of such coverage to the satisfaction of the Town prior to being licenced.
- 8.17 The Clerk may revoke any licence granted under this Chapter at any time if it deems it in the public interest to do so and, in such event, the licensee shall be given a refund of the licence fee proportionate to the unexpired term of the licence.
- 8.18 The Clerk or designate, in conjunction with the Chief of Police or designate shall not refuse to issue, suspend or revoke a pawnbrokers/second hand goods dealer licence to an applicant except where:
- (a) the past or current conduct of the applicant or licence holder afford reasonable grounds for belief that the pawnbroker/ second hand goods dealer is not carrying on or will not carry on the business of pawnbroker/second hand goods dealer in accordance with the law and with integrity and honesty; or
 - (b) there is reasonable grounds for belief that the carrying on of the business of

- pawnbroker/second hand goods dealer in respect of the licence by the applicant or licence holder has or will result in a breach of this By-Law or any other applicable law; or
- (c) the applicant or licence holder is a corporation or partnership and its conduct or the conduct of its officers, directors, employees, agents or partners affords reasonable grounds for belief that the pawnbroker/second hand goods dealer business has or will not be carried on in accordance with the law and with integrity and honesty; or
 - (d) there are reasonable grounds for belief that the premises, accommodations, equipment or facilities in respect of which the licence is required do not comply with the provisions of this By-Law or any other applicable by-law; or
 - (e) the conduct of the licence holder or other related circumstance afford reasonable grounds for belief that the carrying on of the business of pawnbroker/second hand goods dealer in respect of the premises for which the licence is sought would infringe on the rights or endanger the health or safety of any other members of the public; or
 - (f) the fee payable in respect of the licence has not been paid; or
 - (g) the applicant is in default with respect to any financial or other obligation to the Town.
- 8.19 No person shall obstruct a person inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by a person inspecting for the purpose of this By-Law.
- 8.20 Issuance - rejected – cancelled – suspension – as per the General Provisions contained herein.
- 8.21 No licensee shall purchase, take in exchange or receive any second hand goods, article or thing from any person under the age of fourteen years of age without written authority from a parent or guardian of such person.
- 8.22 Every licensee shall ensure that a seller presents one piece of identification that is integrated with a photograph:
- (a) a valid driver's licence;
 - (b) a passport issued by the government of origin;
 - (c) a "Bring Your Identification" card issued by the Liquor Control Board of Ontario;
 - (d) a certificate of Canadian Citizenship issued by the Government of Canada;
 - (e) a Conditions Release Card issued by Correctional Services of Canada; or
 - (f) a student card.
- 8.23 Every licensee shall ensure that prior to purchasing, taking a pledge, taking in exchange or taking on consignment any second hand goods, a record is made in a recording system approved by the Chief of Police or designate of:
- (a) the day, month, year and time of the transaction;
 - (b) the full name, date of birth, and address of each seller;
 - (c) the full particulars of the seller's identification;
 - (d) a detailed description of each second hand good sufficient to identify it including, where applicable, make, model, serial numbers, markings, titles and any other identifying numbers, letters or designs;
 - (e) the purchase or consignment price of each second hand good or a description of the item exchanged for it; and

- (f) the clearly marked name of the person conducting the transaction.
- 8.24 Every licensee shall, when requested by the Chief of Police or designate at any time during business hours, produce transaction records for inspection. If requested by the Chief of Police or a member of the Ontario Provincial Police Services every licensee shall permit the removal of any transaction record from the premises for the purpose of photocopying or for use in any court proceedings.
- 8.25 The Chief of Police or designate shall be authorized to inspect:
- (a) the portion of any premises being used for carrying on the business of a pawnbroker or second hand goods shop; and
 - (b) any goods, wares, merchandise, records or other documents of or relating to a pawn shop or a second hand goods shop.
- 8.26 Any property found during an inspection that appears to have been improperly or illegally obtained, or is known to be stolen, or found to have been obtained by the seller or any other person through the commission of an offence against this By-Law or any provincial or federal statute, may be seized by the Chief of Police or designate for investigation, for use as evidence in court proceedings, or for return of the said property to its rightful owner without remuneration by the rightful owner, the Chief of Police or designate, the Town or its agents to the licensee.
- 8.27 In circumstances where the Chief of Police or designate suspects that specified second hand goods were stolen, a peace officer shall be entitled, upon providing a receipt, to remove such second hand goods for the purpose of criminal investigation provided such second hand goods are either returned within sixty days or further retained by means of a court order.

REFUSAL - REVOCATION - SUSPENSION OF LICENCE

- 8.29 The Clerk shall notify the holder of a pawnbroker/second hand goods dealer licence by registered mail, when he/she has cause to believe on reasonable grounds that any of the information which an applicant or holder of a pawnbroker/second hand goods dealer licence is obliged to supply or has supplied is inaccurate that unless the inaccuracy, non-compliance or contravention is corrected within thirty days, the licence shall be revoked.
- 8.30 The Clerk shall notify the holder of a pawnbroker/second hand goods dealer licence by registered mail when he/she receives information that the pawnbroker/second hand goods dealer does not comply with all applicable requirements under a statute, regulation or by-law that, unless the inaccuracy, non-compliance or contravention is corrected within thirty days, the licence shall be revoked.
- 8.31 The Clerk shall notify the holder of a pawnbroker/second hand goods dealer licence when he/she has cause to believe that an order issued under the authority of a court with competent jurisdiction has been disobeyed by the holder of the pawnbroker/second hand goods dealer licence that, unless the inaccuracy, non-compliance or contravention is corrected within thirty days, the licence shall be revoked.

8.32 Non-compliance - licence - revoked – notice – see General Provisions

8.33 Every person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty as provided in the Provincial Offences Act.

Each day a violation of this By-Law continues shall constitute a separate and distinct offence under this By-Law.

9 FEE WAIVED

9.1 Non-profit community associations, charitable organizations, service clubs and other organizers of special fund-raising events carried on solely for the benefit of a particular charity or non-profit organization are not required to obtain a licence to operate any refreshment vehicle or refreshment stand and comply with the requirements of this by-law. The licence shall not be required and no fee charged provided that the person, organization, association or service club has completed the requirements contained in the facility contract or special events planner from the Parks & Recreation Services for the event and the applicant is directly responsible for the vending operation.

9.2 The Tillsonburg Business Improvement Area (BIA) and organizers of Town initiated events are not required to obtain a Business Licence to permit the operation of refreshment vehicles and refreshment stands from the downtown location and during outdoor events organized by the BIA or initiated by the Town. The BIA and Town initiated events are exempt from the provisions of this by-law however notification must be provided to the Clerk setting out the details and number of vendors attending the event.

9.3 The provisions of this by-law do not apply to the Tillsonburg Farmers Market held on Saturdays on Bridge Street at the Station Arts Centre.

9.4 Garage sales, second hand book sales, second hand clothing sales, fundraising events conducted by charitable or religious organizations shall be exempt from the provisions of this By-Law.

10 OFFENCE AND PENALTY

10.1 Every person who contravenes any provisions of this by-law or any director or officer of a corporation who concurs in such contravention by a corporation is guilty of an offence and, upon conviction, shall be liable to a fine as provided under the *Provincial Offences Act*, R.S.O. 1990, as amended from time to time.

11 WORD USAGE

11.1 As used in this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

- 11.2 The headings and subheadings used in this by-law shall not form part of the by-law, but shall be deemed to be inserted for convenience of reference only.

12 SEVERABILITY

- 12.1 Should any section or subsection of this by-law or any part or parts thereof be found by law to be illegal or beyond the power of the Council to enact, such section or subsection or part or parts thereof shall be deemed to be severable so that the remainder of this by-law is separate and therefore enacted as such.

13 CONFLICT WITH ANY OTHER BY-LAW

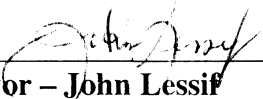
- 13.1 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.

14 EFFECTIVE DATE

- 14.1 This by-law shall come into force and take effect on the day it is passed.

READ A FIRST AND SECOND TIME THIS 12 DAY OF November , 2012.


READ A THIRD AND FINAL TIME AND PASSED THIS 26 DAY OF November, 2012.



Mayor – John Lessif



Clerk – Donna Wilson

	Report Title	BIA Board of Management Additional Appointments
	Report No.	CLK 19-12
	Author	Amelia Jaggard, Legislative Services Coordinator
	Meeting Type	Council Meeting
	Council Date	April 8, 2019
	Attachments	BIA Memo

RECOMMENDATION

THAT Council receives Report CLK 19-12 BIA Board of Management Additional Appointments;

AND THAT By-Law 4289 to amend By-Law 4260, be brought forward for Council consideration.

BACKGROUND

Council will recall that at the January 28, 2019 Council meeting Council passed By-Law 4260, to appoint Directors to the Board of Management of the Tillsonburg Business Improvement Area (BIA) established by the Corporation of the Town of Tillsonburg.

DISCUSSION

The Town has received a request to add an additional member to the Tillsonburg BIA. Carl Heutinck is the General Manager of Boston Pizza located at 102 Broadway and as such qualifies to join the Board of Management. The Memo from the BIA is attached for your reference.

A by-law to appoint the additional members will be brought before Council for consideration.

FINANCIAL IMPACT/FUNDING SOURCE


N/A

COMMUNITY STRATEGIC PLAN (CSP) IMPACT

Section 1 – Excellence in Local Government – providing for citizen engagement for municipal initiatives.




MEMORANDUM

To: Donna Wilson, Clerk – Town of Tillsonburg
From:  Mark Renaud, Executive Director – Tillsonburg BIA
Date: March 29th, 2019
Subject: Additional Board Member – Tillsonburg BIA

The BIA has one new interested business-owner/representative who would like to join the Tillsonburg BIA Board of Management.

This individual is CARL HEUTINCK who is the General Manager of Boston Pizza Tillsonburg located at 102 Broadway. Mr. Heutinck's family owns the Boston Pizza franchise in addition to the property located at 102 Broadway as well as Pita Pita located at 211 Broadway. Both of these businesses are wholly contained within the zone boundaries of the BIA.

Please let me know if you require any further information.

	Report Title	Noise By-Law
	Report No.	DCS 19-05
	Author	Dan Smukavich, By-Law Enforcement Officer
	Meeting Type	Council Meeting
	Council Date	April 8, 2019
	Attachments	- Current Noise By-Law 3002 - Proposed Noise By-Law 4255

RECOMMENDATION

THAT Council receives Report DCS 19-05 Noise By-Law for information;

AND THAT Noise By-Law 4255 to regulate noise in the Town of Tillsonburg be brought forward for Council consideration.

EXECUTIVE SUMMARY

The Town's current Noise By-Law 3002 was last reviewed and adopted by Town of Tillsonburg Council in February 2002. The current by-law regulates noise within Town limits. Since this time the by-law has performed reasonably well, however, over time the by-law has become outdated, which has precipitated the need for this by-law update. Noise By-Law 3002, in its current state, has identified challenges with respect to its wording, making it potentially difficult to enforce. As with other by-law reviews, staff updated definitions, organization and layout of the by-law and in this case recommend providing provisions for temporary noise permits to be issued providing the applicant meets all requirements under the proposed noise by-law.

BACKGROUND

The changes proposed are a result of staff and documentation over the years that require additional detail for clarity and enforcement. During the by-law review process staff consulted and communicated with the Municipal Law Enforcement Officers' Association of Ontario including other municipalities of similar size as well as larger municipalities that face virtually identical issues relating to the enforcement of noise by-laws.

NOISE BY-LAW COMPLAINTS

The principal purpose and intent of the Noise By-Law is to regulate noise that is likely to disturb the inhabitants of the Town of Tillsonburg. Staff report that the main complaints related to noise is of a general nature (loud music, television) followed by construction and power equipment noise.

The following table provides an overview of the noise complaints that have been received by town staff and OPP from 2013-2017. Over the five years, the town receives an average of 189 noise complaints per calendar year.

YEAR	OPP	BY-LAW	TOTAL
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2017	143	27	170
2016	119	25	144
2015	158	33	191
2014	184	29	213
2013	201	24	225

- 2018 statistics are not available at time of report from OPP.

NOISE BY-LAW 4255

The following table provides a general overview and identifies the proposed noise By-Law improvements and changes.

Item	Changes
Intent and Scope (Section 1)	By-law 3002 does not have a stated intent and scope. The intent and scope is to regulate and control noise with the Town.
Definitions and Interpretation (Section 2)	By-law 3002 does not have any definitions and lacked clarity to deal with specific types of noise.
General Prohibitions (Section 3)	Inclusion of noises that would be deemed likely to disturb such as squealing tires, firearms discharge (police are exempt) persistent yelling and shouting as well as persistent barking and whining from domestic animals.
Regulations by Time (Section 4)	Current by-law lacks a clear layout of noise prohibitions. Noises are better defined in this section and include a table for easier reference and application.
General Exemptions (Section 5)	General exemptions are laid out clearly and include emergency vehicles, snow plowing, measures taken by the town and/or the County for maintaining and installing infrastructure and noise from town sanctioned events.
Temporary Noise Exemptions (Section 6)	Current by-law does not allow or provide a process for providing temporary noise exemptions. The process is laid out with applicants who are seeking relief from the by-law for 30 days or less are to submit a permit application to the CBO. Applications that are received that require more than 30 days of relief shall be required to make their application to council. All applications require a minimum of 21 days' notice.
Administration (Section 7)	The current by-law does not lay out the administration of the by-law. The new by-law provides enforcement administration (police and by-law officers) as well as placing the requirements for an order to comply if one is deemed necessary to gain compliance from an offending party.
Penalties (Section 8)	This section is added to lay out the fine

	amounts that are subject to violations of the by-law.
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NOISE BY-LAW 4255 - SHORT FORM WORDING & FINES

Following Council approval of Noise By-Law 4255, staff will seek to have short form wording Provincial offences fines set and approved by the Chief Justice of the Ontario Court of Justice (West Region). If approved, the proposed by-law would come into effect after the short form wording is approved. The proposed fines and short form wording for violations are noted in the table below.

**Bylaw 4255: Noise By-Law
Part I Provincial Offences Act
Set fine schedule**

Item	Short form wording	Provision creating or defining offence	Set fine
1	Operate a vehicle causing tires to squeal.	3.3 (a)	\$250.00
2	Cause or permit noise from a horn, whistle, alarm, bell or gong.	3.3 (e)	\$250.00
3	Cause or permit noise from the discharge of a firearm.	3.3 (g)	\$250.00
4	Persistent yelling, shouting, hooting, whistling, singing or the like.	3.3 (h)	\$250.00
5	Permit noise from a domestic animal.	3.3 (i)	\$250.00
6	Permit or cause noise from an electronic device or musical instrument.	3.3 (j)	\$250.00
7	Cause or permit noise from a conveyance.	3.3 (k)	\$250.00
8	Cause or permit noise related to construction at a prohibited time.	4.2 (4)	\$250.00
9	Cause or permit noise from domestic works at a prohibited time.	4.2 (5)	\$250.00

Note: the general penalty provision for the offences listed above is section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended

CONSULTATION/COMMUNICATION

During the by-law review process, staff consulted and communicated through the Municipal Law Enforcement Officers' Association of Ontario including other municipalities of similar size as well as larger municipalities that face similar issues relating to the enforcement of noise by-laws. The following table provides some municipal comparable information:

Noise By-Law Comparables

Municipality	Construction Noise	Barking Dogs/Domestic Animal Noise	Loud Music/TV	Power Tools (Domestic)
Tillsonburg (proposed By-Law 4255)	Prohibited from 7PM-7AM Sundays and all Public Holidays- 7PM-9AM	Prohibited at all times	Prohibited at all times	Prohibited from 9PM-7AM Sundays and all Public Holidays- 7PM-9AM
Tillsonburg (current By-Law 3002)	Prohibited from 6PM-7AM Sundays and all Public Holidays- 6PM-7AM	Prohibited at all times	Prohibited at all times	Prohibited from 10PM-7AM Sundays and all Public Holidays- 10PM-9AM
St. Thomas	Quantitative Noise- NPC Publication 115 (decibel model)	Not Included	Prohibited at all times	Quantitative Noise- NPC Publication 115 (decibel model)
Woodstock	Prohibited from 9PM-7AM	Prohibited at all times	Prohibited at all times	Prohibited from 10PM- 7AM
Collingwood	Prohibited from 7PM-7AM Saturdays- 4PM- 8AM Prohibited- Sundays and Holidays	Not included	Prohibited from 9PM-8AM Sunday to Thursday 11PM-8AM Friday, Saturday and Holidays	Prohibited from 7PM-7AM S/S/Holiday from 6PM-8AM
Stratford	Prohibited from 7PM-7AM Prohibited- Sundays and Holidays	Prohibited at all times	Prohibited from 11PM-7AM Monday to Thursday and from 12AM-7AM Friday and Saturday Prohibited- Sundays and Holidays	Prohibited from 11PM-7AM Sundays to 9AM
Town of Ingersoll	Prohibited from 8PM-7AM	Prohibited at all times	Prohibited at all times	Not Included
Norfolk County	Prohibited from 7PM-7AM Prohibited- 7PM-9AM Sundays and Holidays	Prohibited at all times	Prohibited at all times	Prohibited from 9PM-7AM Prohibited- 9PM-9AM Sundays and Holidays
Whitchurch-Stouffville	Prohibited from 7PM-7AM Prohibited- Sundays and Holidays	Not included	Prohibited from 11PM-7AM Prohibited to 9AM Sundays and Holidays	Prohibited from 9PM-7AM Prohibited- 9PM-9AM Sundays and Holidays

Copies of the by-laws along with supporting material were made available for public consultation from January 28, 2019 to February 25, 2019 as per the Town's public engagement policy. During this time, the draft by-law was posted on the Town website, advertised in the local paper, and a copy circulated directly to the OPP.

Five inquiries/comments were received as a result of the public consultation and were explanatory and administrative in nature. These along with the provided communication from staff are listed below:

1. Inquiry related to car show gatherings and related amplified music that may be used for the event.

These events have been hosted in the past without any know complaints. The proposed by-law would not be enforced any differently and therefore it is not expected to be a conflict.

2. Clarification of "such volume" – is this a decibel amount, how does one determine this and further how does the by-law offer determine this?

The term "such volume" is within the definition of "noise" and is not a decibel amount. The determination of whether the noise level is deemed to be a violation is if it is found to be "clearly audible at a point of reception" as per Section 3.1, by the attending By-Law Officer or Police Officer and likely to disturb. Discretion would be used in determining a violation as some noise may be common society/living noise (ie. apartments/town house/shared wall accommodations, kids playing, etc. Based on the size of our municipality and the infrequent amount of noise complaints received on an annual basis, a decibel noise by-law model is not recommended. The main reason for this is that a decibel noise by-law model requires a professionally calibrated decibel reader (not an app on your phone) along with staff trained to measure/take noise readings. This model is very costly and is typically not justified based on the number of complaints received by smaller municipalities. A decibel reader model is geared more towards stationary sources of noise and a decibel model by-law is more common for larger cities such as the City of London.

3. "Persistent" – is this a certain length of time, again how does the by-law officer determine it has been persistent?

"Persistent" would have to be interpreted by the attending officer and dealt with on a case by case basis. Factors that would have to be considered include the source of the noise and duration. The officer would have to articulate why the violation was deemed "persistent" and the onus would fall on the attending officer for such. By-Law staff are well trained in identifying legitimate and frivolous complaints along with mediating most inquiries/complaints to gain voluntary compliance.

4. Snowmobiles, ATV's, dirt bikes etc. – if a complaint is logged about someone starting up their snowmobile etc. will this be in contravention of the by-law.

The likelihood of someone complaining of someone starting a snowmobile/dirt bike/atv is miniscule. The complaints that are received in regard to off road vehicles are typically from those that tend to rev the engines at high RPMs. These conveyances are

not subject to the same restrictions as motor vehicles under the Highway Traffic Act and as such, do not have the same baffles on their exhaust systems, which tend to make them loud.

5. OPP advised of no comments and/or concerns.

Upon approval of the proposed By-Law, staff will update communication and promotional materials to inform and educate the public.

FINANCIAL IMPACT/FUNDING SOURCE

The cost to communicate and amend promotional materials for the public will be funded from the 2019 Protection budget.

Following Council approval of this by-law, staff will seek to have short form Provincial offences fines set and approved by the court. The proposed fines are expected to generate some offset revenue when compliance cannot be obtained by other means. The anticipated amount of revenue is dependent on violation compliance and cannot be estimated at this time.

COMMUNITY STRATEGIC PLAN IMPACT

Objective 1 – Excellence in Local Government

Report Approval Details

Document Title:	DCS 19-05 Noise By-Law.docx
Attachments:	- Proposed Noise By-Law 4255.docx - Noise By-Law 3002.pdf
Final Approval Date:	Mar 31, 2019

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



David Calder - Mar 31, 2019 - 12:55 PM

**THE CORPORATION OF THE TOWN OF TILLSONBURG
BY-LAW NUMBER 4255**

A BY-LAW to control noise in the Town of Tillsonburg, and to repeal by-law 3002.

WHEREAS Section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 10(2) of the Municipal Act, 2001 authorizes the municipality to pass by-laws respecting certain matters, in particular subsections 5,6,8, and 9 authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals.

AND WHEREAS section 128 of the Municipal Act, 2001 provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become a public nuisances;

AND WHEREAS in the opinion of Council for the Town of Tillsonburg, certain kinds of noise are or could become a public nuisance.

NOW THEREFORE the Council of The Town of Tillsonburg hereby enacts the following:

**SECTION 1
SCOPE OF BY-LAW**

1.1. SHORT TITLE

This By-law and any amendments thereto shall be known as the “Noise By-Law.”

1.2. INTENT AND SCOPE

The purpose of this By-law is to control and regulate noise within the corporate limits of the Town of Tillsonburg.

1.3. CONTENT OF BY-LAW

All references in the By-law to sections, regulations, exceptions, tables, figures, schedules and maps, refer to those in this By-law unless otherwise indicated.

**SECTION 2
DEFINITIONS AND INTERPRETATION**

2.1. DEFINITIONS

The terms set out below shall have the following meanings in this By-law:

“ANIMAL CONTROL OFFICER” means any person designated or contracted as an *Animal Control Officer* by the Town of Tillsonburg.

“AUTHORIZED EMERGENCY VEHICLE” means an ambulance, fire department vehicle, police vehicle, a snow plow, or any other vehicle operated by or for the Town of Tillsonburg or Oxford County.

“BUILDING” means any permanent structure used or intended to be used for the shelter, accommodation or enclosure of *persons*, animals, or goods.

“CHIEF BUILDING OFFICIAL” means the *Chief Building Official* of The Corporation of the Town of Tillsonburg.

“CONSTRUCT” means to build and/or to permit to build or erect, alter, relocate or provide any material alteration and without limiting the generality of the foregoing shall be taken to include any work in preparation to *construct*, and constructed has a corresponding meaning and this excludes any “*domestic works*” as defined.

“CONSTRUCTION EQUIPMENT” means any equipment or device designed and intended for use in construction, or material handling, including but not limited to, hammers, saws, drills, augers, air compressors, pile drivers, pneumatic or by hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, generators, pavers, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

“CONVEYANCE” means a vehicle and any other device employed to transport a person or persons or goods from place to place and includes any vehicle or device if operated only within a specific premise.

“COUNCIL” means the Municipal Council of the Corporation of the Town of Tillsonburg.

“DOMESTIC WORKS” means any construction, maintenance, renovation or repairs being completed an *owner* to their own property.

“HIGHWAY” includes a common or public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

“LAW ENFORCEMENT OFFICER” means a Police Officer, a Provincial Offences Officer and Municipal Law Enforcement Officer.

“MOTOR VEHICLE” means an automobile, a motorcycle, a motor assisted bicycle or any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways or other motor vehicles running upon only rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Ontario Highway Traffic Act.

“NOISE” means any sound or vibration that is of such volume, level or nature that it is likely to disturb the inhabitants of the Town of Tillsonburg.

“OWNER” means a registered *owner* of land, or any *person* in control of land, including a leasee or an occupant thereof.

“PERSON” means an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau, and agency; and includes an *owner*.

“POINT OF RECEPTION” means any point on the *premises* of a *person*, where *noise* or vibration is originating from other than those *premises* is received.

“PREMISES” means land includes the buildings and/or structures thereon.

“PUBLIC HOLIDAY” means New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.

“TOWN” means the Corporation of the Town of Tillsonburg.

SECTION 3 GENERAL PROHIBITIONS

- 3.1. No *person* shall make, cause, or permit to be caused *noise* likely to disturb any *person* which is clearly audible at a *point of reception*.
- 3.2. No *person* shall make, cause or permit to be caused *noise* that contravenes:
 - a) An applicable Noise Pollution Control Publication of Ontario’s Ministry of the Environment, Conservation and Parks.
 - b) A permission, such as a certificate of approval, under federal or provincial legislation.
- 3.3. For the purposes of this By-law and without limiting the generality of the forgoing, the following *noises* shall be deemed to be *noises* likely to disturb any *person* if clearly audible at a *point of reception* in the Town of Tillsonburg:
 - a) The operation of a *motor vehicle* in such a way that tires squeal;
 - b) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in constant operation;
 - c) The operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes while such vehicle is stationary unless:
 - i) the continuous operation of the engine or motor is essential to the basic function of the vehicle or equipment;
 - ii) weather conditions justify the use of heating or refrigerating systems powered

- by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and the vehicle is stationary for the purposes of delivery or loading;
- d) The operation of an air conditioner, pool pump or filter, car wash air drying equipment, heat pump or the like that is not in proper working order;
 - e) The use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device.
 - f) The detonation of fireworks or any similar explosive device at any time other than that is specified as per the Town of Tillsonburg Fireworks By-law, as amended.
 - g) The discharge of any firearms.
 - h) Persistent yelling, shouting, hooting, whistling, singing or the like.
 - i) Persistent barking, calling, whining or other similar persistent *noise* making by any domestic animal.
 - j) Sound emanating from a radio, television, stereo, or other electronic device including any amplification device, or any musical or other sound producing instrument.
 - k) The operation of a dirt-bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance.

SECTION 4
REGULATIONS BY TIME

- 4.1. No *person* shall make, cause or permit the emission of *noise* resulting from an act listed herein, which *noise* is clearly audible at a *point of reception* during a restricted time period.
- 4.2. Notwithstanding any other provision of this By-law, the following *noises* shall be deemed to be *noises* which are likely to disturb any *person* in the *Town* if they are clearly audible at a *point of reception* with the time period as shown:

Description of Sound	Time Restrictions
1. Persistent yelling, shouting, hooting, whistling, singing or the like.	At all times
2. The discharge of firearms (except by police).	At all times
3. Persistent barking, calling, whining or other similar persistent <i>noise</i> making by any domestic animal.	At all times
4. The operation of any equipment in connection with construction.	7:00 p.m. to 7:00 a.m. Sundays and all <i>Public Holidays</i> - 7:00 p.m. to 9:00 a.m.
5. The operation of any gas, battery, or electrical powered tool including a hammer, saw, nail gun, staple gun, drill, air compressor, generator, lawnmower, hedge trimmer, chainsaw, trimmer, leaf blower or the like for <i>domestic works</i> other than for snow removal.	9:00 p.m. to 7:00 a.m. Sundays and all <i>Public Holidays</i> - 7:00 p.m. to 9:00 a.m.
6. The operation of waste collection machinery or refuse compacting equipment.	9:00 p.m. to 7:00 a.m. Sundays and all <i>Public Holidays</i> - 7:00 p.m. to 9:00 a.m.
7. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on a property not owned or controlled by a railway governed by the Canada Railway Act.	9:00 p.m. to 7:00 a.m.
8. Loading, unloading, delivering, packing, unpacking, or otherwise handling any equipment, containers, products, materials, or refuse whatsoever unless necessary for the maintenance of essential services or the moving of private household effects.	9:00 p.m. to 7:00 a.m.

SECTION 5
GENERAL EXEMPTIONS

This By-law does not apply to sound emitted, caused or permitted in connection with:

- a) Measures undertaken in the event of an emergency for the immediate health, safety, security or welfare of *persons* and animals within the *Town*;
- b) Measures undertaken in an emergency for the preservation or restoration of property;
- c) The operation of authorized emergency vehicles.
- d) The activities of snow plowing and/or removal.
- e) Measures undertaken by the *Town* or Oxford County where its employees, contractors, or agents are carrying out *Town* or Oxford County operations or operating, maintaining or installing municipally owned infrastructure and facilities.
- f) Sport, recreational events, parades, festivals, circuses, fairs, or entertainment activities approved by the *Town*.
- g) The lawful use and detonation of fireworks or similar explosive devices as per the Town of Tillsonburg Fireworks By-law, as amended.
- h) Non-emergency construction, reconstruction or repair of any county, provincial or federal public works including the construction, reconstruction or repair of a public *highway* provided the *Town* is given advanced written notice of the hours to be worked if outside the permitted construction hours.
- i) Operation of machinery by or on behalf of a public utility where work needs to be done on week-ends or overnight to minimize service interruptions.
- j) *Law Enforcement Officer* and *Animal Control Officers* while engaged in the course of their duties.

SECTION 6 TEMPORARY NOISE PERMIT EXEMPTIONS

6.1. Application to Chief Building Official

Notwithstanding anything contained in this By-law, any *person* may make application to the *Chief Building Official* or their designate for exemptions that do not exceed thirty days in length, to be granted an exemption from any of the provisions of this By-law with respect to any source of *noise* for which they might be prosecuted and the *Chief Building Official* or their designate, may refuse to grant any exemption or may grant the exemption applied for, or any exemption of lesser effect, and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as the *Chief Building Official* or their designate see fit. The application for a temporary *noise* exemption is to be submitted a minimum of twenty-one days before the requested start date.

6.2. Application to Council

Notwithstanding anything contained in this By-law, any *person* may make application to *Council* for exemptions exceeding thirty days in length, to be granted an exemption from any of the provisions of this By-law with respect to any source of *noise* for which they might be prosecuted and the *Council*, by resolution, may refuse to grant any exemption or may grant the exemption applied for, or any exemption of lesser effect, and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as the *Council* see fit. The application for a temporary noise exemption is to be submitted a minimum of twenty-one days before the requested start date.

6.3. Application for Exemption

The application mentioned in Sections 6.1 and 6.2 shall be made in writing and shall contain all of the following:

- a) The name and address of the applicant;
- b) The name and information of a contact *person*, if other than applicant;
- c) The location of the event or activity for which the Temporary Noise Permit is sought;
- d) A description of the source of *noise* in respect of which the exemption is sought;
- e) A statement of the particular provision or provisions from which the exemption is sought;

- f) The times of day, and period of time and duration for which the exemption is sought;
- g) The reasons why the exemption is necessary;
- h) A statement of the steps, if any, planned or presently being taken to minimize the *noise*;
- i) Written confirmation that all property *owners* within a five hundred metre radius of the point from which the *noise* will be emitted have been notified along with a copy of the public notice;
- j) A non-refundable application fee for exemption as set out in the *Town's* current Rates and Fees By-law; and
- k) Any other item as requested by the *Chief Building Official*, their designate or *Council* which shall be deemed necessary in providing relevant information related to the temporary noise permit.

6.4. Decision for Exemption

In deciding whether to grant the exemption, the *Chief Building Official* or designate or *Council* shall:

- (a) Consider any negative effects the issuance of the temporary noise permit may have on *persons* residing on neighbouring properties or on the *Town*;
- (b) Consider any benefits the issuance of the temporary noise permit may have for *persons* residing on neighbouring properties or for the *Town*;
- (c) Consider any previous violations of this By-law or predecessor by the *owner* or temporary noise permit conditions by the applicant; and
- (d) Consider anything that is reasonably relevant.

6.5. Conditions of Temporary Noise Permit

The *Chief Building Official* or their designate or *Council* may impose conditions on a temporary noise permit, including but not limited to:

- (a) The type and volume of sounds that may be made;
- (b) The times during which sounds may be made and;
- (c) The date of expiry of the temporary noise permit.

6.6. Violation of Temporary Noise Permit Conditions

Violation by the applicant or by any *person* under the applicant's direction of any of the terms or conditions of the exemption granted by the *Chief Building Official* or their designate or *Council* shall render the temporary noise permit null and void.

SECTION 7 ADMINISTRATION

7.1. Enforcement Authorization

This by-law shall be enforced by *Law Enforcement Officers*.

For the purpose of ensuring compliance with this By-law, *Law Enforcement Officers* may at all reasonable times enter upon and inspect any land to determine whether the following is being complied with:

- (a) The provisions of this by-law
- (b) An *Order* made under this by-law

7.2. Enforcement and Inspection

A *Law Enforcement Officer* may, for the purpose of inspection:

- (a) Require the production for inspection of documents or things relevant to the inspection
- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts
- (c) Require information from any *person* concerning a matter related to the inspection
- (d) Alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection
 - i) Any cost incurred from this will be at the *owner's* expense.
 - ii) No person shall hinder or obstruct, or attempt to hinder or obstruct, any *Law Enforcement Officer* exercising a power or performing a duty under this by-law.

7.3. Order

A *Law Enforcement Officer* may by written Order, sent by regular mail to the last known address (last revised tax assessment roll), posted on site or personally delivered to *owner* or owners of property, within the time specified in the Order to:

- (a) Discontinue the contravening activity, and/or
- (b) Do work to correct the contravention

7.4. Contents of the Order

The *Order* will state:

- (a) the section that is in contravention of the by-law
- (b) the location/address of the contravention
- (c) reasonable particulars of the contravention
- (d) the work to be completed
- (e) the date by which the work must be completed

7.5. Failure to Comply with an Order

Where an *owner* fails to comply with an *Order*, the *Law Enforcement Officer* may without any further notice, cause the work to correct the contravention be done at the *owner's* expense. Without limitation, the *Law Enforcement Officer* may retain such *persons* to assist in completing the work as the *Law Enforcement Officer* determines appropriate.

All costs incurred by the *Town* in relation to such work may be recovered by the *Town* by being added to the tax roll and collected in the same manner as property taxes. An administrative fee will also be added as per the Annual Rates and Fees By-law.

If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court competent jurisdiction thereafter may make an *Order*,

- (a) prohibiting the continuation or repetition of the offence by the *person* convicted; and
- (b) requiring the *person* convicted to correct the contravention in the manner and within the period that the court considers appropriate

SECTION 8 PENALTIES

8.1. Contraventions

The following applies to any *person* deemed to have contravened any provision of this by-law:

- (a) Every *person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- (b) If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- (c) Every *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
 - i) upon a first conviction, shall be liable to a fine of not more than \$50,000;
 - ii) upon second or subsequent conviction for the same offence, to a fine of not more than \$100,000;
 - iii) upon conviction for a continuing offence, to a fine of not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000;
 - iv) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of more than \$10,000. The total of all fines for each included offence is not limited to \$100,000.
- (d) For the purposes of this By-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- (e) For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

SECTION 9 SEVERABILITY

Where a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an *Order* to the contrary.

SECTION 10 REPEAL

THAT By-Law No. 3002 is hereby repealed in its entirety.

SECTION 11
EFFECTIVE DATE

THAT this By-Law shall become effective upon the passing thereof and upon the approval of the set fines by the Regional Senior Justice of the Ontario Court of Justice.

READ A FIST AND SECOND TIME this 8th day of April, 2019.

READ A THIRD AND FINAL TIME AND PASSED this 8th day of April, 2019

Mayor – Stephen Molnar

Town Clerk – Donna Wilson

Bylaw 3002

To Provide For The Regulation Or Prohibition Of
Unusual Noises In The Town Of Tillsonburg

Approved

Passed Date:
Expiry Date:
Departments:

02/11/2002

Effective Date:
Keywords:

02/11/2002

Body

**CORPORATION OF THE
TOWN OF TILLSONBURG
BY-LAW NO. 3002**

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OR PROHIBITION
OF UNUSUAL NOISES IN THE TOWN OF TILLSONBURG**

Part 1

NOISES - PROHIBITED

- 1.1 Likely to disturb - unusual - prohibited
- 1.2 Likely to disturb - unusual - set out
- 1.3 Horn - siren - bell - on vehicle - when not required
- 1.4 Horn - siren - bell - duration - unreasonable
- 1.5 Radio - loud speaker - other - annoying - disturbing
- 1.6 Animal - bird - disturbing peace - quiet
- 1.7 Vehicle - rattling - in disrepair - maladjusted
- 1.8 Vehicle - load - improperly secured
- 1.9 Whistle - air - steam - use - restricted
- 1.10 Exhaust - discharge - without muffler

- 1.11 Construction - excavation - 6 p.m. to 7a.m.
- 1.12 Quiet zone - noises - unreasonable - unnecessary

- 1.13 Loud speaker - horn - other - advertising
- 1.14 Loud speaker - other - in vehicle - use - restricted
- 1.15 Firearms - discharge - exception - peace officers

- 1.16 Power equipment - use - time restrictions

Part 2

EXEMPTIONS

- 2.1 Public celebration - election - gathering - authorized
- 2.2 Parade - band - authorized
- 2.3 Tradesman - plying call - legitimacy - moderation
- 2.4 Emergency vehicle - police - fire - on duty
- 2.5 Radio - private - motor vehicle - conditions
- 2.6 Railway - operations - under Railway Act
- 2.7 Public convenience - necessity
- 2.8 Commercial zoned area

Part 3

ENFORCEMENT

- 3.1 Fine - for contravention
- 3.2 Continuation - repetition - prohibited - by order

Part 4

SEVERABILITY

- 4.1 Validity

Part 5

REPEAL - ENACTMENT

- 5.1 By-law - previous
- 5.2 Effective date

WHEREAS the Municipal Act, R.S.O. 1990, c. M.45, s. 210 (138) provides that Councils of all municipalities may pass bylaws to regulate or prohibit unusual noises, or noises likely to disturb the inhabitants of the Town of Tillsonburg.

THEREFORE the Municipal Council of The Corporation of the Town of Tillsonburg enacts as follows:

SHORT TITLE

NOISE CONTROL BY-LAW

Part 1

NOISES – PROHIBITED

- 1.1 Likely to disturb - unusual - prohibited

No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown, or sounded, shout or create, cause or permit any unusual noises, or noises likely to disturb the inhabitants.

- 1.2 Likely to disturb - unusual - set out

For the purpose of and not so as to limit the generality of section 1.1 of this by-law, the noises or sounds set out in sections 1.3 to 1.16 inclusive of this by-law shall be deemed to be unusual noises or noises likely to disturb the inhabitants.

- 1.3 Horn - siren - bell - on vehicle - when not required

The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, or other vehicle of whatsoever kind except when permitted by by-law or for public safety is prohibited.

- 1.4 Horn - siren - bell - duration - unreasonable

The sounding of any such bell, horn, siren, or signal device for an unnecessary or unreasonable period of time is prohibited.

- 1.5 Radio - loud speaker - other - annoying - disturbing

The sound or noise from or created by any radio or phonograph, public address system, sound equipment, loud speaker, or similar device or devices, or any musical or sound producing instrument of whatever kind, when such device or instrument is played or operated in such a

manner or with such volume:

as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or any other type of residence; or

in the case of a device or instrument located in any commercial building or structure, as to be plainly audible upon the public streets at a distance of 25 meters from the building or structure in which such device or instrument is located, is prohibited.

1.6 Animal - bird - disturbing peace - quiet

Any persistent sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or any other type of residence is prohibited.

1.7 Vehicle - rattling - in disrepair - maladjusted

The grating, grinding or rattling noises or sound caused by condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof is prohibited.

1.8 Vehicle - load - improperly secured

The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise is prohibited.

1.9 Whistle - air - steam - use - restricted

The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work, or as a warning of danger is prohibited.

1.10 Exhaust - discharge - without muffler

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises is prohibited.

1.11 Construction - excavation -6 p.m. to 7 a.m.

Any noise arising between the hour of 6:00 o'clock p.m. of any day and 7:00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building authorized by the Corporation is prohibited, except in case of urgent necessity.

1.12 Quiet zone - noises - unreasonable - unnecessary

Any unreasonable and/or unnecessary noise in the vicinity of any school, hospital or court while the same is in session is prohibited, provided conspicuous signs are displayed in or upon the streets adjoining any such school or court, indicating that such noises are prohibited in the vicinity.

1.13 Loud speaker - horn - other - advertising

The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place is prohibited.

1.14 Loud speaker - other - in vehicle - use - restricted

The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound

transmitting instrument or apparatus in or upon any vehicle is prohibited except for such time and under such conditions as the Inspector of the Oxford County OPP may prescribe.

1.15 Firearms - discharge - exception - peace officers

The noise or sound caused by the discharge of any gun or other firearm, air gun and spring-gun or any class or type thereof is prohibited, provided that this shall not apply to peace officers in the performance of their duties.

1.16 Power equipment - use - time restrictions

Between the hours of 10:00 o'clock p.m. of any day and 7:00 o'clock a.m. of the next following day, Sunday to Saturday, and 10:00 o'clock p.m. Saturday until 9:00 clock a.m. Sunday, the noise or sound created by the use or operation of the following power equipment is prohibited:

- (a) a lawnmower;
- (b) a chain-saw; or
- (c) any other such noise-generating tool or device.

Part 2

EXEMPTIONS

2.1 Public celebration - election - gathering - authorized

None of the provisions of this by-law shall apply to the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music or fireworks exhibition in a public park or any other commodious space in connection with any public election meeting, public celebration or other lawful gathering, with permission from the Inspector of the Oxford OPP.

2.2 Parade - band - authorized

None of the provisions of this by-law shall apply to any military or other band or of any parade operating under permission obtained from the Inspector of the Oxford OPP.

2.3 Tradesman - plying call - legitimacy - moderation

None of the provisions of this by-law shall apply to any newsboy, peddler, hawker or petty tradesman plying his calling legitimately and moderately.

2.4 Emergency vehicle - police - fire - on duty

None of the provisions of this by-law shall apply to any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.

2.5 Radio - private - motor vehicle - conditions

None of the provisions of this by-law shall apply to any sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle when same is not audible at a distance of 25 meters from such vehicle.

2.6 Railway - operations - under Railway Act

None of the provisions of this by-law shall apply to any sound arising from the operation of any railway which operates under the *Railway Act* of Canada or from any plant or work in connection with any such railway.

2.7 Public convenience - necessity

None of the provisions of this by-law shall apply to any case of public convenience or necessity.

Commercial zoned – area

This does not apply to those areas zoned commercial.

Part 3

ENFORCEMENT

3.1 Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

3.2 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Part 4

SEVERABILITY

4.1 Validity

It is declared that notwithstanding that any section or sections of this by-law, or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this by-law are separate and independent therefrom and enacted as such.

Part 5

REPEAL – ENACTMENT

By-law – previous

By-law 2238 and all of its amendments are hereby repealed.


5.2 Effective date

This By-law shall come into force and effect upon final passing.

READ A FIRST AND SECOND TIME this 10th day of December, 2001.

READ A THIRD TIME AND FINALLY PASSED this 11th day of February, 2002.

MAYOR	CLERK
<hr/>	
Bylaws Repealed 2238 -	

	Report Title	Community Improvement Plan Application – 165 Broadway
	Report No.	DCS 19-06
	Author	Cephas Panschow
	Meeting Type	Council Meeting
	Council Date	APRIL 8, 2019
	Attachments	CIP Application

RECOMMENDATION

THAT Council receive Report DCS 19-07 Community Improvement Plan Application – 165 Broadway;

AND THAT the 165 Broadway property be approved for the Accessibility Renovation Grant in matching funds to a maximum contribution of \$3,000.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval to provide an Accessibility Renovation Grant to the owners of the 165 Broadway property. The owner plans to renovate their rear entrance to make it accessible by replacing their rear door with an accessible sized door and a push button operator.

BACKGROUND

The Town has received a Community Improvement Plan (CIP) application from the owner of the 165 Broadway property who are seeking grant funding to improve the rear entrance to their store.

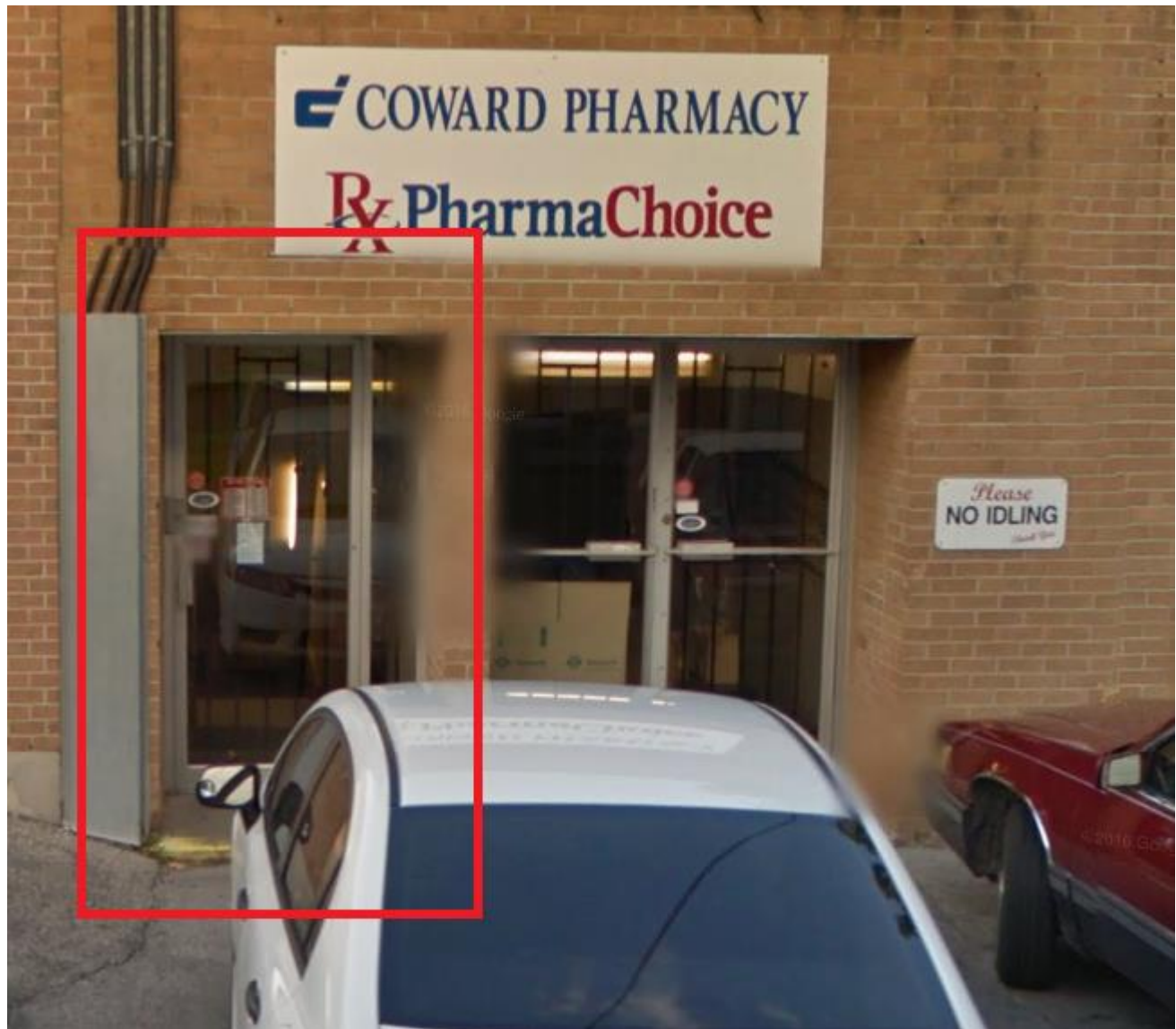
The intent of the Accessibility Renovation Grant is to provide funds to assist owners and tenants of existing commercial buildings, particularly older buildings in the Central Area, with accessibility improvements to improve the overall accessibility of the Central Area and commercial buildings throughout the Town.

Grant can be used for the following types of projects:

- Power assist door operators
- Renovation of building entrances
- Upgrading of doors
- Installation of ramps
- Installation of elevating devices
- Renovations to create accessible washrooms

In reviewing this application, staff believe that it meets the criteria of the program and are recommending that it be approved.

Figure 1 – Photo of Rear Entrance



CONSULTATION/COMMUNICATION

The application has been submitted by an existing property owner in the community. The Community Improvement Plan was developed through extensive consultation and input from the Development Committee and the community.

FINANCIAL IMPACT/FUNDING SOURCE

The approved 2019 Economic Development & Marketing Budget includes \$20,000 in funding for the Community Improvement Plan. No other applications have been received to date so if Council approves the \$3,000 amount, there will be \$17,000 in funds remaining in the budget.

COMMUNITY STRATEGIC PLAN

1. Excellence in Local Government
 - ☐ Demonstrate strong leadership in Town initiatives
 - ☐ Streamline communication and effectively collaborate within local government
 - ☐ Demonstrate accountability
2. Economic Sustainability
 - ☐ Support new and existing businesses and provide a variety of employment opportunities
 - ☐ Provide diverse retail services in the downtown core
 - ☐ Provide appropriate education and training opportunities in line with Tillsonburg's economy
3. Demographic Balance
 - ☐ Make Tillsonburg an attractive place to live for youth and young professionals
 - ☐ Provide opportunities for families to thrive
 - ☒ Support the aging population and an active senior citizenship
4. Culture and Community
 - ☒ Promote Tillsonburg as a unique and welcoming community
 - ☐ Provide a variety of leisure and cultural opportunities to suit all interests
 - ☒ Improve mobility and promote environmentally sustainable living

Report Approval Details

Document Title:	Report DCS 19-06 Community Improvement Plan Application - 165 Broadway.docx
Attachments:	- Application-165_Broadway-C.pdf
Final Approval Date:	Apr 2, 2019

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

Dave Rushton - Apr 1, 2019 - 11:22 AM



David Calder - Apr 1, 2019 - 1:03 PM

Donna Wilson - Apr 2, 2019 - 2:20 PM



Community Improvement Plan Application Form

The Town of Tillsonburg is pleased to offer a comprehensive Community Improvement Plan (CIP). The CIP provides a means of planning and financing development activities that assist in the redevelopment of lands, buildings and infrastructure through various financial incentives.

In order to ensure the application for the Community Improvement Plan is complete, please refer to the checklist below.

Mandatory Requirements

- ☐ Completed application with relevant signatures
- ☐ Applicant's and owner's full name and contact information
- ☐ Cost estimates from two (2) contactors
- ☐ Project name and municipal address and legal description (Lot and Plan number)

Additional Requirements (if required)

- ☐ Building plans
 - ☐ Include elevations
 - ☐ Site renderings
 - ☐ Site plans
- ☐ Environmental Site Assessment
 - ☐ Reports and Record of Site Condition
- ☐ Copy of business plan
- ☐ Copy of financial statements
- ☐ Engineering reports and related drawings
- ☐ Cultural built or natural heritage studies and reports
- ☐ Feasibility study
- ☐ Description of business
- ☐ Background on ownership and/or partners

For Community Improvement Programs, please forward the completed application to the Development Commissioner at the Town of Tillsonburg's Economic Development & Marketing Department.

Economic Development and Marketing
Town of Tillsonburg
200 Broadway, Suite 204
Tillsonburg, Ontario N4G 5A7
Telephone: 519-688-3009 x3250
Fax: 519-842-9431

Registered Owner:	Applicant: <i>(If different from registered owner)</i>
Name: <u>SAMUEL IBRAHIM</u>	Name: _____
Business Name: <u>COWARD PHARMACY LTD.</u>	Business Name: _____ _____
Address: <u>165 BROADWAY ST</u>	Address: _____ _____ _____
Postal Code: <u>N4G 3P9</u>	Postal Code: _____
Home Phone: <u>519 842 4081</u>	Home Phone: _____
Work Phone: _____	Work Phone: _____
Email Address: <u>cowardpharmacy@pharmachoice.com</u>	Email Address: _____
Fax Number: <u>519 842 8013</u>	Fax Number: _____
Property Description:	
Address: <u>165 BROADWAY ST.</u>	
Building to be redeveloped: <u>COWARD PHARMACHOICE.</u>	

Community Improvement Plan Application Form



Current Use of the Property?
PHARMACY
Future Use of the Property?
PHARMACY
Description of the Proposed Redevelopment
<p>ADDING IN/REPLACING REAR ENTRANCE WITH ACCESSABLE SIZED DOOR (38") AND PUSH BUTTON OPERATOR.</p>
Cost of Proposed Repairs (please provide two (2) contractor's estimates. If it is not possible to provide two estimates, please explain why.)
<p>COULD NOT OBTAIN A CONTRACTOR (2ND) TO QUOTE IN TIGHT TIME FRAME - DOOR NEEDED REPLACEMENT.</p>

Type of Investment Requested:

Please Choose	Program	Eligibility Criteria
<input checked="" type="checkbox"/>	Accessibility Renovation Grant	<p>The grant, of up to \$3000 in 50/50 matching funds is intended to assist owners or tenants, particularly older buildings in the central area, with accessibility improvements to improve the accessibility of the central area and commercial buildings throughout the Town. Grant can be used for the following types of projects:</p> <ul style="list-style-type: none"> • Power assist door operators • Renovation of building entrances • Upgrading of doors • Installation of ramps • Installation of elevating devices • Renovations to create accessible washrooms
<input type="checkbox"/>	Façade Improvement Grant: Street Facing	<p>A grant for exterior renovations within the central area. Improvements may consist of repairs to facades, including signage, lighting, entrances and display windows. Interior renovations will not be eligible.</p>



Community Improvement Plan Application Form

		<ul style="list-style-type: none"> • 50/50 Matching Funds • Maximum of \$10,000 per façade • Commercial properties in the central area are eligible • Other commercial properties outside of the central area may be eligible at prominent locations. These projects will not be eligible for the matching BIA funds. • Project shall conform with the design principles contained within the Town's central area design study. <p><i>A separate application from the Building department is needed.</i></p>
<input type="checkbox"/>	Façade Improvement Grant: Alleyway	<p>Grant for alleyway building façade improvements for properties in the central area.</p> <ul style="list-style-type: none"> • 50/50 Matching Funds • Maximum of \$10,000 per project. • Commercial properties in the central area are eligible • Projects that meet energy conservation and efficiency goals shall be given a higher score. <p><i>A separate application from the Building department is needed.</i></p>
<input type="checkbox"/>	Tax Increment Equivalent Grant Back Program	<p>Grant to rebate increases of Town portion of property taxes resulting from improvements of lands and buildings, for properties in the central area. Projects must meet the following criteria:</p> <ul style="list-style-type: none"> • An increase in the assessed value of the property • Supporting Town objectives of increased density, retail, business services and industrial diversity. • Conform to the principles of the Town's Central Area Design Study (where applicable) • Additional criteria of having front of building comprised of 75% glass, brick or stone. Preference will be given to projects that use the heritage yellow brick evidenced throughout the downtown. • Projects that meet energy conservation and efficiency goals shall be given a higher score. • Projects that meet water conservation and re-use goals shall also be given a higher score.
<input type="checkbox"/>	Architectural Design Grant	<p>Grant to offset cost of retaining professionals to provide acceptable design(s), in accordance with the Central Area Design Study for eligible properties in the central area.</p>



Community Improvement Plan Application Form

		<ul style="list-style-type: none"> • 50/50 matching funds • Maximum of \$2500 per project • Commercial properties in the central area are eligible
<input type="checkbox"/>	Brownfield Redevelopment Incentive	<p>Grant to cover up to 50% of the cost of a Phase II Environmental Site Assessment, designated substances and hazardous materials survey, remedial work plan or site assessment.</p> <ul style="list-style-type: none"> • 50/50 matching funds • Maximum of \$5000 per project • Applicant must provide a copy of the ESA
<input type="checkbox"/>	Legal and Registration Grant	<p>Grant to reimburse legal costs and costs associated with the registration of agreements associated with the above programs.</p> <ul style="list-style-type: none"> • This may take the form of Town staff registering applicable agreements on title, or a grant to a maximum of \$200 to reimburse legal costs of having a solicitor register the applicable agreements on title.
<input type="checkbox"/>	Permit Fee Grant Back Program	<p>Grant to rebate the cost of fees for Building Permits for commercial and industrial properties in the CIP area. Commercial Properties outside of the central area are not eligible for building permit grants.</p> <p>Industrial – Small</p> <ul style="list-style-type: none"> • Minimum project value of \$150,000 and maximum project value of \$500,000 • Grant of 100% of the applicable building permit fees offered as a rebate once completed. <p>Industrial – Large</p> <ul style="list-style-type: none"> • Grant of 50% of the applicable building permit fees offered as a rebate once completed. <p>Commercial (Central Area)</p> <ul style="list-style-type: none"> • Minimum project value of \$150,000 • Grant of the building permit fee will be offered as follows: <ul style="list-style-type: none"> ○ 25% rebate – General renovations ○ 50% rebate – Projects that will improve the overall attractiveness of the streetscape. ○ 75% rebate – Projects that meet above criteria and provide exemplary attention to detail and a high level of design.



Community Improvement Plan Application Form

How will the proposed redevelopment fit in with or improve the existing streetscape?

REMOVED BARS OVER DOOR IN FAVOUR
OF PROTECTIVE FILM FOR SECURITY
IN REAR ALLEY.

What is the proposed timeline (start date and completion date)?

3 WEEKS - AS SOON AS APPROVED.

Please attach any original drawings or photos of the property along with any drawing showing the proposed redevelopment.



Community Improvement Plan Application Form

The Town of Tillsonburg is subject to Ontario Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and other privacy legislation.

Applicants should be aware that personal and other information contained in this application are subject to Municipal Freedom of Information and Protection of Privacy Act and may be deemed releasable under this legislation, and that the anonymity or confidentiality of the applicant and any information contained within the application cannot be guaranteed.

The Government of Ontario maintains a website with free access to Municipal Freedom of Information and Protection of Privacy Act and other legislation on their e-laws website.

The applicant also consents to the use of his or her name, business name and business address in connection with any program funding announcements.

Date: 03/05/2019 Signature of Registered Owner: _____


Date: 03/05/2019 Signature of Applicant: _____

For Office Use Only:

Current Assessment: _____

Building Permit Calculation: _____

Development Charges Calculation: _____

	Report Title	Additional Funding From Upper Orders Of Government
	Report No.	FIN 19 - 08
	Author	Dave Rushton CPA CMA CEcD EcD
	Meeting Type	Council Meeting
	Council Date	April 8, 2019
	Attachments	Oxford County Wide Grants

RECOMMENDATION

That Council receives Report FIN 19 – 08 Additional Funding From Upper Orders Of Government for information,

And that Council approves the Senior Leadership Team’s recommendations for disposition of funds from the upper orders of government.

EXECUTIVE SUMMARY

In the month of March, after the completion of Tillsonburg’s 2019 Budget deliberations the Federal and Provincial governments announced the award of new funding grants as well as new funding streams through application. This report will summarize these funds and provide some direction of where the funds can be used.

OBJECTIVE

Determine any short term or long term disposition of the various funds.

BACKGROUND

In December, the Province announced that it would be reducing the OMPF allocation to municipalities that was established when responsibilities were downloaded to the lower tiers from the Province. Our budget maintained the same level as in 2018. The Province lowered the funding across the Province but the Town’s allocation went up from \$336,000 to \$430,900 an increase of \$94,900. The funds are used in the general operating revenue as part of the Finance Department.

The Federal government announced that a surplus in gas tax funds of \$2.2 billion would be distributed to municipalities. They chose to duplicate the 2018 level of funding for a one-time payment of \$487,351 to Tillsonburg that was not in the Town’s 2019 Budget. These funds have been used to fund primarily road programs in the past however it can be used for a variety of infrastructure funding in Public Works, Transit and Recreation.

The Provincial government announced a one-time payment to small and rural municipalities to “modernize service delivery and reduce future costs through investments in projects such as:

service delivery review, development of shared services agreements, and capital investments”. However, the grant is unconditional and can be used at Council’s direction. The amount of this grant is \$622,976 and has already been received by the Town.

There were two payments made under the Provincial Cannabis program one for those that opted in and one for all municipalities. Staff included one payment of \$11,600 in the 2019 but an additional \$9,482 has been received by the Town to use to offset the costs of dealing with cannabis use.

The Town had put in an application for Transit to connect the area communities to the previous Provincial government. In June 2018, the message from the Province was that all programs were on hold and being reviewed. The Town did not hear anything more until the Province announced that the application for \$1,457,732 was approved. This was not in the business plan and staff will need to develop a plan as the Province is expecting quick implementation of the plan.

The Town had applied to the Province for work on Concession St. W. from Rolph to Charlotte for OCIF top up funding in the amount of 90% of \$1.8 million. The Province has advised that this program is no longer available but the Town met the conditions of the program and should re-apply by April 15 to the Investing in Canada Infrastructure Program (ICIP). This program will see the cost of Town’s share go to about 18.5% from the former 10%. The Director of Operations will provide a more complete report on this grant application.

FINANCIAL IMPACT/FUNDING SOURCE

The Senior Leadership Team has discussed the needs of the Town in relationship to the extra funding available. The recommendations below are the result of these discussions.

One-time funding from Federal Gas Tax and Province: $\$622,976 + \$481,497 = \$1,104,473$

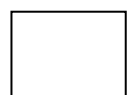
It was felt that regardless of the outcome of the Regional Review that both the Aquatic Facility and the Public Works Building need some Capital Works. As a result, the repair to the leaking roof at Public Works for \$120,000 and the balance being reserved for the Aquatic Facility Improvements (\$984,473) would be the SLT recommendation.

OMPF and OCLIF funding: $\$94,900 + \$9,482 = \$104,382$

As these are operational funding, SLT’s recommendation would be to use the Cannabis funding as well as OMPF funding to fund the position of Fire Prevention Officer. Cannabis facilities being proposed for the community require regular inspections per Health Canada requirements. This would use the \$9,482 from OCLIF and \$36,418 from OMPF to make up the \$45,900 to fund this position for 6 months in 2019.

The second item would be to use \$16,000 of the OMPF fund to return the Beautification program to the same level of funding as in 2018.

The third item is to do an ergonomic study in Public Works to deal with health and safety problems being incurred in that department for a cost of \$10,000.



CAO

The fourth item is a Recreation, Culture and Parks service review as a cost of \$40,000 with \$32,482 funded by OMPF and the balance from the Asset Management Reserve.

More detailed reports will be forthcoming to deal with the funding agreement with the Province for the Out Of Town Transit and its operational plan.

COMMUNITY STRATEGIC PLAN (CSP) IMPACT

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 - ☒ Improve mobility and promote environmentally sustainable living



Report Approval Details

Document Title:	Additional Funding From Upper Orders of Government.docx
Attachments:	- Oxford county wide grants 2019.xlsx - 2019 Capital Projects falling below funding level- summary.xlsx
Final Approval Date:	Apr 2, 2019

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



David Calder - Apr 2, 2019 - 4:33 PM




	2016 Population	Year End Provincial Funding	Federal Gas Tax Gas Tax 2019 & 2020	2019 Gas Tax One Time	OMPF	OCLIF	OCIF Formula		Policing	Recreation		Ont Gas Tax	RED	Transit Intercommunity	Total
Oxford County	110862	\$ 725,000	\$ 3,363,136												
Woodstock	40902	291,719	1,240,813												
Tillsonburg	15872	622,976	481,497	\$ 487,351	\$ 430,900	\$ 21,082	\$ 222,386		\$ 72,800	\$ 63,800		\$ 58,300	\$ 15,000	\$ 1,457,732	\$ 3,933,824
Ingersoll	12757	622,976	386,999												
Norwich	11001	596,218	333,729												
Zorra	8138	581,087	246,876												
SWOX	7664	574,590	232,497												
Blandford-Blenheim	7399	569,000	224,458												
E Zorra-Tavistock	7129	567,630	216,267												
Tillsonburg 2019 Budget		0	481,500	-	336,000	11,600	<u>222,400</u>		72,800	<u>63,800</u>		58,300	15,000	-	1,261,400
							172,400	amp		42,700	seniors				
							25,000	OSIM		17,900	Museum				
							25,000	RCP FCA		3,200	celebrate canada				
Funds not in budget		\$ 622,976	-\$ 3	\$ 487,351	\$ 94,900	\$ 9,482	-\$ 14		\$ -	\$ -		\$ -	\$ -	\$ 1,457,732	\$ 2,672,424



Capital projects considered but not funded
2019 Budget

	Project Cost	Removed by Council Project Cost	Additions by Council Project Cost
Capital			
120 CSC			
X47 Business Licensing Module Implementation	10,000		
130 Fleet			
X40 Replace #37 F250 Pickup Truck	85,000		
X41 Replace # 115 Lazerline 3900 Line Striper	20,000		
X43 Replace # 87 310 Backhoe	195,000		
150 Fire			
X30 Next Generation 911- Reserve Contribution	20,000		
X31 Truck & Trailer for Tech Rescue 1	9,000		
160 Police			
165 Vistor Parking Lot			28,500
210 Engineering			
X21 Gibson Pedestrian Bridge Replacement	200,000		
240 Airport			
492 Northerly Extnsn of Taxiway G3			55,000
300 Cem			
X70 CEM - Scattering Garden Implementation		99,200	
450 Parks			
X57 PKS - Irrigation at Oxford Parkette	7,000		
X62 PKS - Kiwanis Diamond shade & shed structure	50,000		
X64 PKS - Diamond rehab - Hardball/Kiwanis/Optimist	90,000		
460 Rec - Programs			
X61 LLWP - replacement tables and umbrellas	25,000		
465 Rec - Bldg Mtce			
X60 TCC - Sloped Roof 1 - Restoration (pool)	120,000		
X68 TCC - Security Gate to secure Aud Lobby		10,000	
X69 LLWP - Waterpark renos not completed in 2018	221,000		
X74 TCC - Re-key external and internal doors	20,000		
X77 CSC - FCA scheduled work	105,000		
X82 FAC - Annual Physical Security Upgrades	15,000		
X85 TCC/Parks - Used Genie Boom Lift	25,000		
X89 CT - Clock Tower Electrical and Lighting Upgrade	10,000		
X90 LLWP - Water Slide Replacement	275,000		
X92 Station Arst Building & Fire Code Compliance - Project Scope reduced		129,900	
X93 SP - Summer Place Interior Repairs	40,000	40,000	
X94 SP Summer Place Mould Abatement		25,000	
X95 PW - Roof Restoration	120,000		
X97 TCC/Corp/ANHS - Auditory Accessibility Enhancements	75,000		75,000
X98 SP Summer Place Roof Replacement		70,300	
420 Summer Place Demolition			60,400
475 Museum			
X56 ANHS - Irrigation for gardens and lawn	12,000		
X80 ANHS - Update Museum Program Room Kitchen	25,000		
X99 ANHS - Culture & Heritage Master Plan - Phase I	50,000		
Total Capital	1,824,000	374,400	218,900

	Report Title	Airport Building Permits
	Report No.	OPS 19-01
	Author	Dan Locke, C.E.T., Manager of Public Works
	Meeting Type	Council Meeting
	Council Date	January 28, 2019
	Attachments	<ul style="list-style-type: none"> • Town Solicitor Letter

RECOMMENDATION

THAT Council receive Report OPS 19-01 Airport Building Permits;

AND THAT Council direct staff to develop an Airport Development Manual to support the administration of development activity at the Airport entirely in-house.

BACKGROUND

At the Regular Council meeting of December 10th 2018 the following direction was provided to staff:

“THAT the Delegation regarding Tillsonburg Airport Development be received;

AND THAT the matter be referred to staff for a report back to Council which shall include the following:

- *A legal interpretation of Federal Aviation Rules with regards to the authority to issue building permits – South-West Oxford or Tillsonburg no later than the January 28, 2019 Council meeting;*
- *A new business model incorporating a flight school instructor/manager model be investigated;*
- *A risk assessment for the general public accessing the airport;*

AND THAT the following be added to the 2019 budget deliberations for consideration:

- *The extension of the 25ft x 230ft taxiway;*
- *Commercial taxiway repairs; and*
- *Testing of the load capacity of hydro.”*

This Report looks to address the first item in the above Resolution. The other matters will be addressed at a later date or through the 2019 budget process.

SUMMARY

The historical practice has been that the potential Hangar Applicant would verbally indicate intent and work with staff to identify an agreeable location to construct a new hangar. Staff would then prepare a land lease agreement for the potential Hangar Applicant review and signature and a report for Council consideration. At the same time the potential Hangar Applicant would obtain a building permit from South-West Oxford.

CONSULTATION/COMMUNICATION

A letter from the Towns Solicitor entitled 'Airport Building Regulations' is attached for Council's information and indicates that neither the Township of South-West Oxford nor the Town of Tillsonburg has the authority to require building permits or require buildings be constructed to the standard required by the provincial Ontario Building Code (OBC). However, legal opinion advises that since the Airport is owned by the Town of Tillsonburg that building construction be regulated on a contractual basis.

Therefore, staff recommend that the OBC standard of construction and associated building permit process be followed as a best practice in order to ensure building construction or modifications are completed to an approved standard and that the OBC requirement be included in all new land lease agreements or amendments. Furthermore staff recommend that an Airport Development Manual be developed in order to provide a clear and streamlined process that would allow for the efficient review, approval and issuance of building permits with all being administered in-house by Town staff (i.e. similar to the site plan application and ensuing building permit/construction process).

FINANCIAL IMPACT/FUNDING SOURCE

Administering the entire development process (application through to building permit/construction inspection) at the Airport in-house will increase the requirement on inter-departmental staff time which should be recovered at some level through a new Application and Inspection fee within the Rates & Fees By-law.

COMMUNITY STRATEGIC PLAN

The development and implementation of an Airport Development Manual supports Objective 2 – Economic Sustainability of the Community Strategic Plan by providing a streamlined process for existing and new business opportunities at the Airport.

DUNCAN, LINTON LLP
———— **LAWYERS** ————

IRWIN A. DUNCAN+ • J. DAVID LINTON+ • DAVID M. STEELE
MICHAEL A. VAN BODEGOM • PATRICK J. KRAEMER+ • DANIEL W. VEINOT
PETER A. HERTZ • BRYAN A. ROWE • THOMAS E. SANDERSON
JUSTINE A. DALTON • ROBIN J. ELLIS
(+ Denotes Professional Corporation)

45 ERB STREET EAST
WATERLOO, ONTARIO
N2J 1L7

TEL: 519-886-3340
FAX: 519-886-8651
WEBSITE: www.kwlaw.net
EMAIL: pkraemer@kwlaw.net

January 10, 2019
0041068

The Corporation of the
Town of Tillsonburg
Attention: Daniel Locke
20 Spruce Street
Tillsonburg ON N4G 4Y5

VIA EMAIL (dlocke@tillsonburg.ca)

Dear Mr. Locke:

Re: Airport Building Regulations

The Town has requested our advice on the building regulations that are applicable to the Tillsonburg Airport.

FEDERAL V. PROVINCIAL JURISDICTION

Aeronautics is a matter of exclusive federal jurisdiction pursuant to section 91 of the *Constitution Act, 1867* that states that all matters that are not exclusively assigned to the Province's under section 92 are within the exclusive jurisdiction of the Canadian Parliament. This was confirmed in the seminal case of *Johansson v. West St. Paul (Rural Municipality)* (1951), [1952] S.C.R. 292 (S.C.C.) (Supreme Court of Canada), at paragraph 61 of the case attached *Ottawa (City) v. 536813 Ontario Limited*.

The requirement for building permits is determined by the *Building Code Act, 1992* S.O. 1992 c.23 (the "*Building Code Act*"). The standard to which buildings must be constructed is determined by the regulations under the *Building Code Act* being the Ontario Building Code (the "OBC").

Municipalities have been given the authority and obligation to regulate building construction under the *Building Code Act* including the appointment of a Chief Building Official and such inspectors as are required to enforce the OBC. In this instance, the Tillsonburg Airport is located within the Township of South-West Oxford and the regulation of buildings falls to the Chief Building Official and building inspectors of the Township of South-West Oxford.

PARAMOUNTCY

The Constitution Acts of Canada set out a scheme encompassing the concept of paramountcy wherein provincial legislation may not interfere with or attempt to deal with or regulate in any manner whatsoever areas that fall within the exclusive jurisdiction of the federal government. Federal legislation related to aeronautics and airports, matters that are within the exclusive jurisdiction of the federal government is noted above may not be regulated by provincial legislation. The jurisdiction and authority of the federal government is paramount to the provincial legislation.

We advise that the Township of South-West Oxford, its Chief Building Official and building inspectors have no authority to require building permits or buildings to be constructed to the standard required by the OBC at the Tillsonburg Airport.

There are instances wherein governments, municipalities and other affected persons voluntarily engage the building permit and inspection process under the *Building Code Act* and OBC notwithstanding the concept of paramountcy. It is possible for the Town of Tillsonburg, the Township of South-West Oxford and the tenants constructing and altering buildings at the Tillsonburg Airport to voluntarily submit to this process so long as all affected parties agree.

CONTRACTUAL OBLIGATIONS

Notwithstanding the above, The Corporation of the Town of Tillsonburg is the owner and landlord of the Tillsonburg Airport and as such it has the ability to require as a term of lease all matters that tenants construct buildings in locations and to the standard required by the landlord.

In this regard the Town of Tillsonburg may require tenants who have hangars on the airport lands to construct such buildings to a certain size, height and other dimensions, regulate size of openings, colour and materials to be used. The landlord may require the tenant to build such buildings in accordance with the standards of the OBC, the National Building Code, or some other such standard that the Town deems appropriate. The Town of Tillsonburg may not require a tenant to obtain a building permit from the Town of Tillsonburg or a building permit from the Township of South-West Oxford as those requirements are statutory requirements as detailed above. We advise that the Town as owner and landlord of the airport may contractually require a certain standard to be imposed upon the buildings constructed at the request of the tenants.

JURISPRUDENCE

We attach for your reference a copy of recent jurisprudence being *Oshawa (City) v. 536813 Ontario Limited*, 2016 ONCJ 287, 2016 CarswellOnt 7911 that details the legal issues discussed above. The Oshawa Airport case can be distinguished from the facts in the present matter as the lands that were attempted to be regulated were lands that were not owned by the City of Oshawa, were privately owned but were adjacent to the Oshawa Airport. The

- 3 -

Court found that the privately owned lands did fall within the federal sphere of jurisdiction and therefore the City of Oshawa had no competency to regulate the buildings on the privately owned land that formed part of the airport. We however advise that as the lands in the present case at the Tillsonburg Airport are owned by The Corporation of the Town of Tillsonburg and that it is our opinion that the Town has the ability, on a contractual basis to regulate the building construction on its own lands by its tenants as detailed above.

Yours very truly,

DUNCAN, LINTON LLP



Patrick J. Kraemer

PJK/jp

Encl.

Oshawa (City) v. 536813 Ontario Ltd., 2016 ONCJ 287, 2016 CarswellOnt 7911

2016 ONCJ 287, 2016 CarswellOnt 7911, [2016] O.J. No. 2595, 267 A.C.W.S. (3d) 508...

2016 ONCJ 287

Ontario Court of Justice

Oshawa (City) v. 536813 Ontario Ltd.

2016 CarswellOnt 7911, 2016 ONCJ 287, [2016] O.J. No. 2595,
267 A.C.W.S. (3d) 508, 53 M.P.L.R. (5th) 301, 56 C.L.R. (4th) 304

The Corporation of the City of Oshawa and 536813 Ontario Limited

M. Coopersmith J.P.

Heard: September 17, 2015; October 15, 2015; November 12, 19, 2015; January 7, 2016

Judgment: May 19, 2016

Docket: 2860 999 13 3400

Counsel: Visha Sukdeo, Rhonda Vanderlinde, for Prosecution

Robert Fenn, Andy Wilson, Ashleigh Tomlinson, for Defendant, 536813 Ontario Limited

Subject: Constitutional; Contracts; Criminal; Property; Public; Municipal; Human Rights

MOTION brought by corporate defendant to quash information on grounds that federal government has exclusive jurisdiction over field of aeronautics and municipality has no jurisdiction to lay charges against it under provincial legislation; APPLICATION by corporate defendant that its rights to trial in reasonable time have been violated and that charge against it should be stayed.

M. Coopersmith J.P.:

1 536813 Ontario Limited is the owner of an aircraft hangar located at 441 Aviator Lane, Building 17, Unit 80, in the City of Oshawa. The defendant corporation is wholly owned by Mr. Phil Sciuk. Under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, the City of Oshawa is charging 536813 Ontario Limited with having committed an offence under clause 36(1)(c) of the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, on October 7, 2013, for failing to have obtained a building permit prior to construction of modifications made to the building on its property, as is required under subsection 8(1) of that *Act*.

2 The trial took place over several days: September 17, 2015, October 15, 2015, November 12, 2015, November 19, 2015 and January 7, 2016.

3 Robert Cook, Building Inspector for the City of Oshawa, Cindy Symons-Milroy, Director of Economic Development for the City and Stephen Wilcox, Oshawa Airport Manager provided evidence for the prosecution. Philip Sciuk, principal of the defendant corporation 536813 Ontario Limited, and Hannu Halminen, the director and officer of Oshawa Airport Hangarminiums Inc. ["Hangarminiums"] testified for the defence.

I. Issues:

4 As stated above, the defendant corporation is charged with failing to obtain a building permit prior to commencing construction, as required by section 8(1) of the Ontario *Building Code*. Aside from the charge on the face of the Information, there are several complex issues in this matter.

5 The defendant corporation has brought motions on the following issues:

(A) that the Federal Government has exclusive jurisdiction over the field of aeronautics and the constitutional doctrine of interjurisdictional immunity applies such that the City of Oshawa has no jurisdiction to lay charges against it under provincial legislation and, hence, the Information should be quashed;

(B) that the defendant corporation's rights to a trial in a reasonable time have been violated under section 11(b) of the *Canadian Charter of Rights and Freedoms* and the charge against it should be stayed.

6 The defendant accepts that a building permit was not obtained prior to constructing modifications to the hangar. It brings the constitutional motion as a defence to the charge against it.

7 A section 11(b) *Charter* application may be raised at any time during the proceedings and when put before the court at the commencement of proceedings, it is customary to decide the issue before evidence is called. However, in these proceedings, the parties have asked that I delay my decision on this s. 11(b) *Charter* application to when my judgment is to be rendered. I am guided by the Ontario Court of Appeal decision, *Ontario (Ministry of Labour) v. Pioneer Construction Inc.* (2006), 79 O.R. (3d) 641, [2006] O.J. No. 1874 (Ont. C.A.), where, at para 27, the Court writes that usually the section 11(b) application should be decided before trial absent unusual circumstances. I am satisfied that unusual circumstances exist in the matter before me. The parties seek to resolve the overriding constitutional issue relating to the doctrine of interjurisdictional immunity. Much has gone into their constitutional arguments and it is the critical defence upon which the defendant relies. It is not often such jurisdictional issues arise and, hence, the parties would like this Court to provide judgment to resolve this issue once and for all. They do not want the potential for a prior successful section 11(b) ruling to nullify any need for me to subsequently render a decision on the pivotal constitutional issue.

II. Background:

8 The Oshawa Municipal Airport ["Oshawa Airport" or "Airport"] is located within and owned and operated by the Corporation of the City of Oshawa ["City of Oshawa" or "Oshawa" or the "City"]. Just to the north, the lands are mostly rural; to the east is a wooded area; to the south is a residential community; and to the west are open fields and a golf course. The Airport is controlled through NAV CANADA, and is subject to the federal *Aeronautics Act*, R.S.C. 1985, c. A-2, as amended, and the *Canadian Aviation Regulations* (SOR/96-433) ["CARs"] made under this *Act*.

9 In 2008, the City of Oshawa determined that some of the lands at the Oshawa Airport were surplus, that is, the lands were deemed "as not necessary for the management, maintenance or operation of the airport as an undertaking". On June 30, 2009, the City of Oshawa and Hangarminiums entered into an Agreement of Purchase and Sale to construct aircraft hangars on the surplus lands in the northeast corner of the Airport. These lands were zoned "AP-A". Provisions of the Agreement ensured that the Oshawa Airport would continue to operate as an airport and the proposed hangars would continue to be used for aeronautical purposes and would have access to the taxiways and runways at the Airport. As well, clause 17 stated "The Buyer acknowledges that the Oshawa Airport Zoning Regulations established by the Federal Government apply to the Property."

(a) Evidence of Hannu Halminen:

10 Mr. Hannu Halminen is a builder and land developer. One of his companies built Hangarminiums on the surplus lands purchased from the City of Oshawa for \$1,024,300. His engineers drew the plans to *National Building Code* standards. He sought out opinion and, along with over forty years of experience in the aeronautics community, it was his understanding that no building permit was required because of federal jurisdiction over aeronautics matters. Twenty-seven of the units were built without any building permits, the City of Oshawa at that time not taking the position that a building permit was required. However, when the City of Oshawa refused to register the development as a condominium without a building permit, Hangarminiums obtained a permit at a cost of \$185,272.49. For the cost of a building permit, it was not worth the fight if Mr. Halminen wanted to get on with the Hangarminiums project without further delays and get condominium status. Regional development charges of \$101,952.55 were paid, but on October 27, 2010, the Regional Municipality of Durham refunded the development charges, having established that the lands upon which the

Hangarminiums development was built were under exclusive federal jurisdiction because of their aeronautical use and, hence, the Ontario *Development Charges Act, 1997*, S.O. 1997, c.27 and these regional development charges were not applicable.

(b) Evidence of Philip Sciuk:

11 Philip Sciuk is the principal of the defendant corporation, 536813 Ontario Limited. He is federally licensed as a private pilot and has been involved in aviation for almost thirty years. His passion is building and maintaining his aircrafts, flying and, more particularly, the specialized area of competitive aerobatics. He also possesses a Special Flight Operations Certificate issued to him by Transport Canada pursuant to section 603.67 of the *Canadian Aviation Regulations*. It allows him, *inter alia*, to perform these aerobatic manoeuvres below two thousand feet. For about twenty-five years, Philip Sciuk dreamed of having his own hanger where he could work on and house his aircrafts. His dream was realized when, on July 25, 2013, he purchased a hangar from Hangarminiums.

12 The defendant's hangar is Unit 80 in Building 17 at 441 Aviator Lane. The hangar opens onto Apron II (two), which is part of the 'movement area' of the Oshawa Airport. The Apron is connected to the Airport's aircraft taxiways that provide access to Airport runways for take-off and landing. Together they make up the manoeuvring areas for the aircraft at the federally certified and regulated Oshawa Airport. NAV CANADA's airport control tower controls the manoeuvring areas of the Oshawa Airport.

13 To access his hangar, which is inside the perimeter set by the fencing around the Oshawa Airport, Mr. Sciuk was given the access code by Mr. Steve Wilcox, the Airport Manager. This passcode allows passage through the secure Airport gates and then unrestricted access to the airport grounds. Mr. Sciuk understands that access is at the discretion of the Airport Manager, but that access cannot be unreasonably withheld.

14 In the defendant's Hangarminiums unit, there is a washroom that had been built by Hangarminiums under a building permit. For \$170 for the building permit for this washroom, Mr. Halminen had felt it was not worth fighting with the City. Subsequent to purchasing his hangar unit, Mr. Sciuk built an outdoor addition, specifically for the storage of a rotary-wing helicopter. Inside the hangar, he built a loft above the washroom which accesses an outdoor observation deck above the outdoor addition. These subsequent modifications are the subject of this proceeding. In an attempt to resolve the matters before this Court, a couple of months prior to the commencement of this trial, Mr. Sciuk applied for a building permit. Well after the charge had been laid, Permit Number 201400165 was issued on September 22, 2015, by Mike Leonard, Chief Building Official for the City, and it listed Robert Cook as the Building Inspector.

15 From the outer deck, Mr. Sciuk augments the knowledge of the weather conditions he obtains from the Airport's weather frequency and from his computer, with his visual observations. He uses his hangar, not just to service, store, maintain, build and flight test his aircrafts and their parts, but also to prepare himself for flight, ensuring he is rested, has his paperwork in order as required by the *CARs* and is attuned to the weather conditions and conditions of the runways (also *CARs* requirements). Mr. Sciuk spends long periods of time working at his hangar. The loft, which has a sitting area and kitchenette, is a place for Mr. Sciuk to take breaks, rest and relax during the hours spent at his hangar. It is where he does his paperwork and completes his logbooks and the space also allows him to rest prior to flight and to relax after the stressful demands of aerobatics flight. The kitchenette serves as a convenient facility for snacks during the long hours Mr. Sciuk spends there. The washroom allows him to avoid having to seek out these facilities outside his hangar. Mr. Sciuk is the exclusive user of the hangar, with an occasional family member coming over to chat briefly or to assist him with lifting heavy or bulky aircraft parts and handing him tools.

(c) Evidence of Robert Cook:

16 For twelve years, Robert Cook has been a Building Inspector with the City of Oshawa. His responsibilities as a building inspector involve ensuring compliance with the provisions of the Ontario *Building Code Act, 1992*. On October 7,

2013, while inspecting other properties with active building permits at the Hangarminiums site, he noticed that alterations had been made to the defendant's unit.

17 On April 25, 2013, which is prior to the defendant purchasing the hangar, the City of Oshawa had issued a building permit to Oshawa Airport Hangarminiums Inc., for other work to what is now the defendant's unit, that being the construction of the washroom within the hangar itself. The permit had been closed out, as the work had been completed and no more active construction required. This building permit, which is attached as Exhibit "B" to Mr. Cook's Affidavit, illustrates, *inter alia*, "Zoning District" as "AP-A", "Description of Proposed Work (for OLI)" as "Install New Bathroom" and "Permitted Use (By-law Use Only)" as "Aviation Related Use".

18 Mr. Cook was not aware of any building permits that had been issued for these subsequent alterations to the defendant's unit, in particular, the construction of an addition running the full length of the south side of Unit 80, an exterior deck on the flat roof of this addition, an interior loft area and sitting area over the washroom, which had sliding doors providing access to the outside deck.

19 Mr. Cook accepted that it was the defendant's consistent position that there was no need to apply for a building permit. The permit that was subsequently obtained by the defendant was an attempt to resolve these matters.

20 In providing testimony, Mr. Cook was evasive and occasionally contradicted himself, if it was self-serving to do so. For example, in cross examination, when asked if the building permit to build the Hangarminiums was for airport purposes, he stated he did not know the purpose. Nor would he comment on zoning, outside of what someone else had put on the permit. The permitted use was stated as "Aviation Related Use", but Mr. Cook responded that he did not approve this application, as that was not part of his job. Once inside the hangar, what he saw was the storage of aircrafts, floats, aircraft parts and equipment. Notwithstanding what he saw, Mr. Cook stated that he could not testify whether the addition that was being used for storage of aircraft parts, for example, was an 'aviation-related use' because he did not know what activities occur in the defendant's hangar. Yet, he professed to having worked as a building inspector with the City for a dozen years. Contrast this when, in redirect questioning by the City's lawyer, Mr. Cook did not hesitate to opine that the kitchen and lounge areas were not core to aviation use.

(d) Cindy Symons-Milroy:

21 Cindy Symons-Milroy has been the Director of Economic Development for the City of Oshawa for fifteen years. Her responsibilities include promoting the City as a destination for economic investment.

22 The Oshawa Airport was sold by Transport Canada to the City of Oshawa for two dollars in 1996. It is subject to an Operating and Option Agreement entered into between the City, as the airport operator, and the Federal Minister of Transportation. First entered into in 1997, this Agreement has been amended several times, *inter alia*, in order to facilitate the sale of City lands as surplus to the Airport's purposes. In 2008, before these surplus lands could be sold, they had to be deemed "not necessary for the management, maintenance or operation of the airport as an undertaking", as required by section 4.02.01 of the Agreement. In particular, on August 20, 2009, the scope of the Airport operations was amended to exclude the property being sold. However, these surplus lands had to be used primarily for aviation purposes. By selling these surplus lands to developers, the City could realize revenues into its coffers from private development of the Oshawa Airport, without the need for the City to find its own financing for such development.

23 The Operating and Option Agreement contains a couple of provisions relevant to the issue at hand:

1.09.01 This Agreement shall be interpreted in accordance with the laws in force in the Province of Ontario, subject always to any paramount or applicable federal laws. Nothing in this Agreement is intended to or shall be construed as limiting, waiving or derogating from any Federal Crown prerogative.

2.01.01 The Airport Operator undertakes, by and through its officers, servants, employees, agents, contractors or subcontractors, on its own behalf and not on behalf of Her Majesty, as of the Transfer Date, for the term of this

Agreement, to continuously, actively, diligently and carefully manage, operate, and maintain the Airport, as an Aerodrome open to the public, in accordance with this Agreement and the *Aeronautics Act*, R.S.C. 1985, c. A-2, and Regulations made thereunder.

24 The City of Oshawa put out the "Airport Business Plan 2015-2019", prepared by "Development Services and Total Aviation & Airport Solutions in cooperation with the Airport Business Plan Working Team". Page 29 of this Business Plan shows an aerial view of what is described as the Airport and its six key areas, one of which is "The North Field", containing the Hangarminiums. Page 89 (Appendix 4: Large Overall Map of Airport Holdings), page 90 (Appendix 5: Large Map of Preferred North Field Lotting Pattern) and page 91 (Appendix 6: North Field — Zoning Areas) are maps which envelope Hangarminiums within the red lines outlining the boundaries of the Oshawa Airport's north field.

(e) Evidence of Stephen Wilcox:

25 Since 2006 Mr. Stephen Wilcox has been the Oshawa Airport Manager, managing the operations at the Airport on behalf of the Corporation of the City of Oshawa. He testified that ownership is not relevant to his responsibilities at the Oshawa Airport, as he deals with issues from an operational perspective. As Airport Manager, he controls airport access, which he cannot unreasonably withhold, including access to Hangarminiums, located within the secure fence surrounding the Oshawa Airport.

26 Not only is Mr. Wilcox an airport manager and a private businessman in the field of aviation and airports, but also holds the position of Chair of the NAV CANADA Advisory Committee and the position of President of the Airport Council of Ontario. He has a commercial pilot's license and is still an active pilot. Surprisingly, at times, I found his evasiveness or inability to respond to some of the questions put to him by defence counsel at odds with his credentials.

27 As a businessman who owns Total Aviation and Airport Solutions, Mr. Wilcox co-authored the "Airport Business Plan 2015 - 2019", as a collaborative effort with the City's Development Services headed by Ms. Simmons-Milroy. It is both a business and a marketing plan. In updating the "Airport Business Plan 2015-2019", a detailed SWOT analysis was completed. It identifies strengths, weaknesses, opportunities and threats. At page 19, it states "Threats — external items that could threaten the realization of the airport's role and goals. Threats are typically identified by studying changes or trends within the industry and the local marketplace. Threats need to be managed, or if possible, eliminated." At page 21 of the Plan, "Supremacy of the Federal government" is identified as one of its "Threats". "Conflict between federal authority and local wishes" is another.

28 Mr. Wilcox accepts that, as defined under the federal *Aeronautics Act*, an airport is an aerodrome for which there is a certificate issued by the federal Minister of Transportation. Federal laws require that an aerodrome in a built-up area of a city or town, as is the case in Oshawa, be operated as a certified airport. This makes the Oshawa Airport both an aerodrome and an airport, as captured within both of these definitions. It is not up to Mr. Wilcox to decide what is or is not part of the aerodrome. The issuance of an airport certificate is a highly regulated process and requires safety, maintenance and upkeep of the airport. Transport Canada requires Mr. Wilcox, as Airport Manager, to prepare and submit an Airport Operations Manual. The Manual is not approved unless it accurately describes the physical specifications of the Airport. The Manual sets out the runways and buildings, including the aprons, etc. Ownership specifications are not required. Any changes made to the locations of runways or buildings must be reflected in the Airport Operations Manual.

29 The City of Oshawa Airport is not responsible for maintenance of privately owned hangars, aprons or other surfaces. If the Airport Manager perceives a hazard with these areas, he has the ability to restrict access to the airport taxiways and runways. NAV CANADA owns and operates the control tower, the Oshawa Airport fixes the lights on the runways and maintains its own buildings and surfaces, including City owned hangars, while the private apron owners are responsible for maintaining their respective properties.

30 Mr. Wilcox accepts 'surplus' as meaning surplus to the Airport's needs to operate as an airport. It does not mean not for aviation purposes and Transport Canada has not waived its jurisdiction over the lands. The federal government retains jurisdiction over all aerodromes, things contained and actions taken within them and everything related to aviation. The lands can be sold as surplus only if used for core aviation purposes. Hangarminiums is an integral part of the Business Plan for development of the Oshawa Airport. Mr. Wilcox agrees that even if a building at an airport has a pilot's lounge as a matter of convenience, it is still an aviation building. If there are washrooms, chairs, tables, desks, coffeemakers or microwaves, this does not disqualify the building, as long as its core use is aviation.

31 Mr. Wilcox does not issue building permits and does not determine whether federal or provincial building standards apply to structural buildings, other than his concern that a roof does not blow off and create a hazard. His interest lies with issues germane to the safe operation of the Airport and movement of aircraft, for example, anything that would impair a flight plan or conflict with aviation standards.

32 Mr. Wilcox accepts that the hangars owned by the City are located at the Oshawa Airport. The Oshawa Airport certificate was last amended on December 6, 2005. If Airport boundaries change, then under clause 302.06(1)(b) of *Canadian Aviation Regulations*, the Minister of Transportation may amend that airport's certificate. Since 2005, Mr. Wilcox agrees that no amendments have been made to the Oshawa Airport certificate.

33 Under clause 302.07(1)(c) of *CARs* the Airport Operator is obliged to "review each issue of each aeronautical information publication on receipt thereof and, immediately after such review, notify the Minister of any inaccurate information contained therein that pertains to the airport". NAV CANADA publishes *The Canada Air Pilot — Instrument Procedures — Ontario*. The publication, in effect August 22, 2013 to October 17, 2013 (i.e., on the date of the alleged offence on October 7, 2013) provides an aerodrome chart of the Oshawa Airport, which includes the Hangarminiums development.

III. Findings and Analysis

(A) Does the Federal Government have exclusive jurisdiction over the field of aeronautics and does the constitutional doctrine of interjurisdictional immunity apply, such that the City of Oshawa has no jurisdiction to lay charges against the defendant under provincial legislation?

34 There is no dispute. The defendant did not obtain a building permit from the City of Oshawa under the *Ontario Building Code Act, 1992*, prior to constructing modifications to the aircraft hangar located at 441 Aviator Lane, Building 17, Unit 80, in Oshawa.

35 I give no weight whatsoever to the fact that the defendant has since applied for and obtained a building permit in an attempt to resolve this case. I am prepared to accept that the defendant's actions in obtaining a building permit were as a result of settlement negotiations. Privilege attaches to such negotiations such that the fact a building permit was later obtained cannot be used against the defendant later in the proceedings. It is inappropriate for the court to draw any adverse conclusions as a result of steps taken by the defendant directly flowing from privileged settlement discussions. [See e.g. *R. v. Griffin*, [2009] A.J. No. 1445 (Alta. Q.B.); *R. v. Roberts*, [2001] A.J. No. 772 (Alta. Q.B.), cited with approval in *R. v. Tkachuk*, [2001] A.J. No. 1277 (Alta. C.A.).] I am not satisfied by the City's submission that the defendant, using the prosecutor's words, "attorned" or "acceded" to the City's jurisdiction over the requirement for building permits. I cannot find that such agreement occurred when the defendant eventually obtained a building permit in efforts to resolve this matter. Nor did it occur when Hangarminiums first entered into an agreement with the City — an agreement to which the defendant was not a party.

36 Instead, the defendant is entitled to tender a defence to the charge of not obtaining a building permit, prior to constructing modifications to its building, based on the doctrine of interjurisdictional immunity. Since the federal government has jurisdiction and exclusive power over laws with respect to aeronautics and aviation, defence counsel

argues that the Ontario *Building Code, 1992* does not apply, making a building permit prior to construction at the hangar not required. In its place, the defendant claims to be guided by the *National Building Code* requirements.

(a) *Hangarminiums Development at the Oshawa Airport:*

37 It is the City of Oshawa's position that the lands upon which the Hangarminiums development was built were deemed surplus and, hence, no longer form a part of the Oshawa Airport. Furthermore, the prosecutor claims that since the defendant's hangar is not part of the Oshawa Airport, the defendant has failed the threshold that would allow it to argue the doctrine of interjurisdictional immunity. The defendant submits that for marketing and operational purposes, the City holds out the Hangarminiums development as part of the Oshawa Airport, but for self-serving reasons, refuses to do so within the context of these proceedings.

38 For the following reasons, I find that the Hangarminiums development, within which the defendants' hangar is located, is part of the Oshawa Airport complex.

39 Firstly, simply because the City of Oshawa deemed the Hangarminiums lands as "Not necessary for the management, maintenance or operation of the airport as an undertaking" and no longer owns the lands upon which the hangar is located, does not take away Hangarminiums' status as part of an aerodrome. The defendant's hangar is associated with the operating surfaces of the Airport and the function of the hangar is to store and maintain aircraft so that they may be safely operated from the Oshawa Airport. Moreover, the definitions of aerodrome and airport in the federal *Aeronautics Act* make no reference to ownership of the land upon which the facility rests. Section 3(1) defines "aerodrome" and "airport" as:

"aerodrome" means any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith;

"airport" means an aerodrome in respect of which a Canadian aviation document is in force;

40 Additionally, Hangarminiums is located on land zoned by the City as "APA". The City's own Oshawa Zoning By-law Number 60-94 defines "airport" without any reference made to ownership. The defendant's hangar fits the definition of 'airport' as defined in Section 2: Definitions, of Oshawa Zoning By-law Number 60-94:

"AIRPORT" means a facility for the takeoff and landing and handling of aircraft and their passengers and freight and without limiting the generality of the foregoing may include terminal buildings, control facilities, hangars, taxiways, aircraft storage, tie-down areas and aviation fuel storage and handling.

[Emphasis added.]

41 I cannot rely, to any extent, on the prosecution's submissions that the defendant uses 'aerodrome' and 'airport' interchangeably to serve its own purpose. I accept the defendant's claim that its hangar fits, at the very least, into the federal definition of "aerodrome". The City's own Zoning By-law captures the defendant's hangar within its definition of "airport". The municipal and both of the federal definitions capture the defendant's hangar without any reference to ownership. In fact, the definitions are deliberately silent with respect to and are not dependent upon ownership. The federal definitions of "airport" and "aerodrome" are functional and serve to allow the federal government to fulfil its mandate in regulating aeronautics. In the end, the federal competency at issue consists of a much broader concept than what is or is not an aerodrome or airport — it goes to the field of aeronautics.

42 Moreover, I do not accept the City's arguments relating to ownership being either a determinative factor or a crucial part of this analysis. The City's witness, Mr. Wilcox, testified ownership is irrelevant to his operational responsibilities over the Airport. The City's Airport Business Plans and Good News Reports, to name a few, make numerous references to the Oshawa Airport without mention of ownership. And again, as stated, the legislation is silent on ownership.

43 Secondly, the Corporation of the City of Oshawa holds the airport certificate for the Oshawa Airport that was issued by the Minister of Transportation pursuant to Part III of *CARs* made under the federal *Aeronautics Act*. Mr. Wilcox, the Airport Manager, testified that he did not feel the need to change the Oshawa Airport certificate when the surplus lands were sold for private development. No amendment was made to the certificate to exclude the Hangarminiums development after the surplus lands changed ownership.

44 An airport certificate is issued only if the Airport Operations Manual is approved by the Minister. Clause 302.03(2)(a) of *CARs* requires the Airport Operations Manual to "accurately describe the physical specifications of the aerodrome". The Oshawa Airport Operations Manual unmistakably shows the defendant's hangar on Apron 2. Additionally, the Airport is required to provide an accurate description of the airport to Transport Canada, to be included in the Canada Flight Supplement and Canada Air Pilot, publications of NAV CANADA. At the time the charge was laid against the defendant, its hangar was depicted in federal publications as part of the Oshawa Airport, without any line demarcating privately-owned facilities from City owned property. Under clause 302.07(1)(c) of *CARs*, it is incumbent on the operator of the Airport to report any inaccuracies contained in these publications.

45 Thirdly, when Mr. Halminen's company entered into the Agreement of Purchase and Sale of the surplus lands upon which Hangarminiums is located, there was a requirement that the hangars be constructed with the same facade and colours of existing aviation facilities. These hangars blend in and are indistinguishable from other airport hangars opening onto Apron 2, that are owned by the City and that serve the identical function as Hangarminiums hangars, that is, they all function as buildings associated with aviation at the Oshawa Airport.

46 Fourthly, the defendant's hangar is located within the secured fence at the Oshawa Airport. Control over access to the fence gate is exercised by the Airport Manager in order to keep the grounds within the fenced area safe and secure. Also, although not determinative of the matter, it does reflect on the Oshawa Airport Manager's responsibility in requiring Mr. Sciuk to put red solar lights on top of his hangar, in order to comply with federal regulations, failing which the Manager had a duty to alert Transport Canada to determine enforcement and compliance action. In fact, the Airport Manager, confirmed that operationally he considers the Hangarminiums complex a part of Apron 2, a movement area at the Airport. Again, Mr. Wilcox testified that he deals with things from an operational, not ownership, perspective and, for operational purposes, Hangarminiums is part of the airport.

47 Fifthly, the City of Oshawa has chosen to develop, market and exploit the airport lands, including the Hangarminiums complex, on the basis of the Oshawa Airport as an operating, licensed airport for general aviation. The following are a few ways in which it has done this:

- In developing the site, Oshawa City Council approved the name 'Aviator Lane', the street upon which the defendant's hangar is located, as a means of access to the northfield "for the development of the northfield of the Oshawa Airport as part of the Airport Business Plan".
- The City has showcased the Hangarminiums buildings as part of the Oshawa Municipal Airport. In the City of Oshawa's "2012 Good News Report — 2012 The Year in Review", the following is reported:

At the Oshawa Municipal Airport, the Optech, Corporate Aircraft Restoration and six new Hangarminium buildings are under construction. When completed, these buildings will bring the total hangar construction to just over 150,000 square feet in the past three years with total capacity for over 100 aircraft. Many of the new hangars are already occupied with new airport tenants, including Airbourne Sensing and its fleet of four business aircraft and professional staff specializing in aerial commercial photography. The airport continues to grow steadily with overall flights up 5% over the previous year.

[Emphasis added.]

- In the "2013 Good News Report of April 24, 2013 — 1st Quarter":

At the Oshawa Municipal Airport, the construction of new Hangarminium buildings is underway. Once completed, these buildings will bring the total hangar construction to just over 150,000 square feet in the past three years with total capacity for over 100 aircraft. Any of the new hangars are already occupied with new airport tenants, including Airbourne Sensing and its fleet of four business aircraft and professional staff specializing in aerial commercial photography. The airport continues to grow steadily with overall flights up 5% in 2012.

{emphasis added.}

- The "Airport Business Plan 2015-2019" makes representations to the aviation community and the public that the Oshawa Airport "functions as a key component of the Region's transportation infrastructure and has a significant positive impact on the City and Regional economy." Prominently displayed within the boundaries of the 'Northfield' in "Appendix 4: Large Overall Map of Airport Holdings" are the Hangarminiums hangars.

48 Contrast this inclusion in City publications of the Hangarminiums development, within which the defendant's hangar is situated, with the City's attempt to portray the defendant simply as a private property owner. The prosecutor's submission on this point has no evidentiary basis. Indeed, all of the evidence before me indicates the opposite — namely, that the City of Oshawa continues to embrace and characterize the Hangarminiums buildings as part of the Oshawa Airport on a:

- promotional basis — for example, in the Oshawa Airport Business Plan and the Good News Reports;
- legal basis — for example, no amendments requested to the airport certificate issued by the federal government in December 6, 2005; not submitting amendments to Airport boundaries under *CARs*, e.g. in the Airport Operations Manual; fits Oshawa's own Zoning By-law definition of "airport"; and admission by Oshawa's Airport Manager that the Hangarminiums are part of the aerodrome over which the federal government retains jurisdiction); and
- operational basis — for example, Airport Manager controls entry access; area is secured within Airport boundary fence; Airport Manager ensures safe operation of the Airport and of the movement of aircraft.

49 I find the City of Oshawa cannot use the hangar for its self-serving purposes and then have its prosecutor attempt to exclude the hangar from the airport complex when it may find it does not serve the City well.

50 Sixthly, the City submits that the Airport Golf Club is also prominently displayed in Appendix 4 of the "Airport Business Plan 2015-2019", but this does not mean that the Airport Golf Club is part of the airport. Hence, the prosecution states that the fact the Hangarminiums development is on this Map, does not make it part of the Oshawa Airport.

51 Regarding the Oshawa Airport Golf Club, the "Airport Business Plan 2015-2019" states:

The Oshawa Airport Golf Club is located on 26 hectares (65 ac.) of airport property fronting on Thornton Road North. The land is leased to the Oshawa Airport Golf Club.

The golf course is a compatible land use for the airport property and provides a significant revenue source for the airport.

The land was identified in the 1987 Master Plan and the 2008-2012 Airport Business Plan as an area to be held in reserve for the future airport needs.

The Oshawa Airport Golf Club property is to be held for future airport needs. Its suitability for future development is to be determined once the North Field Development approaches full subscription.

52 I do not accept the City's argument, especially in light of the "Airport Business Plan 2015-2019" ensuring that the lands upon which the Oshawa Airport Golf Club sits "are to be held for future airport needs" and suitability for such future development will be determined once the North Field Development approaches full subscription. For now, the lands are being used to generate revenues for the airport. In the future, they may be developed in a fashion akin to the North Field. Such development may be public or private — that has not yet been determined. Nonetheless, such future development will be for "airport needs", as has been done in developing the North Field.

53 Seventhly, when the Hangarminiums were under construction, the Regional Municipality of Durham refunded development charges, writing:

The amount of \$101,952.55 was collected for the construction of Hangarminiums at the Oshawa Airport. It has now been established that these lands are under Federal Jurisdiction because of its aeronautical use, and therefore, Development Charges are not applicable.

54 I accept that the City of Oshawa is not bound by the decision making of the Regional Municipality of Durham. Nonetheless, the prosecution's argument that the City, not the Region, owns the airport and the fact that the Region does not own or operate an airport is, in my opinion, not germane to or determinative of which level of government has a better grasp of the law that informs the issues before this Court or whether the doctrine of interjurisdictional immunity may apply. In similar fashion, I do not find the City's responsibilities and obligations under the provisions of the Ontario *Building Code Act, 1992* help decide these issue. Both the City's Airport Manager and its Building Inspector were quite reluctant to respond to any questions that touched on the law in their respective areas.

55 Finally, the City submits that the Hangarminiums were constructed under a building permit and, hence, any renovations to them, such as those made to the defendant's hangar, require a building permit. Recall that Mr. Halminen did not challenge the constitutionality of the building permit, but instead secured such a permit because it was the only way he could get condominium status for the Hangarminiums development and continue constructing hangars without incurring costly delays. Hence, the fact that the Hangarminiums project was constructed with a building permit is not determinate of the constitutional doctrine of interjurisdictional immunity which is before this Court.

56 For all of the above reasons, I find that the defendant's hangar, located at 441 Aviator Lane, Building 17, Unit 80, in the City of Oshawa, is part of the Oshawa Airport complex.

(b) Interjurisdictional Immunity

(i) Federalism in Canada:

57 In Canada, federalism distributes legislative powers of governments between the national and regional governments. Parliament has the power to enact laws over matters of national concern, whereas provincial legislatures possess powers of legislative enactment over matters of local concern. Sections 91 and 92 of the *Constitution Act, 1867*, divide and enumerate the matters over which Parliament and provincial legislatures, respectively, have powers.

58 Since the time of Confederation, the principle of Canadian federalism has guided our constitutional order. In *Canadian Western Bank v. Alberta*, [2007] 2 S.C.R. 3 (S.C.C.), starting at para. 22:

As the Court noted in that decision [*Reference re Secession of Quebec*, [1998] 2 S.C.R. 217, at para.55], federalism was the legal response of the framers of the Constitution to the political and cultural realities that existed at Confederation. It thus represented a legal recognition of the diversity of the original members. The division of powers, one of the basic components of federalism, was designed to uphold this diversity within a single nation. Broad powers were conferred on provincial legislatures, while at the same time Canada's unity was ensured by reserving to Parliament powers better exercised in relation to the country as a whole. Each head of power was assigned to the level of government best placed to exercise the power. The fundamental objectives of federalism were,

and still are, to reconcile unity with diversity, promote democratic participation by reserving meaningful powers to the local and regional level and to foster cooperation among governments and legislatures for the common good.

To attain these objectives, a certain degree of predictability with regard to the division of powers between Parliament and the provincial legislatures is essential. For this reason, the powers of each of these levels of government were enumerated in ss. 91 and 92 of the *Constitution Act, 1867* or provided for elsewhere in that Act. As is true of any other part of our Constitution — this "living tree" as it is described in the famous image from *Edwards v. Attorney-General for Canada*, [1930] A.C. 124 (P.C.), at p. 136 — the interpretation of these powers and of how they interrelate must evolve and must be tailored to the changing political and cultural realities of Canadian society. It is also important to note that the fundamental principles of our constitutional order, which include federalism, continue to guide the definition and application of the powers as well as their interplay. Thus, the very functioning of Canada's federal system must continually be reassessed in light of the fundamental values it is designed to serve.

As the final arbiters of the division of powers, the courts have developed certain constitutional doctrines, which, like the interpretations of the powers to which they apply, are based on the guiding principles of our constitutional order. The constitutional doctrines permit an appropriate balance to be struck in the recognition and management of the inevitable overlaps in rules made at the two levels of legislative power, while recognizing the need to preserve sufficient predictability in the operation of the division of powers. The doctrines must also be designed to reconcile the legitimate diversity of regional experimentation with the need for national unity. Finally, they must include a recognition that the task of maintaining the balance of powers in practice falls primarily to governments, and constitutional doctrine must facilitate, not undermine what this Court has called "co-operative federalism".

59 The field of aeronautics or aviation did not exist and was not even contemplated at Confederation in 1867. Hence, it is not an enumerated subject captured by the distribution of legislative powers within either section 91 or section 92 of the *Constitution Act, 1867*.

(ii) Aeronautics and Aviation — Federal Competencies Under s.91 of the *Constitution Act, 1867*

60 The defendant is claiming malicious intrusion by the City of Oshawa into matters of exclusive federal jurisdiction. Defence counsel claims that section 91 of the *Constitution Act, 1867* has given Parliament exclusive jurisdiction over 'aeronautics' and 'aviation', and hence neither the Province of Ontario nor the City of Oshawa has any right whatsoever to interfere with or legislate over matters of aeronautical concern at the Oshawa Airport and adjacent hangars and runways.

61 *Johannesson v. West St. Paul (Rural Municipality)* (1951), [1952] 1 S.C.R. 292 (S.C.C.) is the seminal case deciding that aeronautics falls within the exclusive jurisdiction of the federal government under s.91 of the *Constitution*. At page 308, Chief Justice Rinfret, quoting the Judicial Council, states "Aerial navigation is a class of subject which has attained such dimension as to effect the body politic of the Dominion".

62 Section 91 gives the Canadian Parliament the authority to make laws for the peace, order and good government of Canada in all matters not exclusively assigned to the provinces under section 92. In *Johannesson*, *supra*, Kerwin J. writes:

If, therefore, the subject of aeronautics goes beyond local or provincial concern because it has attained such dimensions as to affect the body politic of Canada, it falls under the "Peace, Order and Good Government" clause of s. 91 of the *B.N.A. Act* since aeronautics is not a subject-matter confined to the provinces by s. 92. ...

Now, even at the date of the *Aeronautics* case, the Judicial Committee was influenced (i.e. in the determination of the main point) by the fact that in their opinion the subject of air navigation was a matter of national interest and importance and had attained such dimensions. That that is so at the present time is shown by the terms of the Chicago Convention of 1944 and the provisions of the *Dominion Aeronautics Act* and the regulations thereunder referred to above. The affidavit of the appellant Johannesson, from which the statement of facts was culled, also shows the importance that the subject of air navigation has attained in Canada. To all of which may be added those matters of everyday knowledge of which the Court must be taken to be aware.

It is with reference to this phase of the matter that Viscount Simon's remarks in *A.G. for Canada v. Canada Temperance Federation* [[1946] A.C. 193 at 205.], must be read. What was there under consideration was the *Canada Temperance Act*, originally enacted in 1878, and Viscount Simon stated: "In their Lordships' opinion, the true test must be found in the real subject matter of the legislation: if it is such that it goes beyond local or provincial concern or interests and must from its inherent nature be the concern of the Dominion as a whole (as, for example, in the *Aeronautics* case [[1932] A.C. 54.] and the *Radio* case [[1932] A.C. 304.], then it will fall within the competence of the Dominion Parliament as a matter affecting the peace, order and good government of Canada, though it may in another aspect touch on matters specially reserved to the provincial legislatures." This statement is significant because, while not stating that the *Aeronautics* case was a decision on the point, it is a confirmation of the fact that the Board in the *Aeronautics* case considered that the subject of aeronautics transcended provincial legislative boundaries.

63 And, further, in *Johannesson*, Kellock J. reinforces the concept that even if it touches upon provincial matters, the field of aeronautics cannot be divided, but must be looked at as a whole. After quoting Viscount Simon, as Kerwin J. had done, he writes:

It is no doubt true that legislation of the character involved in the provincial legislation regarded from the standpoint of the use of property is normally legislation as to civil rights, but use of property for the purposes of an aerodrome, or the prohibition of such use cannot, in my opinion, be divorced from the subject matter of aeronautics or aerial navigation as a whole. If that be so, it can make no difference from the standpoint of a basis for legislative jurisdiction on the part of the province that Parliament may not have occupied the field.

64 Not only does the federal government have power over aeronautics, but that power is broad and exclusive. In *Johannesson*, *supra*, Justice Estey expounds that applying a narrow, technical meaning to "aeronautics" is not appropriate:

It is then submitted that if aeronautics is within the legislative competence of the Parliament of Canada, including the power to license and regulate aerodromes, it would not include the location and continuation of aerodromes, which would be a provincial matter under Property and Civil Rights. With great respect, it would appear that such a view attributes a narrower and more technical meaning to the word "aeronautics" than that which has been attributed to it generally in law and by those interested in the subject. Indeed, the definition adopted by Mr. Justice Dysart, as he found it in *Corpus Juris*, 2 C.J.S. 900,

The flight and period of flight from the time the machine clears the earth to the time it returns successfully to the earth and is resting securely on the ground,

contemplates the operation of the aeroplane from the moment it leaves the earth until it again returns thereto. This, it seems, in itself makes the aerodrome, as the place of taking off and landing, an essential part of aeronautics and aerial navigation. This view finds support in the fact that legislation in relation to aeronautics and aerial navigation, not only in Canada, but also in Great Britain and the United States, deals with aerodromes, as well as the conventions above mentioned. Indeed, in any practical consideration it is impossible to separate the flying in the air from the taking off and landing on the ground and it is, therefore, wholly impractical, particularly when considering the matter of jurisdiction, to treat them as independent one from the other.

65 Finally, in *Johannesson*, *supra*, Locke J. explains even further:

Since, however, the right to alight and take off without the right to maintain facilities upon the shore where the planes might be serviced and repaired would be presumably valueless, the prohibition in the by-law against the building or installation of any machine-shop for the testing or repairing of aircraft in the defined area is effective in preventing the operation by Johannesson of a commercial airport or aerodrome for planes designed to alight upon the water.

In my opinion, the position taken by the province and by the municipality in this matter cannot be maintained. Whether the control and direction of aeronautics in all its branches be one which lies within the exclusive jurisdiction of Parliament, and this I think to be the correct view, or whether it be a domain in which Provincial and Dominion legislation may overlap, I think the result must be the same.

66 The subject matter of aeronautics goes beyond local or provincial interests and, from its inherent nature, is of concern to Canada as a whole. It transcends matters over which the province has jurisdiction. There is no dispute — aeronautics in Canada is a matter of national interest and importance. Courts have consistently held that the federal power over aeronautics is both broad and exclusive. Consequently, I am quite satisfied that the subject matter "aeronautics", taken broadly, falls within the exclusive jurisdiction of the Parliament of Canada.

(iii) The Ontario Building Code, 1992 Act — Validity as Provincial Legislation

67 The provincial statute at issue is the *Building Code Act, 1992*, S.O. 1992, c.23. To determine if this provincial legislation is *ultra vires*, one first determines its "matter". It is aimed, *inter alia*, at ensuring construction, to include designing, building, demolition alteration, maintenance etc. of buildings and other structures are done in a safe manner and hazards eliminated. These activities must be undertaken by qualified individuals and must meet the safety standards set out in the *Building Code Act, 1992* and the *Building Code* regulation made under this *Act*.

68 Municipalities are responsible for enforcing the provisions of the *Act* and for appointing a chief building officer and inspectors to ensure enforcement and compliance within the municipality. One way the municipality knows about individual projects contemplated within its boundaries, is through applications for building permits. Under s.8(1) of the *Ontario Building Code, 1992*:

8. (1) Building Permit. No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefor by the chief building official.

69 Building permit applications are most often accompanied by such things as plans and the appropriate fees and it is up to the municipality to determine whether a building permit will issue. Once a building permit is issued, at each stage of construction set out in the *Act*, a municipal building inspector is tasked with inspecting the project.

70 Section 36(1)(c) creates an offence:

36. (1) Offence. A person is guilty of an offence if the person,

...

(c) contravenes this Act, the regulations or a by-law passed under section 7.

71 In considering both the purpose of the enacting body and the legal effect of the law, as part of the *Building Code Act, 1992*, in pith and substance, subsection 8(1) is legislation about property and civil rights in the province and, hence, falls under section 92(13) of the *Constitutional Act, 1867*. [See, e.g. *Greater Toronto Airports Authority v. Mississauga (City)* (2000), 50 O.R. (3d) 641 (Ont. C.A.), at para. 38.] As such, there is no dispute that s.8(1) is valid provincial legislation.

(iv.) Interjurisdictional Immunity

72 Federalism is bound to result in areas where both federal and provincial governments claim to be able to exercise their respective exclusive powers. In the matter before me, I must determine the interplay between provincial legislation, i.e. the *Ontario Building Code Act, 1992*, and federal jurisdiction over the field of aeronautics and aviation, within the context of federalism in Canada.

73 To resolve conflicts that may arise, the courts have fashioned two doctrines — the doctrine of interjurisdictional immunity and the doctrine of paramountcy.

74 The doctrine of interjurisdictional immunity recognizes that the power of one level of government must be protected against intrusion by the other level. The doctrine deals with the scope of an exclusive federal or provincial power. It recognizes that the *Constitution Act, 1867* allocates exclusive, not concurrent, powers to both levels of government. [See *Canadian Western Bank, supra*, at para 32]. For example, this doctrine provides that provincial laws are not allowed to have an effect on matters falling within federal jurisdiction. There is not even the ability of non-conflicting provincial laws respecting matters within federal constitutional jurisdiction to exist or co-exist with federal legislation. Similarly, there are instances where federal legislation is not allowed to have an effect on matters within the constitutional jurisdiction of the provinces.

75 Interjurisdictional immunity is a doctrine with limited application, to be used sparingly and not necessarily as "a doctrine of first recourse in a division of powers dispute", so as not to run the risk of creating an unintentional centralizing tendency in constitutional interpretation. [See e.g. *Canadian Western Bank v. Alberta*, 2007 SCC 22 (S.C.C.)]. Federal/provincial co-operation is encouraged in Canada. Nonetheless, there are circumstances in which the power of one level of government must be protected against intrusions that impact on the other level by means of this doctrine of interjurisdictional immunity.

76 The defendant is claiming that provincial law, in particular, s. 8(1) of the *Ontario Building Code Act, 1992*, intrudes into the powers of the federal government over the field of aeronautics and that the doctrine of jurisdictional immunity serves to exclude the application of provincial legislation on his hangar.

77 The doctrine of paramountcy, on the other hand, provides a general set of rules for dealing with conflict between federal and provincial or regional laws. This doctrine deals with the way in which a federal or provincial power is exercised. Where there is actual conflict in operation of the two legislative schemes, the federal law is paramount and prevails to make the provincial law inoperative to the extent of the conflict.

78 The defendant is not claiming the doctrine of paramountcy. In order for the doctrine of paramountcy to be triggered, there must be a conflict between the operation of the *National Building Code* and the *Ontario Building Code*, such that compliance with one results in non-compliance with the other. Although the City of Oshawa's submissions often address the doctrine of paramountcy, the defence is making no claim to this doctrine.

(v) Application of Interjurisdictional Immunity

79 Since the defendant is claiming interjurisdictional immunity, it bears the onus to prove this doctrine exempts it from the necessity of applying for a building permit under s. 8(1) of the *Ontario Building Code Act, 1992*. I am guided by a two-pronged test, so that in order to determine if interjurisdictional immunity applies, one needs to answer the following two questions in the affirmative:

1. Does section 8 of the *Ontario Building Code Act, 1992*, trench on the protected core of a federal competency as it applies to the defendant's hangar?
2. Does section 8 of the *Ontario Building Code Act, 1992*, unacceptably interfere with the federal competency as it applies to the defendant's hangar?

1. Does section 8 of the *Ontario Building Code, 1992*, trench on the protected core of a federal competency?

80 It has been established that the Parliament of Canada has power over aeronautics and aviation. The jurisprudence establishes that it is a matter of national importance and, therefore, falls under the federal powers of peace, order and good government [see e.g. *Johannesson, supra*].

81 To begin an interjurisdictional immunity analysis, one must determine the "core" of a legislative head of power. In *Vancouver International Airport v. Lafarge Canada Inc.* (2011), 331 D.L.R. (4th) 737, 16 B.C.L.R. (5th) 226, [2011] B.C.J. No. 290 (B.C. C.A.), D.M. Smith, J.A. of the British Columbia Court of Appeal, describes the "core" of a legislative head of power, commencing at para. 38:

The constitutional doctrine of interjurisdictional immunity is engaged when legislation from one level of government impairs the core competence of a matter, or a vital aspect of an undertaking whose activities falls within the exclusive jurisdiction of the other level of government (see *CWB* and *Lafarge*). The effect of the doctrine is to cloak the non-enacting jurisdiction with immunity from the enacting jurisdiction's legislation by "reading down" the legislation to render it inapplicable to the non-enacting jurisdiction or the activities of the undertaking. In this manner, the doctrine provides an exception to the more prominent "pith and substance" and "incidental effects" constitutional doctrines that now comprise "the dominant tide of constitutional doctrines" (*CWB* at para. 36 citing *Ontario (Attorney General) v. OPSEU*, [1987] 2 S.C.R. 2 at p. 17).

The "core" of a legislative head of power under the *Constitution Act* has been described as its "basic, minimum and unassailable content" (*Bell Canada v. Québec (Commission de la santé et de la sécurité du travail)*, [1988] 1 S.C.R. 749 [*Bell Canada 1988*]). It also has been referred to as "the authority that is absolutely necessary to enable Parliament 'to achieve the purpose for which exclusive jurisdiction was conferred'" (*Quebec (Attorney General) v. Canadian Owners and Pilots Association*, 2010 SCC 39 at para. 35 [*COPA*]).

The "core" of an undertaking is its "essential and vital elements" (*Bell Canada 1988*). In *CWB* the term "vital" was defined as "essential to the existence of something; absolutely indispensable or necessary; extremely important, crucial" (*Shorter Oxford English Dictionary* (5th ed. 2002), Vol. 2, at p. 3548); "essential" was defined as "absolutely indispensable or necessary" (vol. 1, at p. 860) (para. 51).

82 In looking to find the "core" of aeronautics as a legislative head of power, I begin with *Greater Toronto Airports Authority v. Mississauga (City)* (2000), 50 O.R. (3d) 641, [2000] O.J. No. 4086 (Ont. C.A.), ["*Mississauga*"], in which Laskin, J.A., writing for the Ontario Court of Appeal, states at paras. 34 to 36:

Mississauga's first argument addresses the scope of the federal power over aeronautics. Mississauga submits that aeronautics is limited to aerial navigation. It includes airside facilities but not groundside facilities. On this submission, federal jurisdiction over aeronautics includes runways, air traffic controls and taxiways, but not passenger terminal buildings, cargo facilities and parking lots. Even if Mississauga is correct, the new air traffic control tower built and operated by Nav Canada comes squarely within the federal aeronautics power. However, Mississauga is not correct.

The case law has rendered the distinction between airside and ground-side facilities argued for by Mississauga untenable. The Supreme Court of Canada has held that the federal jurisdiction over aeronautics includes much more than aerial navigation in the strict sense. It includes the construction of airport buildings and the operation of airports. Iacobucci J. concisely stated the scope of the federal aeronautics power in *Air Canada v. Ontario (Liquor Control Board)* (1997), 148 D.L.R. (4th) 193 at 212 (S.C.C.): "... the federal aeronautics jurisdiction encompasses not only the regulation of the operation of aircraft, but also the regulation of the operation of airports". I therefore agree with MacPherson J.'s conclusion on this point, at p. 28:

However, it is clear that federal jurisdiction is not just celestial; it is also terrestrial. It extends to those things in the air and on the ground that are essential for "aerial navigation" or "air transportation" to take place.

A long line of cases establishes that airports, or in the early cases "aerodromes", are integral to the subject matter of aeronautics. Johannesson itself dealt with the location of an aerodrome in Manitoba.

Thus, the entire redevelopment of Pearson airport - not just the airside development project, but also the terminal development project, the infield development project and the utilities and airport support project - comes under the aeronautics power.

83 Furthermore, Laskin J.A. gave deference to prior jurisprudence which refused to embark on a building-by-building analysis to determine whether each was essential for the operation of the airport.

84 I accept the City of Oshawa's submission that *Mississauga, supra*, may no longer reflect the entire test for interjurisdictional immunity. However, I find that the changes in the jurisprudence do not so much apply to this first part of the test regarding what constitutes the "core" of the federal competency over aeronautics, but rather, more to the second prong that speaks to the requisite level of interference with or impairment of a federal purpose by the impugned legislation.

85 Specifically with respect to hangars, in the earlier case of *Orangeville Airport Ltd. v. Caledon (Town)* (1976), 11 O.R. (2d) 546 (Ont. C.A.), the Ontario Court of Appeal determined that just as an airport is an integral and vital part of aeronautics and aerial navigation under federal jurisdiction, so, too, is a hangar related to the operation of and a necessary and integral part of an airport. MacKinnon J.A. for the Court states:

It seems to me that this was the very battle fought and lost by the Provinces in the *Johannesson* case. If, in 1932 and again in 1952, aeronautics had reached such dimensions and importance in Canada as to be a matter affecting the body politic of the Dominion, thereby falling within federal legislative competence under the peace, order and good government clause, it cannot be less so today. It is still a matter that goes beyond local or provincial concerns or interests. As was pointed out by members of the Court in the *Johannesson* case, airports are an integral and vital part of aeronautics and aerial navigation, and cannot be severed from that subject-matter so as to fall under a different legislative jurisdiction. **Equally, hangars are a necessary and integral part of airports.** The result could be different if the airport corporation had sought to erect on the airport lands something entirely unrelated to the operation of an airport. But that is not the case.

[Emphasis added.]

86 Nonetheless, there are limitations, as a broad application of the doctrine of interjurisdictional immunity becomes inconsistent with the contemporary concept of flexible federalism, in which there is cooperation among governments. For example, in *Construction Montcalm Inc. v. Quebec (Minimum Wage Commission)* (1978), [1979] 1 S.C.R. 754 (S.C.C.), at 770-771, the Court held that it was not vital or essential to the federal interest to regulate the wages and working conditions of employees of an independent contractor, which was not a federal undertaking, constructing a building at an airport. It illustrates that there are parameters to what may constitute the "core" of federal power over aeronautics. Beetz J., for the majority, states:

The construction of an airport is not in every respect an integral part of aeronautics. Much depends on what is meant by the word "construction". To decide whether to build an airport and where to build it involves aspects of airport construction which undoubtedly constitute matters of exclusive federal concern: the *Johannesson* case. This is why decisions of this type are not subject to municipal regulation or permission: the *Johannesson* case; *City of Toronto v. Bell Telephone Co.* [[1905] A.C. 52.]; the result in *Ottawa v. Shore and Horwitz Construction Co.* [(1960), 22 D.L.R. (2d) 247.] can also be justified on this ground. Similarly, the design of a future airport, its dimensions, the materials to be incorporated into the various buildings, runways and structures, and other similar specifications are, from a legislative point of view and apart from contract, matters of exclusive federal concern. The reason is that decisions made on these subjects will be permanently reflected in the structure of the finished product and are such as to have a direct effect upon its operational qualities and, therefore, upon its suitability for the purposes of aeronautics. But the mode or manner of carrying out the same decisions in the act of constructing an airport stand on a different footing.

87 Although the mode or manner of constructing may not be essential to the "core" of federal power over aeronautics, under the federal *Aeronautics Act*, the Minister of Transportation has responsibility for constructing, maintaining and operating "aerodromes" or "airports". The *National Building Code* sets out compliance with standards for their design and construction. It is up to the federal government to determine when and how to enforce compliance with the provisions of the *National Building Code*.

88 The federal government never relinquished or contracted out of its jurisdiction over the surplus lands upon which Hangarminiums is located. In fact, in 2008, Mr. Sciuk made initial inquiries about purchasing some of the land in the northern section of the Oshawa Airport in order to build a hangar. On January 30, 2008, Mr. Wilcox, Airport Manager, sent him an email that read, in part:

As it relates to the zoning Transport Canada was very adamant to stipulate that the use must be within the confines of the zoning and must include a core use as aviation. They will not permit the sale for exclusive office or restaurant use as they had previously done with Taunton Rd land. These uses were permitted because the land was deemed to be surplus to the airports (sic) aviation needs. Specifically relating to your proposal they will accept the upper floor office use provided that the main floor remains within the aviation or aviation related uses.

89 Although the defendant did not purchase this land himself, it was eventually bought and developed by Hangarminiums. The Airport Manager clearly accepted that the federal government had not surrendered its rights to permit only aviation or aviation-related uses on these surplus lands.

90 Ms. Vanderlinde, prosecutor for the City of Oshawa submits that

A mezzanine with a kitchenette, a lounge area with a television, sliding glass doors to a deck that has a storage unit underneath is not core or integral to aeronautic purpose or use. It may be a requirement for pilots to be rested and to have nourishment and check out the weather conditions before flying, but none of which has to be done from a hangar. In fact, it was stated in testimony by Mr. Wilcox that it is simply a matter of convenience. Mr. Sciuk testified that he lived less than two kilometres away from the airport and the hangars. I respectfully submit that he can look out his window at home to see the weather conditions, but regardless, this Court also heard testimony that he is still required to look to NAV Canada reports to determine weather conditions and the safety of flying. ... Respectfully, Mr. Sciuk can sleep at home and he can eat at home as well. All again which is not core to aeronautics [sic]

91 The presence of a washroom, an office and lounge with chairs and a television, a kitchenette and an observation deck are, according to the Oshawa Airport Manager's testimony, normal attributes of any pilot's lounge. It does not lose this status simply due to incidental conversation or social interaction that may not be directly related to aeronautics. Furthermore, I cannot support the prosecutor's argument that the defendant's hangar does not need such facilities because he resides in close proximity to the Oshawa Airport. Such reasoning would lead to the illogical proposition that a person's residence feeds into the determination of what is or is not 'core' to the field or aeronautics.

92 Moreover, in Mr. Wilcox's January 30, 2008 email to Mr. Sciuk, referenced above, the City accepted the federal government's directive that the use to which Mr. Sciuk would put the hangar "must include a core use as aviation" and the "upper floor office" did not vitiate this use. As well, on April 25, 2013, the City issued a building permit for Hangarminiums to construct the washroom within the defendant's hangar. It accepted, at that time, the "Permitted Use" of this washroom as "Aviation Related Use". These are but two examples in which I find the City accepted in 2008 and 2013 what it is now refusing to accept.

93 And jurisprudence supports broad federal jurisdiction, without resort to a building-by-building inquiry. [See e.g. *Greater Toronto Airports Authority v. Mississauga (City)* (1999), 43 O.R. (3d) 9, [1999] O.J. No. 36 (Ont. Gen. Div.).] The construction of hangars is captured within the core of aeronautical functions and I am satisfied that a renovation-by-renovation inquiry would lead to uncertainty and the absurdity of determining which type of renovation was subject to provincial jurisdiction and which remained within the legislative powers of the Parliament of Canada. In accordance

with the doctrine of *stare decisis*, I am bound by jurisprudence that has determined that the federal government has jurisdiction over aeronautics, including, *inter alia*, aerodromes, airports and hangars. I am satisfied that the design and dimensions of an airport are matters of exclusive jurisdiction. As well, the materials to be incorporated into the various buildings, runways and structures, to include hangars, are at the core of exclusive federal jurisdiction over aeronautics. It follows that any renovations or modifications made to an existing building captured under the federal power over aeronautics would also fall under such federal power. Here, it is the core federal power to regulate the location, design and construction of aerodrome structures or buildings to the extent that it will be permanently reflected in the final structure. There is no requirement that every part of these structures or buildings is used exclusively for aviation. Such a requirement would disqualify just about every passenger terminal building in which a plethora of incidental activities occur. Hence, eating or resting or having family come over to chat while Mr. Sciuk is working on his aircraft does not disqualify his hangar as an aerodrome structure. I find that an office, lounge, kitchenette and observation deck as described are compatible accessory uses, subordinate to the main aviation use of the hangar building.

94 Hence, I am satisfied that the Ontario *Building Code Act*, 1992, which sets out construction standards, trenches on the protected core of the federal competency over aeronautics.

2. Does section 8 of the Ontario Building Code Act, 1992, unacceptably interfere with the federal competency as it applies to the defendant's hangar?

95 Over the years there have been shifts in the level of interference the impugned legislation must have in order to be constitutionally unacceptable under the doctrine of interjurisdictional immunity. In *Vancouver International Airport v. Lafarge Canada Inc.*, *supra*, starting at para. 41, D.M. Smith, J.A. of the British Columbia Court of Appeal, provides an insightful and historical overview of the evolution of the doctrine of interjurisdictional immunity. Initially, interjurisdictional immunity was granted only if the impugned legislation had the effect of "sterilizing" or "paralyzing" the activities of the other level of government. Later, this was expanded to include the protection of "essential" parts of this other government. In *Bell Canada c. Québec (Commission de la santé & de la sécurité du travail)*, [1988] 1 S.C.R. 749 (S.C.C.), the test reached its broadest scope where the impugned legislation need only "affect" a vital or essential part of the undertaking of the other government. A year later, the doctrine evolved to create a distinction between the direct and indirect effects of the impugned legislation on the vital part of the other government's undertaking. The pendulum swung back when the Supreme Court of Canada returned to the more restrictive test of impairment. The distinction between "affects" and "impairs" is that there are no adverse consequences implied for "affects", whereas such consequences exist for "impairs". In *Vancouver International Airport Authority*, *supra*, at para.47, Justice Smith states:

Although now consigned to a more limited role than was previously enjoyed, interjurisdictional immunity continues to provide guidance in those circumstances where the jurisprudence historically has dictated its application (*CWB* at para. 77). The subject matter of aeronautics and federal undertakings for the operation and management of airports provide one such example.

96 Chief Justice McLachlin, in *Laferrière c. Québec (Juge de la Cour du Québec)*, [2010] 2 S.C.R. 536 (S.C.C.), [*COPA*], sets out the requisite level of impairment. Starting at para. 42, she writes for the majority:

It is not enough that s. 26 of the *ARPALAA* strike at the heart of a federal competency; it must be shown that this interference is constitutionally unacceptable. This raises the issue of how serious an interference must be to render a provincial law inapplicable.

After a period of inconsistency, it is now settled that the test is whether the provincial law *impairs* the federal exercise of the core competence: *Canadian Western Bank*, *per* Binnie and LeBel JJ. This decision resolved a debate about whether the provincial law must "sterilize" the essential content of a federal power (the language used in *Dick v. The Queen*, [1985] 2 S.C.R. 309, at pp. 323-24), or whether it is sufficient that the provincial law "affect" a vital part of the management and operation of the undertaking (*Commission du Salaire Minimum v. Bell Telephone Co.*, [1966]

S.C.R. 767, at p. 774; *Bell Canada*, at pp. 859-60). See also *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927, at p. 955, *per* Dickson C.J., Lamer J. (as he then was) and Wilson J.

The impairment test established in *Canadian Western Bank* marks a midpoint between sterilization and mere effects. The move away from the "affects" test of *Bell Canada* reflects growing resistance to the broad application of interjurisdictional immunity based on modern conceptions of cooperative federalism and a perceived need to promote efficacy over formalism. As Binnie and LeBel JJ. put it in *Canadian Western Bank*, "[t]he Constitution, though a legal document, serves as a framework for life and for political action within a federal state, in which the courts have rightly observed the importance of co-operation among government actors to ensure that federalism operates flexibly" (para. 42). (See also Dickson C.J. in *OPSEU*, at p. 18.) To quote Binnie and LeBel JJ. in *Canadian Western Bank*:

A broad application [of interjurisdictional immunity] ... appears inconsistent, as stated, with the flexible federalism that the constitutional doctrines of pith and substance, double aspect and federal paramountcy are designed to promote.... It is these doctrines that have proved to be most consistent with contemporary views of Canadian federalism, which recognize that overlapping powers are unavoidable. [para. 42]

Impairment is a higher standard than "affects". It suggests an impact that not only affects the core federal power, but does so in a way that seriously or significantly trammels the federal power. In an era of cooperative, flexible federalism, application of the doctrine of interjurisdictional immunity requires a significant or serious intrusion on the exercise of the federal power. It need not paralyze it, but it must be serious.

97 The City of Oshawa submits that there is no substantial impairment to the core use of the hangar during the building permit process. In fact, after the charge was laid, the defendant applied for a building permit. Once all the requisite documents were submitted and the application was complete, it took only six days for the permit to be issued. The City also submits that there is no process under the *National Building Code* to apply for a building permit and there is no process in place nationally to have inspections completed for the safety and well-being of the public, to ensure structures are built and structurally safe and sound.

98 I find this argument by the City is not relevant to determining the application of the doctrine of interjurisdictional immunity. In reaching this conclusion, I rely upon the statement made by Chief Justice McLachlin in *COPA, supra*, at para. 52:

Secondly, it impermissibly mingles the distinct doctrines of interjurisdictional immunity and paramountcy, in a way that distorts the former. In those circumstances where interjurisdictional immunity applies, the doctrine asks whether the core of the legislative *power* has been impaired, not whether or how Parliament has, in fact, chosen to exercise that power.

99 The defendant is claiming that forcing a change to the regulatory scheme from that found under the *National Building Code*, to that which exists under the provincial *Building Code Act, 1992* and the regulations made thereunder, is the impairment and serves as a critical piece of the foundation upon which interjurisdictional immunity rests. Interjurisdictional immunity is not a question of cooperative federalism or, more particularly, whether the two levels of government may both legislate with respect to building codes without operational conflict, as these issues relate to the doctrine of paramountcy. The doctrine of interjurisdictional immunity, as its name implies, immunizes the core competency of one level of government from intrusion by the other level of government. It precludes the interplay and overlap between the two jurisdictions when it comes to the area of core competency belonging to one of the levels of government.

100 In *Mississauga, supra*, the Ontario Court of Appeal determined that the Ontario *Building Code Act* is to be read down, so as not to apply to the redevelopment of Pearson International Airport, including the hangars, because the redevelopment lies within the federal government's exclusive jurisdiction over aeronautics. This decision was rendered in

2000, prior to the courts shifting the requisite level of impairment to apply to the doctrine of interjurisdictional immunity. Currently, for this doctrine of interjurisdictional immunity to apply, I am satisfied that the impugned legislation, that is, subsection 8(1) of the Ontario *Building Code Act, 1992*, cannot merely affect without adverse consequences, nor need it "sterilize" or "paralyze" the federal exercise of the core competency, but it must be a serious impairment on the exercise of the federal power over the core competency of aeronautics. Having said that, this shift does not apply to automatically render the decision in *Mississauga, supra*, bad jurisprudence, nor does it automatically disqualify the defendant's hangar from this doctrine. The test of "affecting" was met in this earlier decision in *Mississauga, supra*, but the test of "impairing" simply was not addressed.

101 In fact, in *Mississauga, supra*, Laskin J.A. writes, at para 49:

The *Building Code Act* and the *Ontario Building Code* prescribe the design of buildings, the manner of their construction, the types and quality of materials to be used and when buildings may be altered or demolished. According to *Construction Montcalm*, these are the very matters that, for an aeronautics undertaking, lie within Parliament's exclusive jurisdiction and are immune from provincial regulation. As Beetz J. said, decisions on these matters "will be permanently reflected in the structure of the finished product" and will "have a direct effect upon its operational qualities, and, therefore, upon its suitability for the purpose of aeronautics" (at p. 771).

102 This exclusivity provides the building of and modifications made to the defendant's hangar with immunity from provincial interference. The federal government has taken legislative responsibility over aeronautics and aviation-related matters. In particular, the Ontario *Building Code Act, 1992* has no place in dictating the standards to which these aeronautical or aviation-related structures are built. The defendant's hangar is clearly an aviation-related structure; as such, the construction of and any modifications made to this structure fall within the exclusive legislative jurisdiction of Parliament. Furthermore, how compliance with federal standards is regulated is decided by the federal government.

103 Laskin J.A. places the *Building Code Act* with planning and zoning legislation, for which there is a long line of cases that held these provincial and municipal laws do not apply to "the construction of airport buildings". He continues, in *Mississauga, supra*, at para. 52:

The recent *Home Builders'* case in the Supreme Court of Canada confirms that the subject matter of the Building Code Act and the Development Charges Act is land development: *Ontario Home Builders' Association v. York Region Board of Education*, [1996] 2 S.C.R. 929. Iacobucci J. wrote at p. 966 that the *Planning Act*, including the scheme of education development charges imposed under the *Development Charges Act*, "is one component of a comprehensive regulatory scheme governing land development in Ontario, comprised of at least nine different statutes". One of those statutes is the *Building Code Act*. Therefore, the *Building Code Act* and the *Development Charges Act* stand on the same constitutional footing as provincial planning and zoning legislation. None of this legislation applies to the construction of airport buildings.

104 Moreover, section 92(10) of the *Constitution Act, 1867* provides provincial jurisdiction over the following:

Local Works and Undertakings other than such as are of the following Classes:

- (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province;
- (b) Lines of Steam Ships between the Province and any British or Foreign Country;
- (c) Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.

105 Given that aeronautics is a matter of national interest and importance, clearly, the *Constitution Act, 1867* intended local works and undertakings related to aeronautics to be excluded from provincial jurisdiction, thereby putting it by default as an area over which the federal government exercises exclusive power.

106 Furthermore, although I am not determining whether the entire Ontario *Building Code, 1992* impairs federal jurisdiction, it would not make sense to analyse the *Act* in a section-by-section fashion, isolating each section from the next. The obtaining of a building permit is but one function in the process of complying with a plethora of sections that set out standards and requirements under the Ontario *Building Code, 1992*. Once the building permit is obtained, the City of Oshawa would expect compliance with the subsequent standards and requirements set out in a number of other provisions found in the *Act* and in the regulations made thereunder, failing which, I have no doubt the City would look to exercise its 'stop work' powers. The relevant provisions in the *Building Code Act, 1992*, that give the municipality these powers are:

12. (1) Inspection of building site — An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting the building or site in respect of which a permit is issued or an application for a permit is made.

(2) Order — An inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such time as is specified in the order.

13. (1) Order not to cover — An inspector may make an order prohibiting the covering or enclosing of any part of a building pending inspection.

14. (1) Stop work order — If an order made under section 12 or 13 is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official or registered code agency, as the case may be, may order that all or any part of the construction or demolition cease.

107 Mr. Wilcox, the Airport Manager has provided evidence as to how the application of the Ontario *Building Code Act, 1992* would either partially or wholly impair the construction and use of a federally regulated facility such as a hangar. The application for a building permit, as required under the Ontario *Building Code Act, 1992*, sets out a number of requirements that are conditions precedent to the issuing of such a building permit. They include requirement for compliance with, *inter alia*, other provincial legislation which may be found, for example, in provincial or municipal heritage and environmental laws.

108 In fact, clause 8(2)(a) of the Ontario *Building Code Act, 1992* provides conditions and compliance with "applicable law" in order for a building permit to be issued. It reads:

8.(2) The chief building official shall issue a permit referred to in subsection (1) unless,

(a) the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law;

109 Section 1.4.1.3 of *O.Reg. 350/06-Building Code*, made under the *Building Code Act, 1992* provides the definition of "applicable law" under section 8 of the *Act*. By doing so, section 1.4.1.3 imports into the Ontario *Building Code Act, 1992*, forty-three different municipal by-laws, provincial statutes or regulations and Ministerial orders with which someone applying for a building permit must comply prior to the chief building official issuing the permit. This provides the *Building Code Act, 1992* with a far-reaching effect into the federal core jurisdiction over the field of aeronautics. In this way, I am satisfied that the application of the Ontario *Building Code Act, 1992* to this federally regulated facility, which is designed and used for aviation and aeronautic purpose, has a serious impact on and impairs the federal power by requiring compliance with provisions of these other provincial and municipal laws.

(vi) Doctrine of Interjurisdictional Immunity Applies:

110 For the reasons stated above, I am satisfied that (1.) the Ontario *Building Code Act, 1992* trenches on the protected core of federal competency as it applies to the defendant's hangar, and (2.) Section 8 of the Ontario *Building Code Act, 1992* unacceptably interferes with and, in fact, has a considerable and serious impact on the federal competency as it applies to the defendant's hangar. I find, therefore, that the doctrine of interjurisdictional immunity applies such that the City of Oshawa cannot rely on provincial building code provisions to require the defendant to obtain a building permit for construction to its hangar located at the Oshawa Airport complex. Consequently, the charge against the defendant under clause 36(1) of the Ontario *Building Code Act, 1992*, for failing to obtain a building permit as required under subsection 8(1), is *ultra vires* the City of Oshawa and, hence, I am quashing the Information that brought the impugned charge against the defendant.

(B) Have the defendant corporation's rights to a trial in a reasonable time been violated under section 11(b) of the Canadian Charter of Rights and Freedoms?

111 I have determined that the doctrine of interjurisdictional immunity applied such that the *Building Code Act, 1992*, does not apply to the defendant's hangar. In the event I am in error, I will now decide the defence motion arising under section 11(b) of the *Canadian Charter of Right and Freedoms*. This section reads as follows:

11. Any person charged with an offence has the right

...

(b) to be tried within a reasonable time;

112 Section 11(b) protects security of the person, liberty and the right to make full answer and defence. It invokes society's interest by ensuring that individuals accused of offences are treated fairly and humanly and those who transgress the law are brought to trial. Obviously, the more serious the offence, the greater the societal interest that the defendant be brought to trial.

(i) Chronology of These Proceedings:

113 The date of the offence is October 7, 2013. The Information was laid on November 7, 2013. At the first court appearance on November 21, 2013, the prosecution did not have disclosure to provide to defence counsel. The matter was adjourned to January 16, 2014 to allow the prosecutor to provide this disclosure in the interim and to provide defence counsel with time to review it. However, disclosure was not provided to the defence until the January 16, 2014 court appearance.

114 Given the defence had just received disclosure, in order to make talks between the parties more meaningful, the matter was then adjourned to March 6, 2014. I am satisfied that resolution discussions without disclosure are not as productive as with disclosure. No specific reasons were clearly given on the record for the further adjournments to May 1, 2014 and then to July 17, 2014. However, the defence waived its rights to section 11(b) from May 1, 2014 to July 17, 2014.

115 On July 17, 2014, the defence had an application regarding a constitutional question before the court, which had been served nine days previously on the prosecution, but for which there was no factum and no motion record, so that the prosecution was not in a position to argue the motion. Hence, the motion was adjourned, to be heard on September 11, 2014. As well, a judicial pre-trial date was set for October 30, 2014.

116 On September 11, 2014, neither party appeared to be in a position to proceed with the motion, so it was adjourned to December 18, 2014, the defence having waived section 11(b) rights.

117 On October 30, 2014, there was a judicial pre-trial on the substantive issues and the matter was adjourned to the motion date of December 18, 2014. On December 18, 2014, it was revealed that at the judicial pre-trial, the Court had suggested that the constitutional motion be replaced with an application to the Superior Court of Justice. A date of March 24, 2015 had been set in Superior Court and, hence, an April 2, 2015 return date was set in the Provincial Offences Court.

118 On April 2, 2015, the Provincial Offences Court was informed that the matter had been adjourned in Superior Court to September 3, 2015. I have been advised that there was a further adjournment in the Superior Court of Justice to February 11, 2016; however, I am unaware of any subsequent status of the defendant's application in the Superior Court of Justice. Also at the April 2, 2015 court appearance, the defence had mis-diarized the date and failed to attend court. Consequently, the matter was adjourned further in Provincial Offences Court to June 18, 2015.

119 Due to the Pan Am Games in the summer of 2015, courts were closed and the first trial date, to hear the constitutional motion, the section 11(b) motion and the substantive matters was set for September 17, 2015. Additionally, three subsequent trial dates through to November 19, 2015 were set. However, another trial date was required and submissions were not concluded until January 7, 2016.

(ii) Framework for a Section 11(b) analysis:

120 The framework for a section 11(b) analysis is set out in *R. v. Morin* (1992), 71 C.C.C. (3d) 1 (S.C.C.). A violation of section 11(b) is not determined by the application of a mathematical or administrative formula. Instead, there must be a judicial analysis that balances the interests of the accused and the interests of society.

121 Factors that must be considered to determine if a delay violates section 11(b) of the *Charter* are:

1. The length of the delay
2. Waiver of time period
3. The reasons for the delay, including
 - a. Inherent time requirements of the case
 - b. Actions of the defendant
 - c. Actions of the prosecution
 - d. Limits on institutional resources; and
 - e. Other reasons for the delay, and
4. Prejudice to the defendant

122 The final balancing stage of the analysis requires examination of the societal interest in a trial on its merits.

(iii) Application of the Framework to These Proceedings

1. The length of the delay:

123 The overall length of the delay weeds out frivolous section 11(b) applications. This is the "triggering mechanism or threshold determination of the excessiveness of the delay". In the matter before me, the date of the charge against the defendant is October 7, 2013 and the Information was laid on November 7, 2013. The trial did not get underway

until September 17, 2015 and continued until January 7, 2016, a date that is twenty-six months after the charge was laid. Therefore, I am satisfied that an analysis under section 11(b) is warranted.

2. Waiver of time period:

124 The defendant agrees that it waived the periods from May 1, 2014 to July 17, 2014 and from September 11, 2014 to December 18, 2014 — a total of five months and twenty-three days.

125 In addition to express waiver, there may be implied waiver. I find no evidence of any implied waiver. For example, the defendant was diligent and has had legal representation since the first appearance in court in November 2013.

3. The reasons for the delay, including:

(a) inherent time requirements of the case:

126 The inherent time requirements consist of activities necessary to ready a case for trial. It includes retention of counsel, administrative paperwork and preparation of disclosure. It took from November 4, 2013, when the charge was first laid, until November 21, 2013 for the parties to first appear in court. Disclosure was not provided until January 16, 2014, following which there were a couple of subsequent adjournments to May 1, 2014 to allow for discussions between the parties. I am satisfied that meaningful discussions necessitate meaningful disclosure having been provided. Therefore, the intake and the inherent requirements of the case occurred over a five month and twenty-six day period. However, had the prosecution provided disclosure in a more timely fashion, this inherent time period could have been just over four months.

(b) actions of the defendant:

127 In addition to expressly waiving two time periods, defence counsel failed to attend court on April 2, 2015, as a result of mis-diarizing the court date. This resulted in a two month and sixteen day delay until the next appearance on June 18, 2015.

(c) actions of the prosecution:

128 The prosecution did not have disclosure at the first appearance on November 21, 2013 — seventeen days after the charge was laid on November 4, 2013. It was not provided until January 16, 2014 — two months and twelve days later.

(d) institutional or systemic delay and (e) other reasons for delay:

129 This institutional or systemic delay, or limitations on institutional resources, is the period that runs when both parties are ready for trial but the system cannot accommodate them [See e.g. *Morin, supra* and *R. v. Lahiry*, [2011] O.J. No. 5071 (Ont. S.C.J.)]. A particular period of time cannot be found to be caused by systemic congestion until it is first established that both the prosecution and the defence are ready to try the case.

130 As well, the labour dispute at the Regional Municipality of Durham in June 2014 and closing of courts over part of the summer for the Pan Am Games in 2015 caused an indeterminate number of days of delay. On June 18, 2015, the first trial date was set for three months later, i.e. September 17. Further delays were as a result of scarce court resources and the inability to find consecutive days for trial so that the hearings extended from September 17, 2015 through to January 7, 2016 — a further three months and twenty-one days.

131 I find that the institutional delays in this matter are difficult to calculate, for the reasons stated above. Nonetheless I conclude it may have accounted for a period of time of between eight and ten months.

(e) other reasons for the delay:

132 Unfortunately, these proceedings have not followed the usual course from laying of the charge until trial. Nor are the matters straight forward, as the constitutional motion has added a degree of complexity to the case. Misunderstandings regarding the constitutional motion and where it might be heard, in part, added to delays that I cannot attribute to either of the parties, but rather to a judicial suggestion at the judicial pre-trial that the constitutional motion should be heard in Superior Court. This may have added as much as from October 30, 2014 to April 2, 2015 to the time to trial — a period of five months and two days.

4. Prejudice to the defendant:

133 Prejudice to a defendant may be actual or implied. Here, the defendant is a corporation — 536813 Ontario Limited. The defence has asked that I pierce the corporate veil to find that Mr. Sciuk, as the sole principal and directing mind of the corporation, has been prejudiced. He has suffered stress and anxiety that has had a significant and detrimental effect on his enjoyment of his aircraft and has made it impossible for him to fly competitive aerobatics. With incorporation come advantages, for example, transfer of personal liability from the individual owner to the corporation. However, there is a trade-off, as the sole owner of the corporation cannot claim personal disadvantages, yet avoid personal liabilities when it suits him. For that reason, I am reluctant to pierce this corporate veil.

134 A corporation is a person at law. Because the inference of prejudice arising from the passage of time is linked to the liberty and security interests of a defendant, and since a corporation does not have a right to liberty or security of the person, a corporation must show actual prejudice and cannot rely on inferred prejudice: See e.g. *R. v. C.I.P. Inc.* (1992), 71 C.C.C. (3d) 129, [1992] 1 S.C.R. 843, [1992] S.C.J. No. 34 (S.C.C.). Writing for the Ontario Court of Appeal, Weiler J.A., at para. 11 of *R. v. National Steel Car Ltd.* (2003), 174 C.C.C. (3d) 91 (Ont. C.A.), cited *CIP Inc.*, *supra*, when he found that "the only interest engaged under s. 11(b) is the right to a fair trial. Hence, to succeed in a s.11(b) application, a corporate entity must persuade the court that its ability to make full answer and defence has been impaired."

135 In the matter before me, I am satisfied that the corporation has suffered actual prejudice. The date of the charge is October 7, 2013. Since that date, the Airport Operations Manual has undergone revisions. Despite numerous requests from the defence, the prosecutor was unable to produce the version of the Manual that was in effect at the time the charge was laid. This resulted in the inability of defence counsel to question the Airport Manager on the appropriate version of the Airport Operations Manual. In my view, therefore, this corporate defendant has suffered actual prejudice, as its ability to make full answer and defence has been impaired.

136 Additionally, the trial was heard over an almost a four-month period, making examination in chief and cross examination difficult to follow. The delays between trial dates, the stop and start nature of these proceedings, have caused the parties and the Court to unduly review what had transpired on the previous hearing dates and has impacted on counsel's ability to examine and cross examine witnesses. This may be perceived as impairing, to some extent, the ability of the defendant to make full answer and defence.

(iv) Final calculation and balancing of interests:


137 Intake of four months and delays due to the defendant's explicit s. 11(b) waiver (almost six months) and misdiarizing (two and a half months) total just over a year. Looking at the delay in the prosecution providing disclosure in what was, at that time, a relatively simple matter (almost two months), along with the delays due to the labour disruption at the Regional Courthouse, the closure of some courts over the Pan Am Games, the misdirection at the judicial pre-trial, the trial conducted sporadically over almost four months, I find there is at least a one-year total delay in this matter that is not attributable to intake or to the defence, but rather to the prosecution and to institutional delays and complexity of the issues. The charge itself does not attract complex arguments. The application of the doctrine of interjurisdictional immunity is, perhaps, more complex.

138 Finally, this court must balance societal interests with the principle of our law that cases should be heard on their merits. The charge is simply a failure on the part of the defendant to obtain a building permit under the Ontario

Building Code Act, 1992. However, in the current circumstances, I find that there has been a significant public or societal interest in having this case heard, especially given the City of Oshawa's insistence that it and the province, not the federal government, have legislative jurisdiction over the defendant's hangar at the Oshawa Airport complex. The question on the doctrine of interjurisdictional immunity is an important one to be determined. Having reviewed the Airport Business Plan 2015-2019, I am confident that the Oshawa Airport is planning future development, most likely through private investment, as has occurred in the north field of the airport complex. It has been this defendant corporation that has borne the high costs, both financially and with investment of resources in court preparation and appearances, in order to resolve this more complex constitutional issue.

139 Having said that, of the twenty-six months from the date of the charge to the completion of submissions, I calculate the institutional delay at approximately one year. Again, given the complexity of the constitutional issues, along with the societal interest in having this matter heard on its merits, I consider this delay at the outer boundaries of, but nonetheless within, an acceptable time frame. I conclude, therefore, in the circumstances of the case before me, that the time limits prescribed in *Morin, supra*, have not been exceeded and the defendant's rights under section 11(b) of the *Charter* have not been violated. The defendant's application under section 11(b) of the *Charter* is dismissed.

Motion granted; application dismissed.

	Report Title	Results for Tender RFT2019-008 Bradburn Area Reconstruction Stage 2 of 2
	Report No.	OPS 19-07
	Author	Shayne Reitsma, Manager of Engineering
	Meeting Type	Council Meeting
	Council Date	April 8, 2019
	Attachments	<ul style="list-style-type: none"> • None

RECOMMENDATION

THAT Council receive Report OPS 19-07, Results for Tender RFT2019-004 Bradburn Area Reconstruction Stage 2 of 2;

AND THAT Council award Tender RFT2019-004 to Elgin Construction of St. Thomas, ON at a cost of \$673,902.02 (net HST included), the lowest bid received satisfying all Tender requirements;

SUMMARY

Tenders were called for the Bradburn Area Stage 2 of 2 Reconstruction project of James Avenue West (between Brad Avenue and Quarter Town Line), James Avenue East (for a length of approximately 100m east of Quarter Town Line), Hildrop Crescent (between Woodside Drive and James Avenue), and Fairview Avenue (for a length of approximately 100m east of Quarter Town line) as shown in **Figure 1**. There were twenty-three (23) plan takers and a total of six (6) bids were received on March 29th 2019, with the lowest bid from Elgin Contracting at \$673,902.018 (net HST included).

The reconstruction of James Avenue, Fairview Avenue and Hildrop Crescent will involve the rehabilitation and construction of storm sewers and catch basins, new watermain, accessible sidewalks, partial granular replacement, asphalt road surface paving including curb and gutter as well as any required boulevard and driveway restoration.

The tender was advertised on the Town of Tillsonburg website, the Tillsonburg News, ESolutions and Biddingo. Results of the tender are summarized as follows:

<u>Bidder</u>	<u>Location</u>	<u>Bid Amount</u>
1. Elgin Construction	St. Thomas, Ontario	\$673,902.02
2. Euro Ex Construction	Woodstock, Ontario	\$699,009.48
3. 291 Construction Ltd	Dorchester, Ontario	\$774,669.06
4. CH Excavating (2013)	London, Ontario	\$845,005.87
5. Oxford Civil Group Inc.	Woodstock, Ontario	\$877,242.12
6. Blue-Con Construction	London, ON	\$879,697.37

The above bids include net HST of 1.76%.

The lowest bid amount is comprised of \$246,524.22 County and \$427,377.78 Town costs. The bids also include a \$50,000 contingency allowance for any unforeseen expenses encountered during construction.

CONSULTATION/COMMUNICATION

An information letter was hand delivered to residents on March 14th 2019, advising of the reconstruction project, and that the drawing set was available for public viewing at the Town of Tillsonburg Corporate Office between regular business hours of 8:00 AM to 4:00 PM from March 14th to April 5th, 2019. Staff discussed the scope of work with a number of residents on-site and received two (2) follow-up requests for information mainly related to construction timing, impact to driveways, and lot drainage.

Any planned full roadway or lane closures in order to facilitate the work will be kept to a minimum and communicated to affected residents in advance. Residents in the construction area will also be notified of the overall construction schedule and potential impacts prior to and during the course of construction, as necessary.

FINANCIAL IMPACT/FUNDING SOURCE

The Town's portion of contracted items is \$427,377.78 (net HST) plus an additional \$51,976.44 (net HST) in required utility make-ready work (i.e. Hydro One, Tillsonburg Hydro, Rogers) is within the 2019 capital budget of \$490,000 funded by debenture.

The total tendered price for the County's portion of contract items is \$246,524.22 (net HST).

COMMUNITY STRATEGIC PLAN (CSP)

This project supports Objective 2 – Economic Sustainability of the Community Strategic Plan through the renewal of infrastructure.

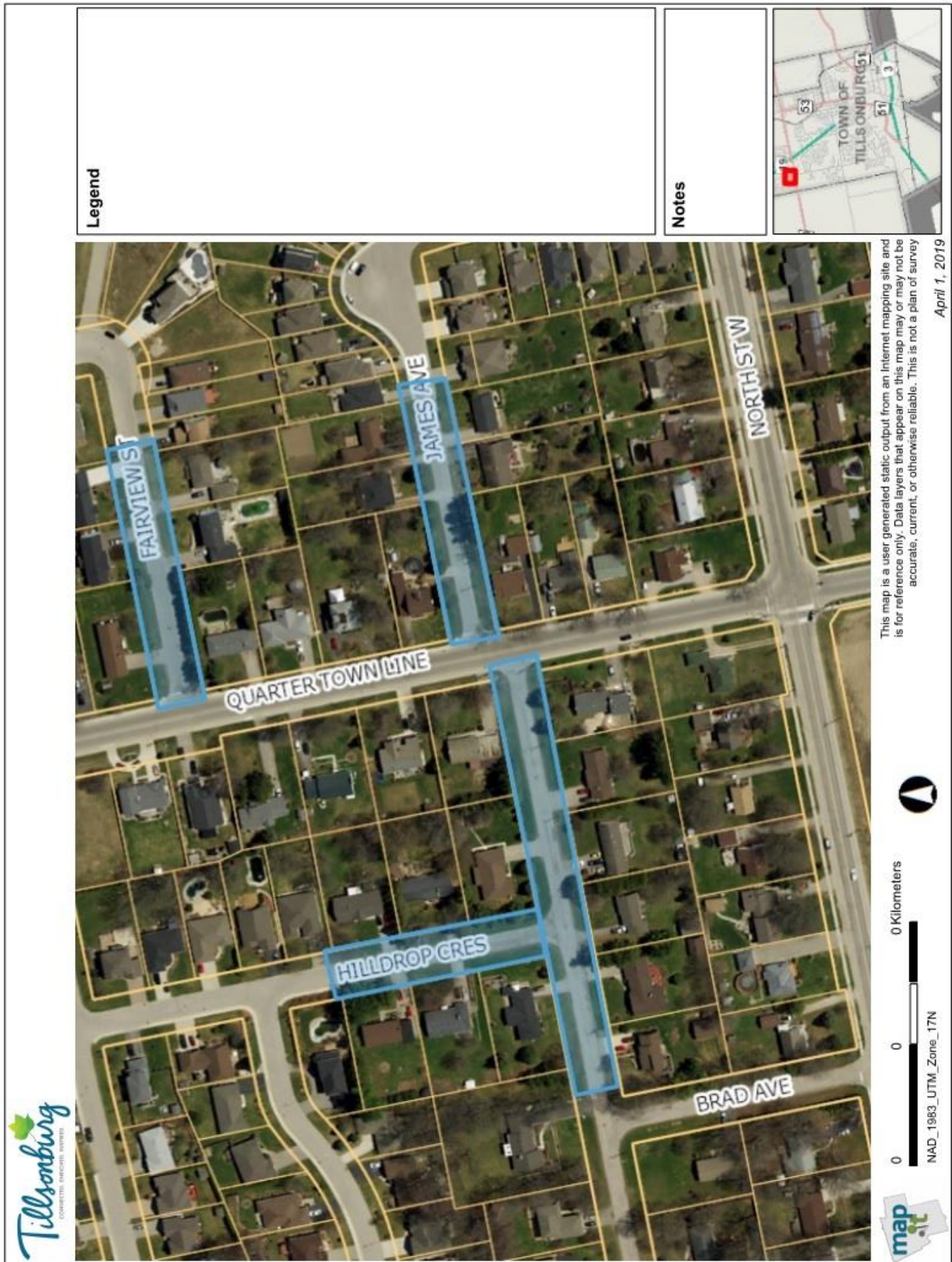


Figure 1 - Bradburn Reconstruction Area Stage 2 of 2

Report Approval Details

Document Title:	OPS 19-07 Results for Tender RFT 2019-004 Bradburn Area Reconstruction Stage 2 of 2.docx
Attachments:	
Final Approval Date:	Apr 2, 2019


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

Dave Rushton - Apr 2, 2019 - 10:17 AM



David Calder - Apr 2, 2019 - 4:28 PM

Donna Wilson - Apr 2, 2019 - 4:55 PM

	Report Title	2019 ICIP – Rural and Northern Funding Stream Application
	Report No.	OPS 19-08
	Author	Kevin De Leebeeck, P.Eng. Director of Operations
	Meeting Type	Council Meeting
	Council Date	April 8, 2019
	Attachments	<ul style="list-style-type: none"> • Ministry of Infrastructure Letter • ICIP Rural and Northern Stream Application

RECOMMENDATION

THAT Council receive Report OPS 19-08 2019 ICIP – Rural and Northern Funding Stream Application;

AND THAT Council reaffirms the Concession Street West Reconstruction as the designated project for the ICIP – Rural and Northern Communities Funding Stream;

AND THAT the Chief Administrative Officer be authorized to execute the declaration statement within the formal application.

BACKGROUND

The Ministry of Infrastructure has advised that the 2018 OCIF Top-Up Application program has been cancelled, but that road and bridge projects were still reviewed based on the OCIF program criteria which identified that Tillsonburg's project would have been successful under the program (attached).

The Province has now launched the Investing in Canada Infrastructure Program (ICIP) in concert with the Federal Government that will provide \$30 billion in combined federal and provincial funding over the next 10 years to support public transit, green infrastructure, community culture and recreation, and rural and northern infrastructure investments. The Rural and Northern Communities Stream looks to support projects that improve the quality of life in rural and northern communities by responding to rural and northern infrastructure priorities. Approximately \$250 million in federal funding will be available over the 10 year program with the province rolling-out funding through multiple intakes. The current intake is targeting near-term transportation improvement projects with future intakes prioritizing other federal and provincial priorities.

Based on Tillsonburg's proposal under the 2018 OCIF application intake the Ministry of Infrastructure has provided the Town an opportunity to submit an accelerated application for federal and provincial funding under the Rural and Northern stream of the ICIP program. In order to be eligible for accelerated nomination under this stream the Town's application has been updated to meet federal program assessment requirements and must be re-submitted by April 15th 2019.

SUMMARY

The Concession St. W. Reconstruction project limits as shown in **Figure 1** is between Rolph St. and Charlotte Ave. The proposed work involves the complete reconstruction of the pavement structure including new barrier curb and gutter with sidewalks and storm drainage improvements

The 2019 ICIP – Rural and Northern Funding Stream application for the reconstruction of Concession St. W. from Rolph St. to Charlotte Ave. is attached. Based on the March 28th 2019 Accelerated ICIP Application Webinar, confirmation regarding provincial nomination is anticipated to be completed in May 2019 with notification by the Federal Government of project approval in Spring 2019.

Should funding be approved based on these timelines the detailed engineering design would be carried out during the remainder of 2019 with the proposed construction works to be undertaken during the 2020 construction season.

CONSULTATION/COMMUNICATION

Staff have reviewed the program guidelines, participated in available webinars, and have been in direct continuous contact with Ministry staff regarding our project file.

FINANCIAL IMPACT/FUNDING SOURCE

Under the ICIP – Rural and Northern funding stream stormwater asset costs are no longer eligible compared to the previous OCIF Top-Up program. Additionally the OCIF program provided 90% funding of project eligible costs whereas the ICIP – Rural and Northern funding provides a cost sharing model of 50% Federal, 33.33% Provincial, and 16.67% Municipal.

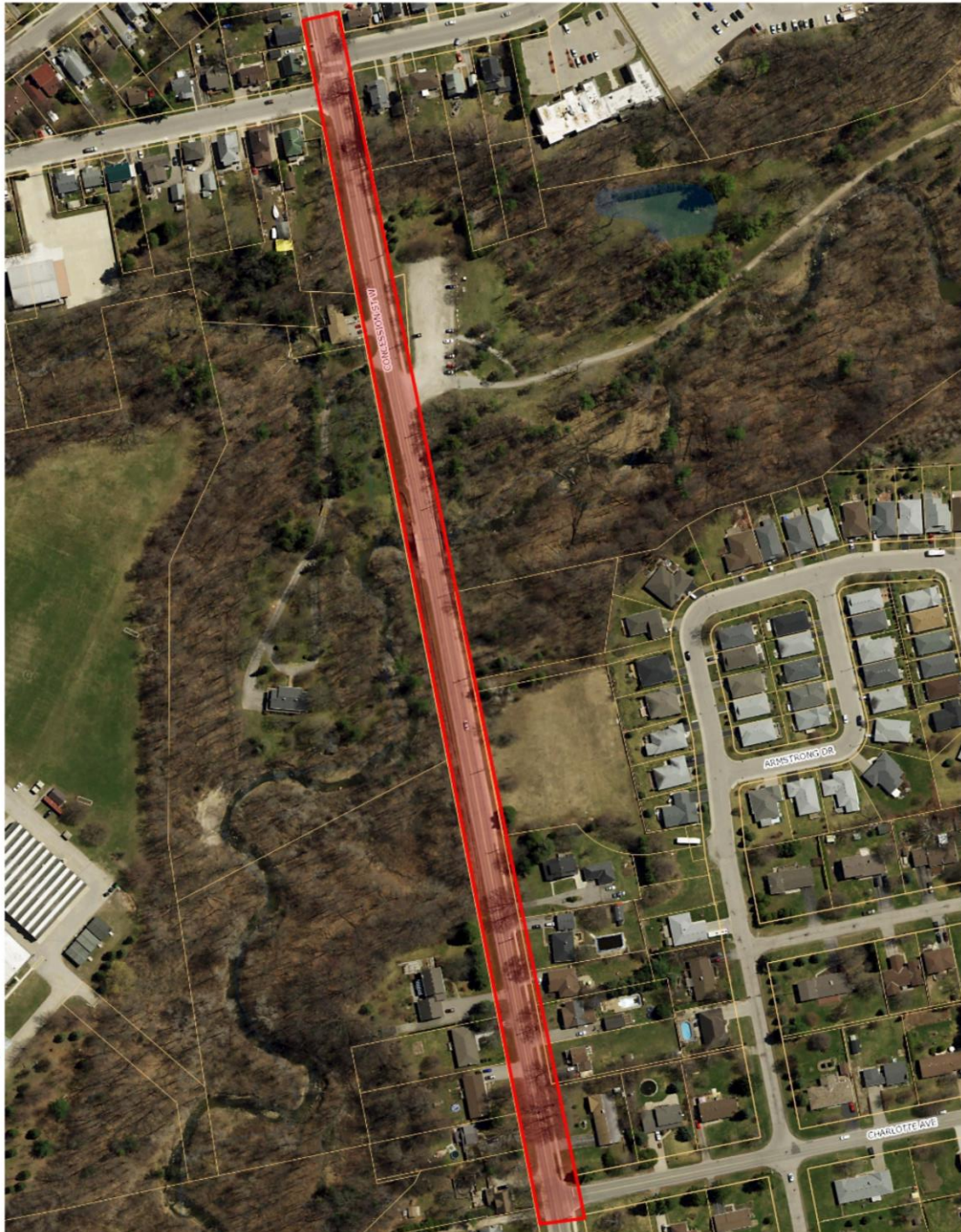
Should Tillsonburg be successful based on the updated ICIP – Rural and Northern funding application, the Town would need to provide funding in the amount of \$18,400 in 2019 for engineering design work and \$481,900 in 2020 to cover the 16.67% (\$244,100) in road reconstruction works and 100% (\$237,800) of the stormwater asset works.

COMMUNITY STRATEGIC PLAN (CSP)

This project supports Objective 2 – Economic Sustainability of the Community Strategic Plan through the renewal of infrastructure.



Figure 1: Concession St. W. Reconstruction



Legend

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

July 18, 2018



74 Meters

37

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NAD_1983_UTM_Zone_17N



Report Approval Details

Document Title:	OPS 19-08 2019 ICIP - Rural and Northern Stream Funding Application.docx
Attachments:	- OPS 19-08 Attachment 1 - Ministry of Infrastructure Letter.pdf - OPS 19-08 Attachment 2 - ICIP Rural and Northern Funding Stream Application.pdf
Final Approval Date:	Apr 2, 2019

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

Dave Rushton - Apr 2, 2019 - 9:56 AM



David Calder - Apr 2, 2019 - 4:26 PM

Donna Wilson - Apr 2, 2019 - 4:55 PM

Ministry of Infrastructure

Infrastructure Policy Division

777 Bay Street, 4th Floor, Suite 425
Toronto, Ontario M5G 2E5**Ministry of Agriculture, Food and Rural
Affairs**

Rural Programs Branch

1 Stone Road West, 4th Floor NW
Guelph, Ontario N1G 4Y2

March 14, 2019

Dear CAO/Clerk/Treasurer:

We are writing to provide you with an update on the Ontario Community Infrastructure Fund (OCIF) and new opportunities to access federal and provincial infrastructure funding under the Investing in Canada Infrastructure Program (ICIP).

Firstly, we are pleased to confirm your municipality's eligibility for the OCIF 2019 Formula-Based Component and provide you with the enclosed Revised Allocation Notice. The notice confirms the previously-proposed 2019 allocation for your community.

We would also like to take this opportunity to remind you of the steps required to close-out your 2018 Formula Funding. A 2018 Annual Financial Overview will be provided to you shortly, along with an Annual Financial Report (AFR) template for you to complete. In the AFR you will be required to confirm details of projects in progress or recently completed, report on any transfers (in or out) for joint projects with other eligible OCIF recipients, indicate the amount of interest earned on formula funds, and confirm any amounts that will be carried forward to 2019. Detailed instructions will be provided when the forms are sent to you.

As your Revised Allocation Notice is being sent out later than normal, the timing of reports as noted in the Contribution Agreement (CA) under Section I2.1 will be revised for this year. The 2018 AFR should be provided by May 31, 2019 and the Project Information Reports required to substantiate the 2019 allocation should be provided by June 30, 2019. Any questions regarding this timing should be sent to OCIF@ontario.ca.

Failure to complete these reporting requirements and any other requirements included in your CA by the noted deadlines could impact your ability to receive formula payments in 2019 and beyond.

As you know, the government is making every effort to restore fiscal balance to the Province. We are using the Province's recent line-by-line review to make all government spending more effective and reduce Ontario's fiscal burden.

Based on this review, the province will be updating the design of OCIF, including the formula and application streams, to make sure funding is targeted to where it is needed most. In the meantime, proposed formula-based allocations for 2020 and 2021 cannot be confirmed. This means that the previously-proposed allocations for 2020 are subject to change pending the outcome of the program update. In addition, we are cancelling the top-up application intake that closed in August of 2018 as well as the 2019 top-up application intake.

We will work with our municipal partners to ensure that the refined OCIF program supports efficiency and value-for-money while helping to address municipal critical infrastructure needs.

Although the government will not be proceeding with the 2018 Top-Up Application Component, road and bridge projects were still reviewed and evaluated based on the criteria outlined in the OCIF program guidelines. Our multi-ministry assessment team identified that your project would have been successful under the program.

As you may know, the Province is launching the Investing in Canada Infrastructure Program (ICIP) in Ontario on March 18, 2019. ICIP is a ten-year program, which will commit up to \$30 billion in combined federal and provincial funding to support public transit, green infrastructure, community, culture and recreation, and rural and northern infrastructure investments. We are pleased to provide you with an opportunity to submit an accelerated application for federal and provincial funding under the Rural and Northern stream of the ICIP based on your proposal under the 2018 OCIF application intake.

While we are offering you this opportunity based on the details of your OCIF application, your proposal may need to be re-scoped to meet federal program requirements, as the program has a different submission, assessment and approvals process. Note that if contracts have already been awarded for components of your project, those components would no longer be eligible for funding. Additionally, projects costs that are ineligible under the federal guidelines for ICIP will need to be removed, and under the Rural and Northern program guidelines total project costs are capped at \$5 million.

Per federal requirements under the Rural and Northern stream, projects will be cost shared for a community of your size at a ratio of 50% federal contribution, 33.33% provincial contribution, and 16.67% municipal contribution. Applications for the Rural and Northern stream will open on March 18, 2019. In order to be eligible for accelerated nomination under this stream, we require that you submit your application by April 15, 2019, 11:59 pm EST. Should you fail to submit your application by this date, your application will be moved from the accelerated pool to the broader Rural and Northern intake. Should your municipality provide the necessary information to move this project forward for nomination to the federal government, it is anticipated that projects previously planned for the 2019 construction season may continue to proceed on this timeline.

More information about ICIP, can be can be found at: <http://www.grants.gov.on.ca/GrantsPortal/en>, by clicking on Grant Opportunities. Details on ICIP will be available starting on March 18, 2019. Should you have any additional questions, please do not hesitate to contact your OCIF Project Analyst at OCIF@ontario.ca or by calling 1-877-424-1300.

We look forward to working with you to help address the infrastructure needs of your municipality, while maximizing federal infrastructure funding available to Ontario and its municipalities.

Sincerely,



Julia Danos
Director, Intergovernmental Policy Branch
Infrastructure Policy Division
Ministry of Infrastructure
416-212-8757
julia.danos@ontario.ca



Carolyn Hamilton
Director, Rural Programs Branch
Economic Development Division
Ministry of Agriculture, Food and Rural Affairs
519-826-3419
carolyn.hamilton@ontario.ca



**Ontario Community Infrastructure Fund (OCIF)
Formula-Based Component**

Revised Allocation Notice

Ministry of Infrastructure
Ministry of Agriculture, Food and Rural Affairs

Town of Tillsonburg

March 2019

Disponible en français

Ontario Community Infrastructure Fund (OCIF)
Formula-Based Component- Revised Allocation Notice

Town of Tillsonburg

This revised allocation notice is to inform you of your 2019 Ontario Community Infrastructure Fund formula allocation.

Formula-Based Funding Allocation

Your community's formula-based allocation of funding under the Ontario Community Infrastructure Fund for 2019 is as follows:

2019 formula allocation	\$222,386
-------------------------	-----------

Terms and Conditions

Receipt of formula allocations are conditional upon compliance with all of the terms and conditions of your existing OCIF formula-based funding agreement.

The Province reserves the right to adjust or terminate any allocations contained in this notice, without consent or notice, to account for changes in a municipality's situation, the OCIF program guidelines, or other parameters or administrative procedures.

Payment Schedule

The Province proposes to make payments in accordance with the following schedule:

- *Allocations of \$150,000 or less will be provided in one payment*
- *Allocations greater than \$150,000 but less than \$1 million will be provided through up to 6 payments; and*
- *Allocations greater than \$1 million will be provided through up to 12 payments.*

As 2019 allocations were confirmed in March, payments which would have normally been made in January through to April will be made in May and then will return to the regular payment schedule.

Expand

Validate

A) Instructions	B) Organization Information	C) Organization Address Information
D) Applicant Contact Information	E) Project Information	F) Project Financials
G) Asset Management Plan	H) Duty to Consult	I) Procurement
J) Risks	K) Climate Lens	L) Community Employment Benefits
M) Outcomes	N) Declaration / Signing	

A) Instructions

The Investing in Canada Infrastructure Program (ICIP) is a cost-shared infrastructure funding program between the federal government, provinces and territories, and ultimate recipients. This program will see more than \$30 billion in combined federal, provincial and other partner funding, under four priority areas, including Rural and Northern infrastructure.

How do I apply?

1. To determine if you are an eligible applicant or your project is eligible for funding refer to the Rural and Northern funding stream program guidelines.
2. Applicants are required to complete this application form and applicable technical schedule for their project. In addition, municipal applicants are required to submit their asset management plans.
3. Applicants may also be required to submit additional information depending on the project type.
4. An applicant can only submit one application for one project for funding consideration through the Rural and Northern funding stream
5. All applications must be completed electronically and submitted to Grants Ontario. Scanned application forms will not be accepted.

Note: additional attachments can be uploaded after submitting your application form.

Fill in all required fields and fields that apply to your proposed project. Failure to complete this form in its entirety may result in the inability to assess the application and the project may be declined.

Late applications will not be accepted.

How will I know my application was received?

Once the completed application has been submitted, an automated acknowledgement of receipt with a file number will be sent to the organization contact's email that is provided.

Other important information

Please note that Ontario cannot guarantee funding to all applicants, nor can the province ensure that the total amount requested by successful applicants will be granted. Ontario reserves the right to determine which projects will be nominated for federal approval. Projects selected for federal review and approval will be assessed and prioritized based on program requirements, assessment criteria and the overall demand of funds in the program. All provincially nominated projects are subject to federal review and approvals and may not be approved by the federal government for funding under this program.

B) Organization Information

This section is automatically populated with your organization's general contact information for all projects in your organization managed by Grants Ontario. This contact is typically the CAO, Treasurer, or Clerk. Please ensure this information is correct. If this information needs to be updated, please access the [Transfer Payment Common Registration System](#) to make changes.

Organization Information

Organization Name:

[Town of Tillsonburg](#)

Organization Legal Name:

[The Corporation of the Town of Tillsonburg](#)

Website URL:

Type of Organization:

[Other](#)

Date Incorporated:

C) Organization Address Information

This section displays general information about your organization submitted during the Grants Ontario enrolment process. In order to update this information, you will need to access the [Transfer Payment Common Registration](#) system to make changes.

Business Address

Street Address 1:

[Floor 2nd 200 Broadway Street/Rue](#)

Street Address 2:

City/Town:

[Tillsonburg](#)

Province:

[ON](#)

Postal Code:

[N4G5A7](#)

Country:

[Canada](#)**Mailing Address**

Street Address 1

[Floor 2nd 200 Broadway Street/Rue](#)

Street Address 2

City/Town

[Tillsonburg](#)

Province

[ON](#)

Postal Code

[N4G5A7](#)

Country

[Canada](#)**D) Applicant Contact Information****Organization Contact Information**

This section displays general information about your organization submitted during the Grants Ontario enrolment process. In order to update this information, you will need to access the [Transfer Payment Common Registration](#) system to make changes.

Salutation:

First Name:

Last Name:

[David](#)[Calder](#)

Job Title:

[Chief Administrative Officer](#)

Primary Phone Number:

[-519-6883009](#)

Secondary Phone Number:

[-519-6883009](#)

Email Address:

[dcalder@tillsonburg.ca](#)

Salutation:

First Name:

Last Name:

[Donna](#)[Wilson](#)

Job Title:

[Clerk](#)

Primary Phone Number:

-519-6883009

Secondary Phone Number:

-519-6883009

Email Address:

DEWilson@tillsonburg.ca**Project Contact information**

Remove

1) Please include the contact information of at least one representative within your organization who has signing authority for the project. 2) Please also include a primary contact for the project (e.g. Project Lead). The primary contact will receive updates or inquiries about the project and application. 3) If this is a joint project, also include contact information for all partners involved in the project. 4) Use the "add" button to include any additional supporting project-specific contacts (e.g. an alternate contact in case the primary contact is absent).

Primary:

Salutation: *

☐**Mr.**

First Name: *

David

Last Name: *

Calder

Title: *

Chief Administrative Officer

Contact Type *

Applicant

Primary Phone Number: *

(519) 688-3009 x3227

Secondary Phone Number:

Email Address: *

dcalder@tillsonbug.caSigning Authority ☒**Project Contact information**

Add

Remove

1) Please include the contact information of at least one representative within your organization who has signing authority for the project. 2) Please also include a primary contact for the project (e.g. Project Lead). The primary contact will receive updates or inquiries about the project and application. 3) If this is a joint project, also include contact information for all partners involved in the project. 4) Use the "add" button to include any additional supporting project-specific contacts (e.g. an alternate contact in case the primary contact is absent).

Primary:

Salutation: *

☒**Mr.**

First Name: *

Kevin

Last Name: *

De Leebeeck

Title: *

Director of Operations

Contact Type *

Applicant

Primary Phone Number: *

(519) 688-3009 x2232

Secondary Phone Number:

Email Address: *

kdeleebeeck@tillsonburg.caSigning Authority ☐**E) Project Information****General**

Please provide a concise but meaningful description of the asset and work to be completed. Include the nature of the project and asset type. For example, Reconstruction of Main Street would be an acceptable line.

Project Title *

Concession Street West Reconstruction

Project Description

In 3-5 bullets, describe what the main objectives of the project are. (500 characters) *

- Improve vehicular safety by improving horizontal & vertical curves to current Transportation Association of Canada guidelines and improving sight-lines at critical intersection
- Improve pedestrian/cyclist safety via installation of sidewalk, crosswalk, and provision for bicycle path along portion of Trans-Canada Trail
- Improve stormwater collection and drainage
- Extend service life of road
- Improve total life-cycle of underground storm sewers through targeted spot repairs

What is the scope of the project? Include all major quantifiable components. (500 characters) *

- Reconstruct pavement structure to current standards
- Convert to an urban cross-section including new barrier curb and gutter, catch basins and sidewalks
- Modify roadway alignment (horizontal and vertical curves) to improve ridability and meet TAC sight-line requirements
- Install pedestrian crosswalk, which is not feasible with existing rural road cross-section
- Spot repairs of underground infrastructure where required

What are the approximate output(s) that the project will generate (e.g. 25 km of roads)? (500 characters) *

- 600 m of roads with urban cross-section, including new barrier curb and gutter, catch basins and sidewalks
- One pedestrian crosswalk
- provision for 600 m of bicycle path
- Retaining wall structures to accommodate TAC vertical and horizontal curves

Location

Provide the community in which the project will be located. Additionally, please provide the latitude and longitude of the project. If your project has multiple points (e.g. roads), only include the starting or central point; you will be able to include multiple points in the Outcomes section of this form.

Community *

Tillsonburg, Town Of

If your community is not listed, please select "Not Applicable" and input your Community/Organization name.

Community Latitude *

42.865890

Community Longitude *

-80.733310

Project Latitude *

42.865030

Project Longitude *

-80.739220

Environmental Assessment and Development Approvals

Was your provincial environmental assessment approved? *

No

Date when provincial environmental assessment approval was/is expected to be received

11/15/2019

Have you received your federal environmental approval? *

N/A

Please provide details why the federal environmental approval is Non Applicable

Not required for this project (Municipal Class Environmental Assessment Schedule 'A+' (pre-approved))

Are there any other development approvals required? *

N/A

Asset Ownership and Operation

Specify the Ultimate Recipient for the project. *

Tillsonburg, Town Of

If your community is not listed, please select "Not Applicable" and input your Community/Organization name.

What is the primary asset type? *

Roads

Will the Ultimate Recipient own the asset? *

Yes

Will the Ultimate Recipient operate the asset? *

Yes

Nature of the project

Indicate the percentage for each of the options. Input "0" for inapplicable fields. Total percentage must equal 100%

New (including reconstruction) % *

Rehabilitation % *

Expansion % *

Other % *

100%

0%

0%

0%

Total percentage

100%

Project Characteristics

What type of project is this? *

Road

Describe how the proposed project is aligned with the required provincial priorities and outcomes, as set out in the Provincial Policy Statement (PPS) and land use policy, provincial land use plans, where applicable. (250 characters) *

This project promotes/supports:

- active transportation (Sec. 1.1.3.2) and a healthy, active community (1.5)
- safe movement of people (1.6.7.1)
- connectivity of a multimodal transport network (1.6.7.3)
- minimizes erosion (1.6.6.7)

Does this application include the construction of a new building? *

No

Please describe the Official Plan designation and current zoning of the subject property and include a map identifying the subject lands. Describe how this project is consistent with the municipality's Official Plan and Zoning By-Law. (250 characters) *

Official Plan Sec 2.1.6 - connectivity within and among transportation systems and modes will be maintained and improved.
Sec 8.7 to support upgrading existing roads to increase pedestrian safety and accessibility, and active transportation

Describe how this project meets the objectives of your municipality's Official Plan and include matters such as active transportation, transit supportive policies, and climate change adaptation and mitigation. (250 characters) *

Improving safety by improving vertical/horizontal sight-lines, pedestrian accessibility, opportunities for active transport in an area of residential and recreational lands

Is the project public-facing? *

Yes

The highest published accessibility standard, code, or by-laws in the jurisdiction will be met or exceeded. *

Yes

The highest published applicable energy efficiency standard in the jurisdiction will be met or exceeded if the project is a building *

No

Optional Project Characteristics Comments

Please provide additional comments, only if applicable, that are in alignment with the required provincial priorities and outcomes, and with objectives of your municipality's Official Plan. (2000 Characters)

The proposed project is consistent with the priorities of the Provincial Policy Statement, including Section 1.1.3.1 of the PPS which states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted. Section 1.1.3.3 of the PPS states that Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The scope of work proposed under this reconstruction project support these PPS policies. Section 1.5.1 of the PPS states that healthy, active living should be promoted "planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity," and "planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources." This project specifically addresses these issues by increasing pedestrian access and safety in an important trail system (Tillsonburg Trail Network/Trans Canada Trail).

Project Schedule

Indicate the percentage of design completed. *

Up to 25%

Forecasted Construction Start Date *

05/04/2020

Forecasted Construction End Date *

11/13/2020

F) Project Financials

Please fill in the financial details of your project below.

Professional Fees (maximum 3)

Component *	Eligible Costs *	Ineligible Costs *	Total *
Design/Engineering	\$171,000.00	\$22,230.00	\$193,230.00
	Sub Total Eligible Cost	Sub Total Ineligible Cost	Total Amount
	\$171,000.00	\$22,230.00	\$193,230.00

Comments

Ineligible - HST

Construction/Procurement (maximum 5)

Component *	Eligible Costs *	Ineligible Costs *	Total *
Road Reconstruction Works	\$1,198,100.00	\$155,753.00	\$1,353,853.00
New Stormwater Works	\$0.00	\$237,800.00	\$237,800.00
	Sub Total Eligible Cost	Sub Total Ineligible Cost	Total Amount
	\$1,198,100.00	\$393,553.00	\$1,591,653.00

Comments

Ineligible - HST and Stormwater

Land Acquisition (maximum 1)

Note: Any Land Acquisition costs are ineligible.

Component *	Eligible Costs	Ineligible Costs *	Total *
N/A	\$0.00	\$0.00	\$0.00

Other Costs (maximum 3)

Component *	Eligible Costs *	Ineligible Costs *	Total *
N/A	\$0.00	\$0.00	\$0.00
	Sub Total Eligible Cost	Sub Total Ineligible Cost	Total Amount
	\$0.00	\$0.00	\$0.00

Comments

Total Cost Summary

Total Eligible Cost	\$1,369,100.00
Total Ineligible Cost	\$415,783.00
Total Cost	\$1,784,883.00

Contingency

Contingency Percentage *	15
Contingency Amount	\$205,365.00
Grand Total Amount	\$1,574,465.00

Contribution

Funding Source *	% Contribution *	Funding *
Federal	50.00%	\$787,232.50
Provincial	33.33%	\$524,769.18
Other	0.00%	\$0.00
Ultimate Recipient	16.67%	\$262,463.32
	Total Contribution % 100.00%	Total Funding Amount \$1,574,465.00

Project Completion

Year	% Project Completion *	Federal Funding	Provincial Funding	Ultimate Recipient Funding	Other Funding	Total
2018-19	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2019-20	7%	\$55,106.28	\$36,733.84	\$18,372.43	\$0.00	\$110,212.55
2020-21	93%	\$732,126.22	\$488,035.34	\$244,090.89	\$0.00	\$1,464,252.45
2021-22	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2022-23	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2023-24	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2024-25	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

2025-26	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2026-27	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2027-28	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Project Completion % Total

100%

G) Asset Management Plan

Has the proposed project been determined based on the lifecycle activities prioritized in your municipality's asset management plan? *

Yes, the proposed project has been determined based on the lifecycle activities prioritized in the AMP.

Indicate which year the municipality's asset management plan was last updated. *

2,016

The asset management plan is in accordance with the 2012 Building Together: Guide for Municipal Asset Management Plans or with O. Reg. 588/17 Asset Management Planning for Municipal Infrastructure under the Infrastructure for Jobs and Prosperity Act? *

Developed according to 2012 Building together: Guide for municipal asset management plans

H) Duty to Consult

Does the project occur in water, over water, or could alter the course of a waterway? *

Yes

Is the project occurring on land that has yet to be developed/disturbed (i.e., clearing of vegetation)? *

No

I) Procurement

Will any internal staff be used for labour related to the project? If yes, provincial staff may request further information. *

No

If you intend to sole source and your project is over \$10M, a business case must be provided. A template will be sent to you.

Will you use a sole source procurement process for this project? *

No

J) Risks

Provide risk level and mitigation information for the risks relevant to this project. Please select and identify at least one risk.

Please select all that apply

Project Complexity ☐Project Readiness ☒Public Sensitivity ☐

Ultimate Recipient

☐**Project Readiness**

Risk Project site hasn't been finalized	Level of Risk * N/A
--	------------------------

Mitigation (250 characters)

Risk Land hasn't been acquired	Level of Risk * N/A
-----------------------------------	------------------------

Mitigation (250 characters)

Risk Potential issues with permits or authorizations (federal, provincial, territorial and municipal)	Level of Risk * Low
--	------------------------

Mitigation (250 characters)

- Schedule "A+" MCEA provides pre-approval of works
- Oxford County (Upper Tier) has transfer of review authority with MOECP for storm sewer asset works and spot repairs that may be required
- Sufficient lead time for approvals will be provided

Risk Industry supply may not be able to meet demand	Level of Risk * Low
--	------------------------

Mitigation (250 characters)

Proposed to release construction tender early in the construction season to attract multiple suitable contractors

Risk Non-federal sources of funding are not secured for the entire project cost	Level of Risk * Low
--	------------------------

Mitigation (250 characters)

The Town will ensure sufficient funding is in place to cover ineligible costs and their portion of cost-sharing for eligible costs.

Risk Other	Level of Risk * N/A
---------------	------------------------

Mitigation (250 characters)

K) Climate Lens**Climate Lens**

GHG Mitigation and Climate Change Resilience assessments are required only for projects with eligible costs of \$10 million or more.

L) Community Employment Benefits

Does the project include Community Employment Benefit requirements? *

No

Rationale required if the eligible costs of the project are \$10 million or more.

N/A

M) Outcomes

Provide at least one immediate outcome to which the project will contribute. Please see program guidelines for the definitions of the physical condition of asset options

☒ Improved and more reliable transportation access - Roads

Indicator Road Length	Value 1	Unit of Measure Kilometres
Latitude *	Longitude *	Description
42.86503	-80.73922	600 m of Concession Street West from Charlotte Avenue to Rolph Street



Indicator Physical condition of assets prior to the investment	Value Very Poor
--	---------------------------

- ☐ Improved and more reliable transportation access - Bridges
- ☐ Improved and more reliable transportation access - Air Infrastructure
- ☐ Improved and more reliable transportation access - Marine Infrastructure

N) Declaration / Signing

Declaration / Signing

Applicants are expected to comply with the Ontario Human Rights Code (the "Code") and all other applicable laws (<http://www.ohrc.on.ca/en/ontario-human-rights-code>). Failure to comply with the letter and spirit of the Code will render the applicant ineligible for a grant and, in the event a grant is made, liable to repay the grant in its entirety at the request of the Ministry. Applicants should be aware that Government of Ontario institutions are bound by the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.F.31 (<https://www.ontario.ca/laws/statute/90f31>), as amended from time to time, and that any information provided to them in connection with this application may be subject to disclosure in accordance with that Act. Applicants are advised that the names and addresses of organizations receiving grants, the amount of the grant awards, and the purpose for which grants are awarded is information made available to the public.

Declaration

The Applicant hereby certifies as follows:

- the information provided in this application is true, correct and complete in every respect;
- the Applicant understands any funding commitment will be provided by way of an approval letter signed by the responsible Minister and will be subject to any conditions included in such a letter. Conditions of funding may include the requirement for a funding agreement obligating the funding recipient to report on how the funding was spent and other accountability requirements;
- the Applicant has read and understands the information contained in the Application Form and program guidelines;
- the Applicant is aware that the information contained herein can be used for the assessment of grant eligibility and for statistical reporting including reporting to the federal government;
- the applicant understands that it is expected to comply with the Ontario Human Rights Code and all other applicable laws;
- the Applicant understands that the information contained in this application or submitted to the Ministry in connection with the grant is subject to disclosure under the Freedom of Information and Protection of Privacy Act;
- the Applicant is not in default of the terms and conditions of any grant, loan or transfer payment agreement with any ministry or agency of the Government of Ontario;
- the Applicant is not displacing municipal spending on rural and northern infrastructure; and,
- I am an authorized signing officer for the Applicant.

This form must be digitally validated using the "Sign Document" button, and submitted in electronic format only. Scanned and faxed application forms will not be accepted.

Applicant

Mr. David Calder
Chief Administrative Officer
(w): (519) 688-3009 x3227
Email: dcalder@tillsonbug.ca

Sign Document

Signature _____ Date/Time _____

Please validate your application by clicking the validate button before submitting the form back to Grants Ontario.

Rural and Northern Communities 2019 Intake Technical Schedule - Roads

Submission Instructions

Save the completed form and upload it as an attachment to Grants Ontario by the deadline. The technical schedule is intended to gather more detailed information and provide assessment scores on the criticality of the proposed project.

In order to be considered eligible for funding, applicants must complete the schedule in full.

For information on the eligibility requirements and desired outcomes of the Roads category, please refer to the Program Guidelines.

1.1 Key Issue Description

Please indicate which of the following benefits are anticipated for the community as a result of the proposed project. Where a benefit is selected, **provide a description of the issue to be addressed and how the project addresses the issue to achieve the selected benefit.**

Mandatory.

Benefit	Details
Improves and/or makes road assets more reliable?	Improves the overall condition of the roadway structure and therefore reduces future maintenance requirements. In addition, the modifications to the roadway will improve the safety of pedestrians and those using active transportation, as well as improving overall accessibility. This project will increase vehicular safety through improvement of sight-lines and will likely reduce the probability of accidents and damage to infrastructure.

Select all that apply.

Benefit	Details
<input checked="" type="checkbox"/> Addresses an urgent public health and/or safety issue(s)?	Pedestrian safety is a concern due to the lack of sidewalk on the north side of Concession Street West. The Official Plan requires Concession Street West to have sidewalk on both sides due to its classification as an Arterial Road. The main entrance of Kinsmen Participate Park (ParticiPark), a popular recreation area, is off of this section of Concession Street West. A 175m section of sidewalk on Concession Street West, within the project area, is a part of the McLaughlin Way Trail (Tillsonburg Trail Network). This section is also a part of the Trans Canada Trail. These important trails are frequented by residents of two nearby retirement/long-term care homes, so pedestrian safety is of utmost importance. This section of road currently has a rural cross section with no curbs and limited shoulders, further impacting the safety of pedestrians. There are vehicular and pedestrian safety concerns regarding the horizontal and vertical curves along the roadway. These curves are not in compliance with current Transportation Association of Canada (TAC) guidelines and have potential sight line and approach safety concerns. This represents a hazard to both pedestrian and vehicular traffic.
<input checked="" type="checkbox"/> Reduces the probability of asset failure and/or service interruptions?	The road section in this area is in very poor condition with a PCI of 44 and thus requires continuous maintenance to ensure compliance with the Minimum Maintenance Standards. The deterioration of this roadway is accelerating resulting in excessive ongoing maintenance concerns. The continued deterioration increases the probability of failure as sections are nearing conditions that are not repairable. Continual

Benefit	Details
	maintenance is required unless reconstruction is completed.
<input checked="" type="checkbox"/> Achieves service levels or key performance indicators established by in the asset management plan?	An objective of the AMP is to maintain all Arterial Roads at a minimum PCI of 50. This section is currently failing to meet that objective (PCI of 44), and improvements to this section of road will achieve the AMP objective. Additionally, arterial roads are given the highest level priority ranking within the AMP (Asset Class Priority ranking 1 out of 3).
<input checked="" type="checkbox"/> Reduces lifecycle costs?	With a PCI of 44 and continuing deterioration, the maintenance costs on this section of roadway will continue to increase unless reconstruction is completed. Completing miscellaneous storm sewer repairs within the project area is proposed, which will achieve cost savings compared to completing the two projects separately. Due to the non-compliance with TAC guidelines, life-cycle rehabilitations as outlined in the AMP are not viable options and a full reconstruction is required.

1.2 Project Description

Provide a technical description of the proposed project. This includes outlining the scope of the project and a full description of all of the **infrastructure work** to be undertaken. Do not include any benefits of the project in this section.
(maximum characters 2000)

The Concession Street West Reconstruction involves the complete reconstruction of the pavement structure including new barrier curb and gutter and sidewalks. The new pavement structure would be designed to current standards with an adequate granular base and asphalt thickness. Roadway alignment (horizontal and vertical curves) will also be modified to improve rideability and meet TAC sight-line requirements. Base map preparation would commence upon notification of funding approval with final design and contract documents prepared by December 2019. The Tender would be awarded in Spring 2020 to ensure completion of the works during the 2020 construction season.

1.3 Alternative Options

What alternative options were considered for this project? (maximum 2000 characters)

Under Section 5.6 of the Asset Management Plan, various lifecycle options with respect to roadways are discussed. These options fall into two categories – maintenance and rehabilitation/reconstruction. The condition of Concession Street West is beyond what would be considered for maintenance. Partial depth and full depth rehabilitation were considered as options, but are not viable due to the need to address TAC non-compliances. These non-compliances, with respect to vertical and horizontal curves, necessitate a full reconstruction and make any alternative maintenance or rehabilitative options non-viable.

1.4 What are the benefits of your Road Project?

Choose at least one benefit (maximum of 4)

- ☒ Improved traffic operations
- ☒ Improved safety
- ☒ Improved pedestrian and cyclist safety
- ☐ Improved emergency vehicle response
- ☒ Extended service life (number of years)
- ☐ Decrease in flooding or washout incidents
- ☐ Other

Please describe:

1.5 Criteria for Assessment

1. Provide a description of the roadway and traffic characteristics in terms of:

Current Average Annual Daily Traffic (AADT)	4300
Summer Average Daily Traffic (SADT)	9300
Current daily volume or percentage of trucks	4%
Current daily volume of pedestrians and cyclists	99
Future AADT (10 and/or 20 year forecast), truck, pedestrians and cyclists volume	2% annual growth
Classification (arterial, collector, local road)	Arterial
Typical cross section of roadway – lanes, shoulders and side slopes	Rural cross section
Speed (Design or Posted speed)	50 km/h

2. Provide a technical description of any roadway safety related deficiencies including but not limited to:

Horizontal or vertical alignment (e.g., deficient curve or super-elevation etc.)

The existing vertical curve does not comply with TAC guidelines, resulting in sub-standard sight lines. Horizontal curves are not TAC compliant, specifically in the area of the bridge approach.

Shoulder or lane width (e.g., deficient cross-section with respect to speed and AADT)

Within the project area, Concession Street West is not equipped with shoulders or physical separation from pedestrian traffic such as barrier curb. This presents a hazard to pedestrians.

Intersections (e.g., operating at capacity or deficient intersection sight distance etc.)

The sight lines at the west incline of the project area are a safety concern due to the existing vertical curve of the roadway. The vertical curves are not in accordance with the latest TAC guidelines and require reconstruction to meet TAC guidelines.

Pavement condition (e.g., deficient pavement in terms of Pavement Condition Index (PCI))

PCI 44 – Very Poor/Failing

Drainage (e.g., failing small structural culvert (up to 3m) span)

Note: For large culvert/bridges, a Municipal Structure Inspection Form is required

The installation of curb and gutter is proposed to limit high velocity runoff from the roadway along the adjacent embankments to reduce sediment transportation and erosion risk. Reducing sediment loading into Stony Creek will be an environmental/water quality objective.

Roadside safety (e.g., deficient slide slope, guide rail, or clear zone etc.)

The embankments adjacent to the park and watercourse exceed recommended values for roadways without guardrail. It is proposed that guardrail be extended in these areas to increase vehicular safety.

Active Transportation (e.g., non-existing and deficient pedestrian and bicycle infrastructure)

There is no sidewalk on the north side of Concession Street West in the project area. Due to Concession Street West's classification as an Arterial road it requires sidewalk structures on both sides of the roadway. As mentioned elsewhere in this application, this project is in proximity to, and includes a portion of, the Tillsonburg Trail Network and Trans Canada Trail. Improvements to pedestrian/bicycle infrastructure and safety are therefore of great importance. In addition, in the Tillsonburg Trails Master Plan it is proposed that a crosswalk be built across Concession Street West as part of the ParticiPark Trail. This location is within the project area and would connect the ParticiPark Trail with the proposed Glendale Trail. The crosswalk is not currently feasible due to the conditions and rural cross section of Concession Street West.

3. Will the project result in a potential reduction in the frequency or severity of traffic collisions on the roadway or other public safety risk?

☒ Yes ☐ No If yes, specify details below ▼

Clearly describe the present or future road safety issues that arise from the current state of the road and the impact to the community (i.e., vehicle collisions; motorist or pedestrian or cyclist injuries or fatalities). Describe how each improvement will reduce the frequency or severity of traffic collisions or other public safety risk. Include police collision statistics.

(Maximum 2000 characters)

The addition of sidewalks and curb structures will provide a safe thoroughfare for pedestrians away from the travelled portion of the roadway and reduce the potential for collisions or serious injury. Improving the vertical curves along this roadway will also improve sightlines and therefore reduce the risk of traffic collisions. Guardrails are also recommended in areas where they do not currently exist to increase vehicular safety.

-
4. How will the project benefit the Province Wide Cycling network? If the road project includes a cycling infrastructure component (e.g., bike lane or paved shoulder on the roadway), provide a description and attach any supporting information (e.g., Active Transportation plan including a cycling network map)
 As a portion of Concession Street in this project area is designated part of the Trans Canada Trail system, it is a candidate for upgraded cycling facilities. The Town's 2014 Community Strategic Plan Section 3.3 supports Town Operations to retrofit municipal infrastructure such as sidewalks for universal accessibility where needed. The County Official Plan, Chapter 8 Tillsonburg Policies, Section 8.7.5 Bicycling indicates that Town Council shall promote and initiate improvements that enhance bicycling as a means of transportation, and encourage bicycleways within neighbourhood, community and linear park systems. This project will provide the provision for such bicycle facilities.
-
5. Upload to Grants Ontario any supporting documentation e.g., collision reports from municipality/Indigenous community or police records including all types of collisions (fatal, personal injury and property damage) over the past five years, statistics, engineering plans, design reports, safety reviews and photographs.



The Corporation of the Town of Tillsonburg

Museum Advisory Committee

Thursday, February 28, 2019

3:00 pm

Program Room- 2nd floor Annandale NHS
30 Tillson Ave., Tillsonburg

MINUTES

ATTENDANCE

Bob Marsden, Patty Phelps, Marianne Sandham, Dianne MacKeigan, Rosemary Dean, Sherry Hamilton, Amelia Jaggard, Donna Wilson

MEMBERS ABSENT/REGRETS

Chris Rosehart

1. Call to Order

The meeting was called to order at 3:00 pm

2. Adoption of Agenda

Moved By- Bob Marsden

Seconded By- Dianne MacKeigan

Proposed Resolution # 1

THAT the Agenda for the Museum Advisory Committee meeting of February 28, 2019 be adopted as circulated Carried

3. Disclosures of Pecuniary Interest and the General Nature Thereof- none

4. Adoption of Minutes of Previous Meeting

4.1. Minutes of the Meeting of December 20, 2018

Minutes of previous meeting were handed out for information purposes.

5. Delegations and Presentations-none

6. General Business & Reports

6.1. Orientation- Introductions were made and committee handbooks were distributed.

6.2. Election of Chair and Vice Chair- Bob Marsden was elected as chair and Marianne Sandham as vice chair. Secretary will be Dianne MacKeigan.

6.3. Summary of Previous committee initiatives-New members were made aware of our role.

6.4. Meeting location, dates and times-The committee will meet on the fourth Thursday of each month at 4:30 pm at the museum.

6.5. Terms of Reference-will be considered at our next meeting

6.6. Set Goals- will be considered at our next meeting.

6.7. Curator's Report-was circulated for information

7. Correspondence- none

8. Other Business-none

9. Next meeting- Thursday March 28, 2019

11. Adjournment

Moved by Dianne MacKeigan

Proposed Resolution #2

THAT the museum advisory committee meeting be adjourned at 4:30 pm



The Corporation of the Town of Tillsonburg

Museum Advisory Committee

Thursday, March 28, 2019

4:30 pm

Program Room- 2nd floor Annandale NHS
30 Tillson Ave., Tillsonburg

MINUTES

ATTENDANCE

Bob Marsden, Patty Phelps, Marianne Sandham, Dianne MacKeigan, Rosemary Dean, Sherry Hamilton,

MEMBERS ABSENT/REGRETS

Chris Rosehart / Joan Weston

1. Call to Order

The meeting was called to order at 4:30 pm

2. Adoption of Agenda

Moved By- Marianne Sandham

Seconded By- Rosemary Dean

Proposed Resolution # 1

THAT the Agenda for the Museum Advisory Committee meeting of March 28, 2019 be adopted with the addition of 8.3 Eaves Troughs under new business. Carried

3. Disclosures of Pecuniary Interest and the General Nature Thereof- none

4. Adoption of Minutes of Previous Meeting

4.1. Minutes of the Meeting of February 28, 2018

Moved By- Sherry Hamilton

Seconded By- Marianne Sandham

Proposed Resolution #2

THAT the minutes of the meeting for the Museum Advisory Committee meeting of February 28, 2019 be adopted as circulated. Carried

5. Delegations and Presentations-none

6.General Business & Reports

6.1. Financial- There is a balance of \$133 465.36 in the Annandale House Trust account.

6.2. Tour Guides-nothing to report

6.3. Curator- The curator's report was circulated and discussed and is attached.

Moved By-Marianne Sandham

Seconded By-Rosemary Dean

Proposed Resolution #3

THAT the reports be accepted as discussed.

Carried

7. Correspondence- none

8. Other Business

8.1. Budget-the 2019 budget has been passed and is available to look at on the town's web site.

8.2. Regional Government Review-Members were made aware of the province's intent to review local regional governments with a view to possible amalgamation and the implications this might have for us. Members were made aware of the government web site that they might use to provide input in the process.

8.3. Eaves Troughs- Damage to the eaves trough in the loading dock area has been assessed with a view to necessary repairs being made.

9. Next meeting- Thursday April 25, 2019

11. Adjournment

Moved By- Sherry Hamilton

Proposed Resolution #4

THAT the museum advisory committee meeting be adjourned at 5:22 pm



The Corporation of the Town of Tillsonburg

Tillsonburg Transit Advisory Committee

March 19, 2019

10:00 a.m.

Suite 203, 200 Broadway, 2nd Floor

MINUTES

Present:

David Brown, Sherry Hamilton, Kathryn Leatherland, Pete Luciani, Mayor Stephen Molnar, Lynn Temoin, Carolijn Verbakel, John Verbakel

Absent with Regrets:

Cindy Allen

Also Present:

David Calder, Chief Administrative Officer
Kevin De Leebeeck, Director of Operations
Amelia Jaggard, Legislative Services Coordinator
Adam Hamilton and Edmund Burt, BTS Network

1. Call to Order

The meeting was called to order at 10:01 a.m.

2. Adoption of Agenda

Proposed Resolution #1

Moved by: Kathryn Leatherland

Seconded by: Pete Luciani

THAT the Agenda as prepared for the Tillsonburg Transit Advisory Committee meeting of March 19, 2019, be adopted.

Carried

3. Disclosures of Pecuniary Interest and the General Nature Thereof

There were no disclosures of pecuniary interest declared.

4. Adoption of Minutes of Previous Meeting

Proposed Resolution #2

Moved by: Pete Luciani

Seconded by: Carolijn Verbakel

THAT the minutes of the Tillsonburg Transit Advisory Committee dated February 14, 2019, be approved.

Carried.

Date: March 19, 2019

5. Presentations/Deputations

5.1. Representative from BTS Network – TGO Operational Observations (Attached)

Adam Hamilton and Edmund Burt were in attendance and provided an overview of operational observations since taking on the TGO contract in August of 2018. They confirmed that the large TGO logo will be added to the back window of the bus as requested by the committee.

Mayor Molnar left at 10:45 a.m.

Adam Hamilton and Edmund Burt left at 11:00 a.m.

6. General Business & Reports

6.1. Unfinished Business

6.1.1. Meeting dates and time

Motion

Moved by: Lynn Temoin

Seconded by: David Brown

THAT the Tillsonburg Transit Advisory Committee meet the third Tuesday of each month at 10:00 a.m. at the Corporate Office in Suite 203.

Carried

6.1.2. Terms of Reference (Attached)

Staff to remove Section 1.2 from the Terms of Reference.

David Brown informed the committee he has a proposal for new bus routes. Kevin De Leebeeck will meet with David Brown prior to the next meeting to discuss his proposal which will be presented at the next meeting.

Motion

Moved by: David Brown

Seconded by: Pete Luciani

THAT the Terms of Reference for the Tillsonburg Transit Advisory Committee be amended under section 1 to include advising and assisting with the development of the intercommunity transit system.

Carried.

6.2.3. Set Goals:

Review the "Business Plan 2018-2019" document.

Review the operational feedback from the BTS Network and determine how to address the concerns raised.

Adam Hamilton and Kevin De Leebeeck are collaborating on new bus routes including bus stops and using mobile signage.

Staff to report back with proposed routes based on the current schedule at the next meeting.

Review values identified in the Transportation in Tillsonburg: Getting There Study (2014) (pages 31-32).

Staff to confirm that BTS Network is occasionally collecting feedback from customers.

Initial set of goals are to:

- Establish a route and a schedule;
- Increase ridership;
- Provide input on developing marketing strategies;
- Evaluate service periodically. Conduct a mid-term survey.

Staff to provide a draft code of conduct for the TGO service at the next meeting.

6.2. TGO Transit

6.2.1. Background Information Package (Attached)

6.2.2. Transportation in Tillsonburg: Getting There Study (2014) (Attached)

6.2.3. Current TGO Schedule (Attached)

6.2.4. TGO Ridership Stats (Attached)

6.3. Inter-Community Transit

6.3.1. Inter-Community Transportation Grant Application (Attached)

The grant application was awarded based on the content contained in the application. It would be a lengthy process to amend the agreement with the MTO. Implementation needs to be completed within one year of the agreement being signed. The agreement will be signed sometime in May 2019. The end date of the agreement is March 2023.

6.4. Transportation Coordinator Position Update

Council approved a part-time Transportation Coordinator contract position for one year. The job will be posted soon.

The role of the Transportation Coordinator is split between CVOR responsibilities and working on TGO initiatives for in Town Transit.

The provincial gas tax funding is part of the equation with the intercommunity transportation grant. Increased ridership will increase gas tax allocations.

7. Correspondence

8. Other Business

9. Next Meeting

April 16, 2019 at 10:00 a.m. at the Corporate Office in Suite 203.

10. Adjournment

Resolution #3

Moved by: David Brown

Seconded by: Kathryn Leatherland

THAT the March 19, 2019 Tillsonburg Transit Advisory Committee meeting be adjourned at 11:45 a.m.

Carried

The Corporation of the Town of Tillsonburg
TILLSONBURG AIRPORT ADVISORY COMMITTEE



Thursday, March 21, 2019

5:30 p.m.

Tillsonburg Regional Airport Boardroom
 244411 Airport Rd., South-West Oxford

MINUTES

ATTENDANCE

Euclid Benoit, David Brandon, Dan Cameron, Jeff Dean, Valerie Durston, Deb Gilvesy, Geoffrey Lee, Jeffrey Miller, Mark Renaud, Jeremy Stockmans(departed at 6:30p.m.) **Staff:** Annette Murray, Dan Locke (departed at 6:30 p.m.) Kevin De Leebeeck, **Guest:** Mary Ellen Greb (departed at 6:30 p.m.)

MEMBERS ABSENT/REGRETS

John Prno

1. Call to Order

The meeting was called to order at 5:31 p.m.

2. Adoption of Agenda

Resolution #1

Moved By: Deb Gilvesy

Seconded By: Valerie Durston

THAT the Agenda as prepared for the Airport Advisory Committee meeting of March 21, 2019, be adopted.

Carried.

3. Disclosures of Pecuniary Interest and the General Nature Thereof

None Declared

4. Adoption of Minutes of Previous Meeting

4.1 Minutes of the Meeting of February 21, 2019

Discussion regarding the minutes noted that a Resolution was omitted from the minutes.

The resolution is as outlined below:

Moved by: Jeremy Stockmans

Seconded by: Jeff Miller

Resolution #2

“THAT the Conceptual Master plan drawing(s) be amended to include land lots along the east side of Taxiway G1 and to include the 250 ft extension of Taxiway G3 to the north and associated Taxiway G3 land lots,

AND THAT the revisions of the conceptual drawing(s) be the only part of the master plan to move forward.”

Carried.

5. Presentation/Deputations

Committee Member Geoff Lee Presentation - Withdrawn

6. General Business & Reports

6.1. Unfinished Business

6.1.1. Terms of Reference

Dan reviewed the TOR with the Committee. No further comments or questions were received. It was noted that the committee has the ability to request the TOR be reviewed at any time during the four year term.

6.1.2. Review of previous minutes attached (moved to 4.1)

6.1.3. OPS 19-01 Airport Building Permits

Discussion took place regarding the resolution as the report had been referred to the TAAC by Town Council and a resolution was needed to move the action items from Report OPS 19-01 forward.

Resolution #3

Moved by: Geoffrey Lee

Seconded by: Jeremy Stockmans

“THAT the Tillsonburg Airport Advisory Committee supports the administration of development activity at the Airport entirely in-house by Town Staff

AND THAT Town staff expedite the assembly of the Airport Development Manual”

Carried.

6.2. Other Business

6.2.1 Taxiway G1 Draft Development Plan Layout

Kevin De Leebeeck, P.Eng. Director of Operations presented a draft development plan layout for the construction of potential hangars along the east side of Taxiway G1. A discussion ensued with a consensus that there is flexibility within the layout plan to accommodate various hangar sizes as required by potential new tenants.

Resolution #4

Moved by: Jeffrey Miller

Seconded by: Dan Cameron

“THAT the Tillsonburg Airport Advisory Committee gives direction to staff to make available for lease non-hydro serviced lots along the east side of existing Taxiway G1”

Carried.

6.2.2 “THAT the Tillsonburg Airport Advisory Committee recommend Tillsonburg Town Council reserve three (3) proposed hangar building sites along the northerly extension of Taxiway G3 for a received development application for a (2) two year timeframe – Withdrawn

6.2.3. Taxiway G3 Conceptual Drawings

Kevin De Leebeeck presented the TAAC with five (5) conceptual drawings of the Taxiway G3 extension and requested input/feedback from committee members to assist staff in developing a finalized plan. Discussion ensued. Staff to confirm fire wall requirements, building spacing, etc. as part of revised conceptual plan.

Resolution #5

Moved by: Geoffrey Lee

Seconded by: Dan Cameron

“THAT the Tillsonburg Airport Advisory Committee direct staff to bring forward a revised conceptual plan for the extension of Taxiway G3 that reflects the committee’s general discussion including proposed future hangars and the realignment of the taxiway extension to accommodate a minimum 30 foot distance from the rear face of existing hangars to the centreline of Taxiway G3 extension”

Carried.

7. Correspondence

None

8. Other Business

8.1 SWOX Councillor Valerie Durston noted that the following needed to be considered now that building permits were no longer going to be obtained from SWOX prior to development at the Airport.

- A process needs to be developed to inform SWOX for development at the Airport,
- SWOX Fire Chief needs to be notified of development,
- Questioned the ability to supply adequate water to fight a fire at the Airport,

SWOX CAO Mary Ellen Greb added that Emergency Fire Response and Growth of Assessment are real concerns and needs to be resolved. Mary Ellen also noted that there is a Mutual Aid Agreement in place for all Oxford County Municipalities already.

Staff suggested that the matters identified by SWOX should be dealt with at a staff level rather than at the Committee level. SWOX CAO to schedule a meeting with Town staff.

David Brandon requested that staff explore funding available from "Funding opportunities for Southern Ontario Organizations".

9. Next Meeting

9.1 Proposed Meeting Schedule

The committee reviewed the proposed meeting schedule with a general consensus to meet monthly to advance business.

The next meeting of the Airport Advisory Committee will be at 5:30 p.m. on April 18, 2019

10. Adjournment

Resolution # 6

Moved By: Jeffery Miller

Seconded By: Euclid Benoit

THAT the Tillsonburg Airport Advisory Committee Meeting of March 21, 2019 be adjourned at 7:18 p.m.



Economic Development Advisory Committee

March 21, 2019

7:30 a.m.

Board Room, Customer Service Centre

10 Lisgar Ave.

MINUTES

Present:

Andrew Burns, Deb Gilvesy, Lisa Gilvesy, Jesse Goossens, Jim Hayes, Mayor Stephen Molnar, Ashton Nembhard, Jeff Van Rybroeck, Steves Spanjers, Collette Takacs, Randy Thornton, John Veldman

Absent with Regrets:

Kirby Heckford, Lindsay Morgan-Jacko, Cedric Tomico, Lindsay Tribble

Also Present:

David Calder, Chief Administrative Officer

Amelia Jaggard, Legislative Services Coordinator

Ian McKenzie, General Manager, Tillsonburg Hydro Inc. (Arrived at 8:20 a.m.)

Cephas Panschow, Development Commissioner

1. Call to Order

The meeting was called to order at 7:32 a.m.

2. Adoption of Agenda

Economic Development System to be added as item 7.5.

Proposed Resolution #1

Moved by: Stephen Molnar

Seconded by: Lisa Gilvesy

THAT the Agenda prepared for the Economic Development Advisory Committee meeting of March 21, 2019, be adopted, as amended.

Carried

3. Disclosures of Pecuniary Interest and the General Nature Thereof

There were no disclosures of pecuniary interest declared.

4. Adoption of Minutes of Previous Meeting

Proposed Resolution #2

Moved by: Andrew Burns

Seconded by: Deb Gilvesy

THAT the minutes of the Economic Development Advisory Committee dated February 12, 2019, be approved.

Carried

5. Presentations/Deputations

5.1. Tillsonburg Hydro Inc Policy Changes – Presented by Ian McKenzie, General Manager, Tillsonburg Hydro Inc.

6. Information Items

6.1. Correspondence – Ministry of Economic Development, Job Creation and Trade
Currently Tillsonburg does not have any sites in the 500 to 1,500 acre range for industrial expansion; however, we do have some potential to amalgamate properties to create a larger site and the Town intends to make a submission to this program.

7. General Business & Reports**7.1. Monthly Project Updates (Attached)**

- Retail Gap Analysis – Implementation plan being created and will be brought to Council shortly
- Sanitary crossing underway and the Tender for the extension of Clearview Drive South is anticipated to be ready for release soon.
- Future Industrial Growth – Feedback from companies on new name has been provided to Council. Will be sending out media release shortly.
- Education Enhancements – Setting up meetings with school board and high school to discuss expansion of experiential learning opportunities for students.

7.1.1. Downtown Retail Gap Analysis

Development Commissioner circulated a supplemental handout which contains an initial analysis of the report's recommendations and next steps. This document is being reviewed by the Business Improvement Association as well and will be developed into a more comprehensive plan working with Mark Renaud, Executive Director, Tillsonburg BIA.

Staff to send supplemental handout with the minutes.

There was discussion regarding the pros and cons of having multiple online business directories on websites including the Tillsonburg BIA, Tillsonburg District Chamber of Commerce and the Town of Tillsonburg website.

The Tillsonburg Operations Department has incorporated the Downtown Parking and Accessibility Study into their 2019 Business Plan and the Building Department will be utilizing the information from study when addressing parking around the Town Centre.

7.1.2. MAP Update – High Tech Mfg Cluster Model (Attached)

Development Commissioner provided an overview of the High Tech Mfg Cluster Model, which showed that Tillsonburg has the highest proportion of its resident labour force employed in manufacturing at 33% compared to 20% in the tri-county area and 9% in Ontario54% of manufacturing

employment is in the transportation sector followed by machinery (12%), food (10%), fabricated metal (8%), etc. Tillsonburg's share of Advanced Manufacturing (High Tech) was also higher than the tri-county and Ontario areas.

The goal of the study is to help create a framework for manufacturers to work together using an "industry cluster" type model. There was feedback received at the workshop regarding a desire for collaboration between businesses.

There was feedback received at the workshop regarding a desire for collaboration between businesses.

There was discussion about finding ways to encourage youth to pursue manufacturing jobs such as the Ontario Youth Apprenticeship Program which is a school to work program for grades 11 and 12. It was noted that Norfolk County has a similar initiative called "Turning Point."

Encourage Human Resource departments of local manufacturing businesses to engage with local high schools to create opportunities for youth to learn about and engage with the manufacturing industry.

Ian McKenzie arrived at 8:20 a.m.

5. Presentations/Deputations

5.1. Tillsonburg Hydro Inc Policy Changes – Presented by Ian McKenzie, General Manager, Tillsonburg Hydro Inc.

Ian McKenzie provided an update on Tillsonburg Hydro Inc. (THI) Distribution System Expansion Costs and Charges changes as approved by the Board of Directors in January 2019. Motion approved was:

AND THAT the Board confirm that THI use the EEM process capturing total capital costs (developer and THI) and ongoing costs defined as Operating, Maintenance, Administration, Depreciation and Interest costs as outlined in the Distribution System Code effective January 1, 2019;

AND THAT the expansion deposit collection be deferred until it is mandated by the regulator.

This change includes a change in the cost-sharing ratio from 50:50 to 90:10 with the developer now bearing the majority of the costs as determined through the Economic Evaluation Model (EEM). This is different from other utilities in the area, but it is anticipated that they will be moving to this type of model in the near future. While this requirement is now in place, no applications have been received yet.

The Board did defer the requirement for a system expansion deposit until such time as it is mandated.

No formal communication from the development community regarding the recent changes has been received by staff or the Board.

Concerns regarding the varying costs throughout Ontario should be directed to the Ontario Energy Board.

Staff to send "Update on Tillsonburg Hydro Inc. (THI) Distribution System Expansion Costs and Charges" letter dated January 31, 2019 with the minutes.

Ian McKenzie left the meeting at 9:00 a.m.

Motion

Moved by: John Veldman

Seconded by: Randy Thornton

THAT the Economic Development Advisory Committee advise Town Council that the Committee is deeply concerned about impacts to competitiveness with respect to the decision made by the Tillsonburg Hydro Inc. Board of Directors to increase the costs included in the Economic Evaluation Model as well as to increase the share of these costs paid by the developer.

Carried.

Staff to keep the committee updated regarding this topic.

7.2. Community Strategic Plan

7.2.1. Goals for Committee Term

Item to be brought forward at the next meeting.

7.3. Tillsonburg Hydro Inc.

7.4. Town Hall Task Force

7.5. Economic Development System

8. Committee Organization Updates

8.1. Tillsonburg District Chamber of Commerce

8.2. Downtown Business Improvement Association (**Attached**)

8.3. Tillsonburg District Real Estate Board (**Attached**)

The new First-Time Home Buyer Incentive program will allow Canadians to purchase a home and lower their monthly payments by sharing the cost of the mortgage with the government. Terms and conditions will be released in the coming months and the program is expected to be operational by September 2019.

Increasing the Home Buyers' Plan (HBP) Withdrawal Limit from \$25,000 to \$35,000 will allow home buyers greater access to their own savings to purchase

a home. To date, the HBP has helped over 2.9 million Canadians achieve homeownership.

Expanding eligibility for the HBP during significant life changes to include Canadians who have experienced a breakdown in their marriage or common-law partnership.

8.4. Physician Recruitment

Funded in the 2019 budget.

9. Round Table

Deb Gilvesy proposed that the Tillsonburg Hydro Inc development charges be an item at the next meeting.

Mayor Stephen Molnar met with one of the Regional Government Review advisers, more discussion regarding this topic will happen.

Staff to send the Tax Ratio Policy to the committee.

The Federal budget has been approved and there will be an internal review of impacts. The Provincial budget is coming up in April 2019.

SCOR's Annual General Meeting is being held on Friday, March 29, 2019 at their office at 4 Elm St Tillsonburg.

Development Commissioner noted that a local construction materials manufacturing company has laid off employees due to a slowdown in the housing market.

Another currently vacant facility will likely be on the market shortly.

10. Other Business

11. Next Meeting

Tuesday, April 9, 2019 at 7:30 a.m. at the Corporate Office in Suite 203, 200 Broadway, Tillsonburg, ON.

12. Adjournment

Proposed Resolution #3

Moved by: Andrew Burn

Seconded by: Jim Hayes

THAT the March 21, 2019 Economic Development Advisory Committee meeting be adjourned at 9:23 a.m.

Carried

**THE CORPORATION OF THE TOWN OF TILLSONBURG
BY-LAW NUMBER 4255**

A BY-LAW to control noise in the Town of Tillsonburg, and to repeal by-law 3002.

WHEREAS Section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS Section 10(2) of the Municipal Act, 2001 authorizes the municipality to pass by-laws respecting certain matters, in particular subsections 5,6,8, and 9 authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals.

AND WHEREAS Section 128 of the Municipal Act, 2001 provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become a public nuisances;

AND WHEREAS in the opinion of Council for the Town of Tillsonburg, certain kinds of noise are or could become a public nuisance.

NOW THEREFORE the Council of The Town of Tillsonburg hereby enacts the following:

**SECTION 1
SCOPE OF BY-LAW**

1.1. SHORT TITLE

This By-law and any amendments thereto shall be known as the “Noise By-Law.”

1.2. INTENT AND SCOPE

The purpose of this By-law is to control and regulate noise within the corporate limits of the Town of Tillsonburg.

1.3. CONTENT OF BY-LAW

All references in the By-law to sections, regulations, exceptions, tables, figures, schedules and maps, refer to those in this By-law unless otherwise indicated.

**SECTION 2
DEFINITIONS AND INTERPRETATION**

2.1. DEFINITIONS

The terms set out below shall have the following meanings in this By-law:

“ANIMAL CONTROL OFFICER” means any person designated or contracted as an *Animal Control Officer* by the Town of Tillsonburg.

“AUTHORIZED EMERGENCY VEHICLE” means an ambulance, fire department vehicle, police vehicle, a snow plow, or any other vehicle operated by or for the Town of Tillsonburg or Oxford County.

“BUILDING” means any permanent structure used or intended to be used for the shelter, accommodation or enclosure of *persons*, animals, or goods.

“CHIEF BUILDING OFFICIAL” means the *Chief Building Official* of The Corporation of the Town of Tillsonburg.

“CONSTRUCT” means to build and/or to permit to build or erect, alter, relocate or provide any material alteration and without limiting the generality of the foregoing shall be taken to include any work in preparation to *construct*, and constructed has a corresponding meaning and this excludes any “*domestic works*” as defined.

“CONSTRUCTION EQUIPMENT” means any equipment or device designed and intended for use in construction, or material handling, including but not limited to, hammers, saws, drills, augers, air compressors, pile drivers, pneumatic or by hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, generators, pavers, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

“CONVEYANCE” means a vehicle and any other device employed to transport a person or persons or goods from place to place and includes any vehicle or device if operated only within a specific premise.

“COUNCIL” means the Municipal Council of the Corporation of the Town of Tillsonburg.

“DOMESTIC WORKS” means any construction, maintenance, renovation or repairs being completed an *owner* to their own property.

“HIGHWAY” includes a common or public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

“LAW ENFORCEMENT OFFICER” means a Police Officer, a Provincial Offences Officer and Municipal Law Enforcement Officer.

“MOTOR VEHICLE” means an automobile, a motorcycle, a motor assisted bicycle or any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways or other motor vehicles running upon only rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Ontario Highway Traffic Act.

“NOISE” means any sound or vibration that is of such volume, level or nature that it is likely to disturb the inhabitants of the Town of Tillsonburg.

“OWNER” means a registered *owner* of land, or any *person* in control of land, including a leasee or an occupant thereof.

“PERSON” means an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau, and agency; and includes an *owner*.

“POINT OF RECEPTION” means any point on the *premises* of a *person*, where *noise* or vibration is originating from other than those *premises* is received.

“PREMISES” means land includes the buildings and/or structures thereon.

“PUBLIC HOLIDAY” means New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.

“TOWN” means the Corporation of the Town of Tillsonburg.

SECTION 3 GENERAL PROHIBITIONS

- 3.1. No *person* shall make, cause, or permit to be caused *noise* likely to disturb any *person* which is clearly audible at a *point of reception*.
- 3.2. No *person* shall make, cause or permit to be caused *noise* that contravenes:
 - a) An applicable Noise Pollution Control Publication of Ontario’s Ministry of the Environment, Conservation and Parks.
 - b) A permission, such as a certificate of approval, under federal or provincial legislation.
- 3.3. For the purposes of this By-law and without limiting the generality of the forgoing, the following *noises* shall be deemed to be *noises* likely to disturb any *person* if clearly audible at a *point of reception* in the Town of Tillsonburg:
 - a) The operation of a *motor vehicle* in such a way that tires squeal;
 - b) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in constant operation;
 - c) The operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes while such vehicle is stationary unless:
 - i) the continuous operation of the engine or motor is essential to the basic function of the vehicle or equipment;
 - ii) weather conditions justify the use of heating or refrigerating systems powered

- by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and the vehicle is stationary for the purposes of delivery or loading;
- d) The operation of an air conditioner, pool pump or filter, car wash air drying equipment, heat pump or the like that is not in proper working order;
 - e) The use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device.
 - f) The detonation of fireworks or any similar explosive device at any time other than that is specified as per the Town of Tillsonburg Fireworks By-law, as amended.
 - g) The discharge of any firearms.
 - h) Persistent yelling, shouting, hooting, whistling, singing or the like.
 - i) Persistent barking, calling, whining or other similar persistent *noise* making by any domestic animal.
 - j) Sound emanating from a radio, television, stereo, or other electronic device including any amplification device, or any musical or other sound producing instrument.
 - k) The operation of a dirt-bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance.

SECTION 4
REGULATIONS BY TIME

- 4.1. No *person* shall make, cause or permit the emission of *noise* resulting from an act listed herein, which *noise* is clearly audible at a *point of reception* during a restricted time period.
- 4.2. Notwithstanding any other provision of this By-law, the following *noises* shall be deemed to be *noises* which are likely to disturb any *person* in the *Town* if they are clearly audible at a *point of reception* with the time period as shown:

Description of Sound	Time Restrictions
1. Persistent yelling, shouting, hooting, whistling, singing or the like.	At all times
2. The discharge of firearms (except by police).	At all times
3. Persistent barking, calling, whining or other similar persistent <i>noise</i> making by any domestic animal.	At all times
4. The operation of any equipment in connection with construction.	7:00 p.m. to 7:00 a.m. Sundays and all <i>Public Holidays</i> - 7:00 p.m. to 9:00 a.m.
5. The operation of any gas, battery, or electrical powered tool including a hammer, saw, nail gun, staple gun, drill, air compressor, generator, lawnmower, hedge trimmer, chainsaw, trimmer, leaf blower or the like for <i>domestic works</i> other than for snow removal.	9:00 p.m. to 7:00 a.m. Sundays and all <i>Public Holidays</i> - 7:00 p.m. to 9:00 a.m.
6. The operation of waste collection machinery or refuse compacting equipment.	9:00 p.m. to 7:00 a.m. Sundays and all <i>Public Holidays</i> - 7:00 p.m. to 9:00 a.m.
7. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on a property not owned or controlled by a railway governed by the Canada Railway Act.	9:00 p.m. to 7:00 a.m.
8. Loading, unloading, delivering, packing, unpacking, or otherwise handling any equipment, containers, products, materials, or refuse whatsoever unless necessary for the maintenance of essential services or the moving of private household effects.	9:00 p.m. to 7:00 a.m.

SECTION 5 GENERAL EXEMPTIONS

This By-law does not apply to sound emitted, caused or permitted in connection with:

- a) Measures undertaken in the event of an emergency for the immediate health, safety, security or welfare of *persons* and animals within the *Town*;
- b) Measures undertaken in an emergency for the preservation or restoration of property;
- c) The operation of authorized emergency vehicles.
- d) The activities of snow plowing and/or removal.
- e) Measures undertaken by the *Town* or Oxford County where its employees, contractors, or agents are carrying out *Town* or Oxford County operations or operating, maintaining or installing municipally owned infrastructure and facilities.
- f) Sport, recreational events, parades, festivals, circuses, fairs, or entertainment activities approved by the *Town*.
- g) The lawful use and detonation of fireworks or similar explosive devices as per the Town of Tillsonburg Fireworks By-law, as amended.
- h) Non-emergency construction, reconstruction or repair of any county, provincial or federal public works including the construction, reconstruction or repair of a public *highway* provided the *Town* is given advanced written notice of the hours to be worked if outside the permitted construction hours.
- i) Operation of machinery by or on behalf of a public utility where work needs to be done on week-ends or overnight to minimize service interruptions.
- j) *Law Enforcement Officer* and *Animal Control Officers* while engaged in the course of their duties.

SECTION 6 TEMPORARY NOISE PERMIT EXEMPTIONS

6.1. Application to Chief Building Official

Notwithstanding anything contained in this By-law, any *person* may make application to the *Chief Building Official* or their designate for exemptions that do not exceed thirty days in length, to be granted an exemption from any of the provisions of this By-law with respect to any source of *noise* for which they might be prosecuted and the *Chief Building Official* or their designate, may refuse to grant any exemption or may grant the exemption applied for, or any exemption of lesser effect, and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as the *Chief Building Official* or their designate see fit. The application for a temporary *noise* exemption is to be submitted a minimum of twenty-one days before the requested start date.

6.2. Application to Council

Notwithstanding anything contained in this By-law, any *person* may make application to *Council* for exemptions exceeding thirty days in length, to be granted an exemption from any of the provisions of this By-law with respect to any source of *noise* for which they might be prosecuted and the *Council*, by resolution, may refuse to grant any exemption or may grant the exemption applied for, or any exemption of lesser effect, and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as the *Council* see fit. The application for a temporary noise exemption is to be submitted a minimum of twenty-one days before the requested start date.

6.3. Application for Exemption

The application mentioned in Sections 6.1 and 6.2 shall be made in writing and shall contain all of the following:

- a) The name and address of the applicant;
- b) The name and information of a contact *person*, if other than applicant;
- c) The location of the event or activity for which the Temporary Noise Permit is sought;

- d) A description of the source of *noise* in respect of which the exemption is sought;
- e) A statement of the particular provision or provisions from which the exemption is sought;
- f) The times of day, and period of time and duration for which the exemption is sought;
- g) The reasons why the exemption is necessary;
- h) A statement of the steps, if any, planned or presently being taken to minimize the *noise*;
- i) Written confirmation that all property *owners* within a five hundred metre radius of the point from which the *noise* will be emitted have been notified along with a copy of the public notice;
- j) A non-refundable application fee for exemption as set out in the *Town's* current Rates and Fees By-law; and
- k) Any other item as requested by the *Chief Building Official*, their designate or *Council* which shall be deemed necessary in providing relevant information related to the temporary noise permit.

6.4. Decision for Exemption

In deciding whether to grant the exemption, the *Chief Building Official* or designate or *Council* shall:

- (a) Consider any negative effects the issuance of the temporary noise permit may have on *persons* residing on neighbouring properties or on the *Town*;
- (b) Consider any benefits the issuance of the temporary noise permit may have for *persons* residing on neighbouring properties or for the *Town*;
- (c) Consider any previous violations of this By-law or predecessor by the *owner* or temporary noise permit conditions by the applicant; and
- (d) Consider anything that is reasonably relevant.

6.5. Conditions of Temporary Noise Permit

The *Chief Building Official* or their designate or *Council* may impose conditions on a temporary noise permit, including but not limited to:

- (a) The type and volume of sounds that may be made;
- (b) The times during which sounds may be made and;
- (c) The date of expiry of the temporary noise permit.

6.6. Violation of Temporary Noise Permit Conditions

Violation by the applicant or by any *person* under the applicant's direction of any of the terms or conditions of the exemption granted by the *Chief Building Official* or their designate or *Council* shall render the temporary noise permit null and void.

SECTION 7 ADMINISTRATION

7.1. Enforcement Authorization

This by-law shall be enforced by *Law Enforcement Officers*.

For the purpose of ensuring compliance with this By-law, *Law Enforcement Officers* may at all reasonable times enter upon and inspect any land to determine whether the following is being complied with:

- (a) The provisions of this by-law
- (b) An *Order* made under this by-law

7.2. Enforcement and Inspection

A *Law Enforcement Officer* may, for the purpose of inspection:

- (a) Require the production for inspection of documents or things relevant to the inspection
- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts
- (c) Require information from any *person* concerning a matter related to the inspection
- (d) Alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection
 - i) Any cost incurred from this will be at the *owner's* expense.
 - ii) No person shall hinder or obstruct, or attempt to hinder or obstruct, any *Law Enforcement Officer* exercising a power or performing a duty under this by-law.

7.3. Order

A *Law Enforcement Officer* may by written Order, sent by regular mail to the last known address (last revised tax assessment roll), posted on site or personally delivered to *owner* or owners of property, within the time specified in the Order to:

- (a) Discontinue the contravening activity, and/or
- (b) Do work to correct the contravention

7.4. Contents of the Order

The *Order* will state:

- (a) the section that is in contravention of the by-law
- (b) the location/address of the contravention
- (c) reasonable particulars of the contravention
- (d) the work to be completed
- (e) the date by which the work must be completed

7.5. Failure to Comply with an Order

Where an *owner* fails to comply with an *Order*, the *Law Enforcement Officer* may without any further notice, cause the work to correct the contravention be done at the *owner's* expense. Without limitation, the *Law Enforcement Officer* may retain such *persons* to assist in completing the work as the *Law Enforcement Officer* determines appropriate.

All costs incurred by the *Town* in relation to such work may be recovered by the *Town* by being added to the tax roll and collected in the same manner as property taxes. An administrative fee will also be added as per the Annual Rates and Fees By-law.

If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court competent jurisdiction thereafter may make an *Order*,

- (a) prohibiting the continuation or repetition of the offence by the *person* convicted; and
- (b) requiring the *person* convicted to correct the contravention in the manner and within the period that the court considers appropriate

SECTION 8 PENALTIES

8.1. Contraventions

The following applies to any *person* deemed to have contravened any provision of this by-law:

- (a) Every *person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- (b) If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- (c) Every *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
 - i) upon a first conviction, shall be liable to a fine of not more than \$50,000;
 - ii) upon second or subsequent conviction for the same offence, to a fine of not more than \$100,000;
 - iii) upon conviction for a continuing offence, to a fine of not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000;
 - iv) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of more than \$10,000. The total of all fines for each included offence is not limited to \$100,000.
- (d) For the purposes of this By-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- (e) For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

SECTION 9 SEVERABILITY

Where a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an *Order* to the contrary.

**SECTION 10
REPEAL**

THAT By-Law No. 3002 is hereby repealed in its entirety.

**SECTION 11
EFFECTIVE DATE**

THAT this By-Law shall become effective upon the passing thereof and upon the approval of the set fines by the Regional Senior Justice of the Ontario Court of Justice.

READ A FIRST AND SECOND TIME this 8th day of April, 2019.

READ A THIRD AND FINAL TIME AND PASSED this 8th day of April, 2019

Mayor – Stephen Molnar

Town Clerk – Donna Wilson

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 4269

A BY-LAW to amend By-Law 3666, to Govern the Licensing of Businesses within the Town of Tillsonburg.

WHEREAS The Corporation of the Town of Tillsonburg deems it necessary and expedient to amend the Town's Business Licensing by-law to include an Ice Cream Truck or Ice Cream Bicycle as a Licenced Business in the Town of Tillsonburg;

WHEREAS Section 150 & 151 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, without limiting the broad powers granted to municipalities through sections 9, 10 and 11 of the *Municipal Act, 2001*, c. 25 provides that a local municipality may licence, regulate and govern any business wholly or partly carried on within the municipality for one or more of the following purposes: health and safety, nuisance control or consumer protection;

AND WHEREAS Sections 150 to 159 of the Municipal Act, apply to municipalities in the exercise of a power to pass by-laws licensing businesses under any section of this Act or any other Act. 2006, c. 32, Sched. A, s. 82.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Town of Tillsonburg enacts as follows:

2.0 DEFINITIONS

"ice cream bicycle" means an insulated container for storing and transporting frozen ice cream, propelled totally by muscular power without motorized assistance and from which ice cream and other frozen confections may be sold.

"ice cream truck" means a vehicle modified to transport frozen ice cream from place to place, which is duly licensed by the Ministry of Transportation and is capable of being driven on highways or within municipalities and from which ice cream and other frozen confections may be sold.

1. THAT Section 7.0 FOOD VENDING shall be amended as follows:

- 7.7 No person shall operate a competing refreshment vehicle, refreshment stand, Ice Cream Truck or Bicycle within 8 metres (26 feet) of any other refreshment vehicle, refreshment stand or Ice Cream Vehicle/Stand or within 8 metres (26 feet) of the vehicular entrance to the property or in any location which will obstruct the flow of vehicles.
- 7.11 Provisions Applicable to Ice Cream Trucks and Ice Cream Bicycles
No person shall operate an ice cream truck or an ice cream bicycle from which is sold:
 - heated or cooked food
 - milk or any beverages
 - any goods, wares or merchandise or other item other than ice cream, and frozen refreshments.
- 7.12 Despite Section 7.3 & 7.4, ice cream vehicles may be permitted to operate on municipal property, including road allowances and municipal parks.
- 7.13 No person shall operate or permit the operation of an ice cream vehicle on any travelled portion of a road allowance within the BIA area.
- 7.14 No person shall operate or permit the operation of an ice cream truck or bicycle between the hours of 9:00 p.m. and 7 a.m. on any day.

Insurance

- 7.14 No person shall operate an ice cream truck or ice cream bicycle unless he takes out and keeps in force during such operation a comprehensive policy of public liability and property damage insurance acceptable to the Licensing Officer.
 - 7.15 The policy shall, at a minimum, provide insurance coverage in respect of any one accident to the limit of five million dollars (\$5,000,000) exclusive of interest and costs, against loss or damage resulting from bodily injury to, or death of one (1) or more persons and loss of, or damage to, property.
 - 7.16 Such policy or policies shall be in the name of the owner and shall name The Corporation of the Town of Tillsonburg as an additional insured thereunder, and shall state that The Corporation of the Town of Tillsonburg shall be indemnified by the owner of the licence so that if a law suit is filed against the Town, notwithstanding that the operator or owner of the licence had general liability insurance, the operator or owner of the licence or vehicle will be required to pay to the Town any and all costs it incurred, or losses suffered by the Town, as a result of any legal proceeding. All policy or policies shall also contain a cross-liability of interest clause protecting the Town against any actions, causes of actions, claims and demands whatsoever which may arise resulting from the Town's issuance of the permit to use the designated area.
 - 7.18 The proof of insurance shall include a provision that the licensing officer will be given at least ten day's notice in writing of any cancellation, expiration or variation in the policy.
 - 7.20 No person shall fail to have the proof of insurance with him while operating a refreshment vehicle or refreshment stand
2. THAT these amendments to By-Law 3666 are hereby declared to be part of that By-Law as if written therein.
3. This By-Law shall come into full force and take effect upon the final passing hereof.

READ A FIRST AND SECOND TIME THIS 8th DAY OF APRIL, 2019.

READ A THIRD AND FINAL TIME AND PASSED THIS 8th DAY OF APRIL, 2019.

Mayor – Stephen Molnar

Town Clerk – Donna Wilson

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 4286

A BY-LAW to Authorize Specific Complaints to the Assessment Review Board

WHEREAS pursuant to sections 40 and 40.1 of the Assessment Act, R.S.O. 1990 c. A.31, as amended (hereinafter referred to as the “Assessment Act”) the Council of the Corporation of the Town of Tillsonburg may appeal the assessment of their land or the land of another person to the Assessment Review Board on the basis that the current value of the land, the classification of the land and/or the share of the current value as distributed across differently classified portions of the land is incorrect; or on the basis that they or another person has been wrongly placed on, or omitted from the assessment roll in respect of land or school support;

AND WHEREAS the Council of the Corporation of the Town of Tillsonburg deems it appropriate to enact this by-law for the purposes of exercising its privileges under s. 40 and or s.40.1 of the Assessment Act;

NOW THEREFORE the Council of the Corporation of the Town of Tillsonburg hereby enacts as follows:

1. In this By-Law:
“Municipality” means the Corporation of the Town of Tillsonburg
“property” means any property or portion of property that is or should be identified on the assessment roll prepared in respect of the Municipality;
2. THAT the Town hereby authorizes and ratifies the filing of complaints to the Assessment Review Board in respect of the assessment of all persons and properties described in “Schedule A” of this By-Law; and that Schedule “A” attached hereto forms part of this by-law; and
3. THAT the Town may, through amending By-Law or resolution alter or add to the contents of “Schedule A”; and
4. THAT the Town hereby directs the following persons to file, or effect the filing of all appeals in respect of the properties described in “Schedule A”
 - a) Dave Rushton, Treasurer, Town of Tillsonburg
5. AND THAT MTE Paralegal Professional Corporation shall be appointed as agent of record for the Town;

6. AND THAT this By-Law shall come into full force and effect on the date it is finally passed and shall serve to ratify all administrative tasks and responsibilities undertaken prior or subsequent to that date in respect of any appeal authorized through this By-Law.

READ a first and second time this 8th day of April, 2019.

READ a third and final time and passed this 8th day of April, 2019.

Mayor – Stephen Molnar

Town Clerk – Donna Wilson

BY-LAW 4286
SCHEDULE A

Appeal To The Assessment Review Board

TOWN OF TILLSONBURG

#	Roll Number	Project Source
1	32-04-020-020-583-00	Proactive Appeal

Total Property: 1

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 4287

**A BY-LAW TO AUTHORIZE A FACTORY PROTECTION PLAN – END USER AGREEMENT
WITH ELEXICON GROUP INC. (FORMERLY WHITBY HYDRO ENERGY SERVICES
CORPORATION) AND THE CORPORATION OF THE TOWN OF TILLSONBURG**

WHEREAS the Corporation of the Town of Tillsonburg deems it necessary and expedient to enter into a Factory Protection Plan – End User Agreement with Elexicon Group Inc.

THEREFORE the Council of the Town of Tillsonburg enacts as follows:

1. THAT the Factory Protection Plan – End User Agreement attached hereto as Schedule “A” forms part of this By-law;
2. THAT the Mayor and Clerk be hereby authorized to execute the attached Factory Protection Plan – End User Agreement marked as Schedule “A” on behalf of the Corporation of the Town of Tillsonburg.

This By-Law shall come into force and take effect immediately after the final passing hereof.

READ A FIRST AND SECOND TIME THIS 8th day of April, 2019.

READ A THIRD AND FINAL TIME AND PASSED THIS 8th day of April, 2019.

MAYOR – Stephen Molnar

TOWN CLERK – Donna Wilson

Ellexicon Group Inc.
 100 Taunton Road East, PO Box 59 • Whitby • ON L1N 5R8
 Phone: (905) 668-5878 • Email: info@ellexicongroup.com
 Web: ellexicongroup.com



FACTORY PROTECTION PLAN END USER AGREEMENT

Agreement Number WHFS-18-12-TIL		Agreement Execution Date April 1, 2019	
Purchaser Company Name (Bill-To) Town of Tillsonburg		Purchaser Contact Name (Bill-To) Accounts Payable	Phone Number 905.688.3009
Address (Bill-To) 200 Broadway, Suite 204., Tillsonburg, Ontario N4G 5A7			
Name (Site Contact) Rick Cox		Company (Site Contact) Town of Tillsonburg	Phone Number 905.688-3009
Address (Turbine Location) 45 Hardy Ave, Tillsonburg, Ontario			
Total Number Of: Turbines: 3 Gas Packs/Air Packs: 3			

A. Factory Protection Plan Types and Optional Services

Factory Protection Plan Type ¹		Price
<input type="checkbox"/> Plan A – 5 year or 39,999 trh, ² Parts ONLY, NO Overhaul	<input type="checkbox"/> <4000 hrs/yr <input type="checkbox"/> 4000-6000 hrs/yr <input type="checkbox"/> >6000 hrs/yr	\$
<input type="checkbox"/> Plan B – 5 year or 39,999 trh, Parts & Labor, NO Overhaul	<input type="checkbox"/> <4000 hrs/yr <input type="checkbox"/> 4000-6000 hrs/yr <input type="checkbox"/> >6000 hrs/yr	\$
<input checked="" type="checkbox"/> Plan C – 9 year or 79,999 trh, Parts ONLY, with Overhaul	<input type="checkbox"/> <4000 hrs/yr <input type="checkbox"/> 4000-6000 hrs/yr <input checked="" type="checkbox"/> >6000 hrs/yr	\$ 359,784
<input type="checkbox"/> Plan D – 9 year or 79,999 trh, Parts & Labor, with Overhaul	<input type="checkbox"/> <4000 hrs/yr <input type="checkbox"/> 4000-6000 hrs/yr <input type="checkbox"/> >6000 hrs/yr	\$
<input type="checkbox"/> Other – Description: X (See also checked items in column "OTHER" in Section B below.)	<input type="checkbox"/> X hrs/yr	\$

¹ See Section B below for description of included services for each type of Factory Protection Plan.

² Turbine run hours (trh)

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FACTORY PROTECTION PLAN END USER AGREEMENT

Optional Services	Price
<input checked="" type="checkbox"/> VPSN – Vergent Power Service Network Remote Monitoring Service, Subscription ONLY ³	\$Incl
<input checked="" type="checkbox"/> Upgrades – Description: Any and all as made available by Capstone	\$Incl
<input type="checkbox"/> Commissioning or <input type="checkbox"/> Re-commissioning	\$
Total Price	\$ 359,784

³ VPSN Remote Monitoring equipment must be purchased separately.

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FACTORY PROTECTION PLAN END USER AGREEMENT

B. Description of Factory Protection Plan Services

FACTORY PROTECTION PLAN, Included Services	Plan A	Plan B	Plan C	Plan D	Site
Maintenance Parts:					
➤ Scheduled maintenance parts as needed pursuant to the then current Capstone Standard Maintenance Schedule (Capstone document number 440000 for Model C30 or Model C60, or Capstone User Manual for Model C65 or C200).	✓	✓	✓	✓	<input checked="" type="checkbox"/>
➤ Unscheduled maintenance parts as needed, including:					
• Engine assembly (Engine/Generator)	✓	✓	✓	✓	<input checked="" type="checkbox"/>
• All power electronics components	✓	✓	✓	✓	<input checked="" type="checkbox"/>
• All fuel system components	✓	✓	✓	✓	<input checked="" type="checkbox"/>
• Optional/Accessory equipment (if installed)					
- Main battery pack	✓	✓	✓	✓	<input checked="" type="checkbox"/>
- Heat Recovery Module (HRM) coil	✓	✓	✓	✓	<input checked="" type="checkbox"/>
- Capstone Logic Controller (CLC)	✓	✓	✓	✓	<input type="checkbox"/>
- Dual Mode System Controller (DMSC)	✓	✓	✓	✓	<input type="checkbox"/>
- External Fuel Filter	✓	✓	✓	✓	<input type="checkbox"/>
- External Regulator	✓	✓	✓	✓	<input type="checkbox"/>
Maintenance Labor: ⁴					
➤ Scheduled maintenance labor.	No	✓	No	✓	<input type="checkbox"/>

⁴ Normal Elexicon Group service hours are 8:00 am to 4:30 pm local time weekdays, excluding holidays.

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FACTORY PROTECTION PLAN END USER AGREEMENT

FACTORY PROTECTION PLAN, Included Services	Plan A	Plan B	Plan C	Plan D	Site
➤ Unscheduled maintenance labor.	No	✓	No	✓	<input type="checkbox"/>
Engine Overhaul at 40,000 trh	No	No	✓	✓	<input checked="" type="checkbox"/>
Additional Services:					
➤ Access to Elexicon Group's Technical Support.	✓	✓	✓	✓	<input type="checkbox"/>
➤ Priority response to unscheduled maintenance service requests.	No	✓	No	✓	<input type="checkbox"/>
➤ System software upgrades as released by Capstone.	✓	✓	✓	✓	<input checked="" type="checkbox"/>
➤ Installation of system software upgrades.	No	✓	No	✓	<input type="checkbox"/>
➤ Other – Description:					<input type="checkbox"/>
➤ Other – Description: THIRD PARTY METERING EQUIPMENT, NOT INCLUDED					<input type="checkbox"/>

C. Service Conditions

1. Sites must be clean, free of debris and any other obstructions, well lit, and operating in an environment that will not cause excessive usage, or need for replacement, of consumables and filters outside the parameters of Capstone's standard service intervals.
2. Sites must be installed in accordance with all Capstone/ELEXICON GROUP/Vergent Power installation requirements.
3. Sites must be commissioned in accordance with Capstone/ELEXICON GROUP/Vergent Power specifications and Capstone/ELEXICON GROUP/Vergent Power must have an approved Commissioning Checklist on file.
4. If VPSN is checked in Section A above, then Purchaser is responsible for providing Vergent Power with a dedicated internet connection for VPSN starting on the Start of Services Date and terminating on the End of Services Date (see Section D below).

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FACTORY PROTECTION PLAN END USER AGREEMENT

D. Term of Agreement

1. **Start of Services:** The Agreement and Services shall commence ☐ Upon the Date of Commissioning, which shall occur no later than ☐; or ☒ Agreement Execution Date.
2. **End of Services:** The Agreement and Services shall expire ☐ 5 years from Start of Services or 39,999 trh, whichever comes first; or ☒ 9 years from Start of Services or 79,999 trh, whichever comes first; or ☐ Other (specify: ☒.
3. **Labour:** Customers shall have access to ELEXICON GROUP Authorized Service Provider (ASP) technicians and will be charged at a rate of \$145/hour/ASP CAD including driving time, upon request.

E. Payment Terms

1. Payment for the Service Agreement will be made in ☐ Upfront; equal ☒ Annual; or ☐ Other (specify: ☒ installment(s) of \$39,976.00 plus HST.
2. Unless otherwise provided for in the payment descriptions above, payments for Services are due 30 calendar days from date of invoicing, are stated in Canadian dollars and include any fees, licenses and permits required for the performance of the Services, and exclude sales and other taxes.
3. Overdue payments shall be subject to a late charge, calculated from the date of invoice to the date of payment, equal to Eighteen Percent (18%) per annum calculated monthly. The foregoing shall in no way limit any other remedy that may be available to ELEXICON GROUP.
4. Purchaser's obligations to ELEXICON GROUP to pay in full all amounts owed to ELEXICON GROUP as of the termination or expiration of this Agreement shall survive the termination for any reason or expiration of this Agreement.
5. Pricing is based off an exchange rate of 1.34 UDS to 1.00 CAD. If the actual exchange rate at the time of transaction is different than this rate, a credit or debit will be issued in order to correct to the actual exchange rate for each transaction.

F. Excluded Services

The following are specifically excluded from the Agreement:

1. Changes to the original design and configuration (alterations from "as commissioned").
2. Application engineering and installation; correction of latent or discovered defects or equipment failure due to application engineering, installation, settings and/or connections.

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FACTORY PROTECTION PLAN END USER AGREEMENT

3. Operation of Covered Equipment on a day-to-day basis.
4. Usage/consumption of consumables outside the parameters of Capstone's/ELEXICON GROUP's standard service intervals, unless otherwise specified in Exhibit 1.
5. Operation of Covered Equipment on a day-to-day basis.
6. Emissions testing or testing of exhaust gas.
7. Fuel analysis or laboratory analysis to confirm fuel composition.
8. Operator classroom training.
9. City, state, and/or federal permits, rebates, or incentive applications or filings.
10. Balance of plant equipment: ELEXICON GROUP will provide Services for the Covered Equipment listed in Exhibit 1 only, as may be amended by the parties from time to time in writing.
11. Using the VPSN, Vergent Power may provide remote monitoring service diagnostics as a courtesy to the customer. The VPSN equipment is capable of monitoring additional Balance of Plant equipment (i.e., anything outside of the housing and not included in the definition of "Covered Equipment" set forth below), which may impact the successful operation of the Covered Equipment under this Agreement. Under no circumstances is ELEXICON GROUP obligated to provide any Services for Balance of Plant equipment or any other equipment that is not listed as Covered Equipment.
12. Internet connection, service, maintenance, or hardware related fees.
13. Certain tooling required to support performing Services on the Covered Equipment, e.g. assistive lifting devices, trucks, crane or forklift rentals, etc.
14. Any expenses resulting from failure to meet, or incurred as a result of correcting deficiencies in order to meet, Service Conditions specified in Section C above.
15. Any expenses resulting from improper operation of Covered Equipment.
16. Any expenses resulting from Force Majeure events.
17. Any expenses resulting from power quality disturbances (e.g. sags, surges, and harmonics) in grid-connected operation.
18. Any services requested by Purchaser which are determined, in ELEXICON GROUP sole discretion, to be outside the scope of this Agreement.

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FACTORY PROTECTION PLAN END USER AGREEMENT

Pursuant to this Services Agreement (the "Agreement"), Purchaser hereby authorizes Elexicon Group ("ELEXICON GROUP") to provide the services described above (the "Services"), including the provision of any necessary parts (the "Parts"), on the Capstone Turbine generator systems, controls and/or accessories identified above (the "Covered Equipment") in accordance with and subject to the terms and conditions described above and on the pages attached hereto.

1. Price of the Services, Payment Terms and Scope of Services. The price, payment terms and scope of services for each of the Services (the "Scope of Services") are set forth on the cover pages of this Agreement. If repairs or additional labor outside of the applicable Scope of Services are determined to be necessary and the required repairs are authorized by Purchaser, then (i) additional labor and other costs and expenses will be billed by ELEXICON GROUP to Purchaser at the then effective Factory Protection Plan Service Flat Rate Schedule and the then effective ELEXICON GROUP Service Rates, as such terms and provisions are revised by ELEXICON GROUP from time to time, and (ii) Parts will be billed at the then prevailing ELEXICON GROUP List Price, and (iii) mobilization costs and expenses will be without charge so long as the labor is performed at the same time scheduled maintenance is performed. If labor is not performed at the same time of scheduled maintenance, mobilization charges will be as described in ELEXICON GROUP's Service Rates.

2. Term. This Agreement shall continue in effect for the term indicated in Section D of this Agreement unless ELEXICON GROUP or Purchaser terminates this Agreement by delivering to the other party written notice in the event of: (i) Purchaser's breach of any material term or condition of this Agreement; or (ii)

Purchaser's failure to pay when due any amount owed by Purchaser to ELEXICON GROUP under this Agreement, within fifteen (15) days of when such payment is due under the Agreement, and Purchaser fails to cure such default within seven (7) days after receiving written notification of default. If Purchaser fails to pay when due any amount owed by Purchaser to ELEXICON GROUP and this Agreement is not terminated immediately by ELEXICON GROUP, ELEXICON GROUP may delay or cease performance of Services under this Agreement until payment in full is received or other payment arrangements are agreed to, at ELEXICON GROUP's sole discretion. The foregoing does not limit or restrict in any way ELEXICON GROUP's right to terminate this Agreement at any time following an event described in this Section. In the event of a termination by ELEXICON GROUP, Purchaser will forfeit all amounts paid at the time of termination as a true measure of the damages and not as a penalty. Purchaser reserves the right to terminate this Agreement without cause, and in such event shall pay ELEXICON GROUP for all services performed through the date of termination or forfeit all amounts paid at the time of termination, whichever is greater as a true measure of the damages and not as a penalty.

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FACTORY PROTECTION PLAN END USER AGREEMENT

If this agreement is terminated by Purchaser between years Five (5) through Nine (9), there will be a charge to Purchaser for the engine replacement that was performed during the 40,000 hour service at current market value.

3. ELEXICON GROUP's Services; Warranty. ELEXICON GROUP agrees that it will comply with applicable laws and regulations relating to its provision of the Services and such Services will be provided in a professional and workmanlike manner consistent with the applicable Scope of Services and with generally accepted industry standards and practices with regard to the type of services provided hereunder. ELEXICON GROUP and Capstone provide the warranties with respect to Parts and labor provided by ELEXICON GROUP and Capstone for the applicable Covered Product (the "**Service-Related Warranties**"). Notwithstanding any term contained in a Service-Related Warranty or this Agreement to the contrary, any and all Service-Related Warranties expire upon the completion of the Services.

4. Purchaser's Representations. Purchaser represents, warrants, and covenants that: (i) it has the right, power, and authority to enter into this Agreement and to perform fully its obligations hereunder; (ii) the making of this Agreement does not violate any agreement existing between it and any other person or entity; (iii) it has obtained or will obtain all licenses and permits necessary for ELEXICON GROUP to perform the Services; (iv) all information provided by Purchaser to ELEXICON GROUP related to the Services and its ability to pay for the Services is complete and accurate; (v) it will arrange for ELEXICON GROUP's access to the facilities where the Covered Equipment is

located as needed to perform the Services; and (vi) it will perform all of its obligations under this Agreement to the reasonable satisfaction of ELEXICON GROUP.

5. Purchaser's Obligations. In addition to all other obligations stated in this Agreement, when requested, Purchaser shall provide ELEXICON GROUP with: (i) records and information concerning the Covered Equipment; and (ii) any special tools or instruments needed for the Covered Equipment which Purchaser already possesses. Purchaser shall designate an authorized representative who shall be available to ELEXICON GROUP at all times while ELEXICON GROUP is performing the Services on Purchaser's premises. Purchaser agrees that the Scope of Services excludes all trade labor work and any supervision, management or regulation of Purchaser's employees, agents or contractors and work related thereto, and it does not include responsibility for planning, scheduling, monitoring or management of the work to be performed by Purchaser. Purchaser agrees that any written or oral reports and advice provided by ELEXICON GROUP to Purchaser in connection with the provision of Services shall be utilized solely by Purchaser and shall not be used or conveyed by Purchaser to any third party.

6. Disclaimer. EXCEPT AS SET FORTH IN SECTION 3, THE SERVICES ARE PROVIDED ON AN "AS IS" BASIS AND NO OTHER WARRANTIES, EXPRESS, IMPLIED OR STATUTORY ARE GIVEN FOR THE SERVICES, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTABILITY, NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR PURPOSE AND INCLUDES ANY IMPLIED WARRANTIES UNDER THE SALE OF

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FACTORY PROTECTION PLAN END USER AGREEMENT

GOODS ACT AND ALL SUCH WARRANTIES ARE EXPRESSLY DISCLAIMED.

7. Limitation of Liability in General.

7.1 ELEXICON GROUP and the Purchaser shall each indemnify and hold harmless the other party (inclusive of its respective elected members of council, employees, servants and agents) from and against all claims, demands, losses, costs, damages, actions, suits, or proceedings whether in respect of losses suffered by them or in respect to claims by third parties that arise out of, or attributable in any respect to their involvement as parties to this Agreement, provided that such claims are not caused by: (1) the negligent acts or omissions of the party seeking indemnity or anyone for whose acts or omissions that party is liable, or (2) a failure of the party to the Agreement from whom indemnification is sought to fulfill its obligations in the Agreement.

7.2 This Section shall prevail over any conflicting or inconsistent provisions contained in any of the documents comprising this Agreement or any other document issued by Purchaser hereto or in any conflicting or inconsistent statement made by any representative of the parties.

7.3 The limitations of ELEXICON GROUP and/or Capstone's obligations and Purchaser's remedies, as provided for in this Section, shall prevail over any conflicting or inconsistent provisions contained in any of the documents comprising this Agreement or any other document issued by Purchaser hereto or in any conflicting or inconsistent statement made by any representative of ELEXICON GROUP and/or Capstone, except to the extent that such

provision or statement further limits ELEXICON GROUP and/or Capstone's liability.

7.4 The rights, remedies and obligations of the Parties set forth in this Agreement, together with the attached exhibits, are the exclusive rights, remedies and obligations of the Parties hereunder and are in lieu of any other right, remedy, or obligation available at law or in equity.

8. Dispute Resolution. Any disputes and claims arising out of this Agreement or any document referenced herein shall be settled by negotiation between the Parties. If such negotiations are unsuccessful, the matters in dispute shall be settled by arbitration. Such arbitration shall be conducted by a single arbitrator in accordance with the Arbitrations Act. The award of the arbitrator shall be final and binding on the Parties. The arbitrator shall be entitled to fix and determine expenses and legal costs in favour of the successful Party. The arbitration shall be held at the Town of Whitby.

9. Confidential Information, Intellectual Property Rights. Purchaser shall not, directly or indirectly, modify or disassemble for the purpose of reverse engineering any Covered Equipment or components thereof. All intellectual property rights and confidential information relating to the Covered Equipment, and any information provided by Capstone/ELEXICON GROUP to Purchaser under this Agreement, shall remain the property of Capstone/ELEXICON GROUP.

The parties and its respective directors, officers, employees, agents and contractors during the term of this Agreement shall treat as confidential and secure all of the Purchaser's Confidential Information, meaning all confidential or proprietary written, recorded, electronic or oral

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information, knowledge, data or materials provided (whether or not such confidentiality or proprietary status is indicated orally, or whether or not the specific words "confidential" or "proprietary" are used) (the "**Confidential Information**") to the other party.

The parties acknowledge that a breach of its confidentiality obligations will cause irreparable damage and monetary damages are an inadequate remedy. In the event of a breach or threatened breach of the confidentiality obligations set out in this section, the party alleging the breach against the other party shall be entitled to temporary and permanent injunctive relief for the protection of its confidential information.

The parties acknowledge that this Agreement and any materials or information provided to the Town through the performance of this Agreement may be subject to disclosure by the Purchaser pursuant to the Municipal Freedom of Information and Protection of Privacy Act.

10. Miscellaneous.

10.1 Governing Law. This Agreement is governed by the laws of the Province of Ontario (as such laws are applied to contracts made and performed entirely within Ontario, without regard to Ontario's conflicts of laws provisions) and federal laws applicable to patents and trademarks. The Parties agree that any claim or proceeding arising out of this Agreement shall be commenced in the City of Oshawa, Ontario.

10.2 Survival. All provisions of this Agreement will survive its termination to the fullest extent necessary to give the Parties the full benefit of the bargain expressed in this Agreement.

Notwithstanding the foregoing, Purchaser agrees that upon completion of the Services, any and all Service-Related Warranties shall expire as of such date.

10.3 Assignment. This Agreement may not be assigned by Purchaser without the prior written consent of Capstone/ELEXICON GROUP. ELEXICON GROUP may assign this Agreement to an entity wholly-owned by ELEXICON GROUP without the consent of Purchaser.

10.4 Severability. If any provision of this Agreement or the terms and conditions set forth herein is declared or found to be illegal, unenforceable, or void, the remaining provisions of this Agreement shall remain in full force and effect, subject to the immediately following provisions. In the event any provision of this Agreement is declared or found to be illegal, unenforceable or void, the Parties agree to negotiate in good faith a substitute provision that is legal and enforceable and is as nearly as possible consistent with the intentions underlying the original provision. If the remainder of the Agreement is not materially affected by such declaration or finding and is capable of substantial performance, then such remainder will be enforced to the extent permitted by law.

10.5 Independent Review and Advice. Each Party has full knowledge of the contents of this Agreement, its legal consequences and any and all rights which each may have with respect to one another. Each Party has had the opportunity to receive independent legal advice with respect to this Agreement and each Party enters into this Agreement of its own free will. The Parties expressly agree that there are no expectations

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FACTORY PROTECTION PLAN END USER AGREEMENT

contrary to the Agreement and no usage of trade or regular practice in the industry shall be used to modify any of the terms and provisions of the Agreement.

10.6 Entire and Sole Agreement. This Agreement constitutes the complete agreement with respect to the Services and supersedes all prior or contemporaneous proposals, agreements, representations, discussions and literature, written or oral, concerning the Services. This Agreement is not intended to change or alter any of the rights, duties, obligations, liabilities or limitations set forth in any other agreements between the Parties. The Parties' obligations with respect to confidential information, reverse engineering and/or trade secrets shall be governed by, if applicable, the Direct Sales Agreement, the End User License, or any confidentiality agreements the Parties have entered into.

10.7 Amendments. This Agreement may not be modified or amended except in writing signed by a duly authorized representative of each Party.

10.8 Force Majeure. Each Party's performance shall be suspended (other than the obligation to pay monies due) for so long as such performance is hindered by events beyond its reasonable control ("**Force Majeure**"), such as, but not limited to, riots, labor disputes of a general nature, national or civil wars, insurrections, rebellions, terrorist acts, embargoes, civil disturbances, earthquakes, dispositions or orders of governmental authority, acts of civil or military authority, fires, strikes, delays in transportation, inability to obtain necessary labor, manufacturing facilities or materials from usual sources and acts of God. Any delays resulting

from a Force Majeure shall extend the time for performance correspondingly. If a failure to perform results from a governmental law, rule, regulation, disposition or order and the affected Party is unable to perform, after making reasonable efforts to comply, the matter shall be deemed a Force Majeure.

10.9 No Third Party Beneficiaries. None of the terms of this Agreement are intended to confer to or benefit any person or entity other than the Parties to this Agreement any rights, remedies or other benefits under or by reason of this Agreement.

10.10 Waiver. No waiver by either Party of any term contained herein (or any breach thereof) shall be effective unless it is in writing executed by the party waiving such term (or any breach thereof). No waiver shall be deemed or construed as a further or continuing waiver of any such term (or any breach thereof) on any other occasion or as a waiver of any other term (or any breach thereof) on the same or any other occasion. The delay or failure of any Party in providing written notice hereunder shall not constitute a waiver by such Party of any default or any further default under the Agreement.

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FACTORY PROTECTION PLAN END USER AGREEMENT

Elexicon Group:

By: _____

Name: James Darrach

Title: President & CEO

Date: _____

April 4/19

Purchaser: Town of Tillsonburg

By: _____

Name: Stephen B. Molnar

Title: Mayor

Date: _____

By: _____

Name: Donna Wilson

Title: Clerk

Date: _____

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FACTORY PROTECTION PLAN
END USER AGREEMENT

Exhibit 1

Site Name / Location	Description	Manufacturer	Model / Configuration or Part Number	Serial Number	Starting TRH
Town of Tillsonburg Community Centre	Three (3) C65 ICHP GC with Gaspacks	Capstone Turbine	C65 HPNG GC ICHP GP	9644, 9645, 9646	Approx 5,300

**THE CORPORATION OF THE TOWN OF TILLSONBURG
BY-LAW 4289**

A BY-LAW, To Amend By-Law 4260, to Appoint Directors to the Board of Management of the Tillsonburg Business Improvement Area (BIA) Established by The Corporation of The Town of Tillsonburg.

WHEREAS it is deemed necessary and expedient to amend By-Law 4260.

BE IT THEREFORE ENACTED by the Council of the Corporation of the Town of Tillsonburg as follows:

1. THAT By-Law 4260 be amended to include Carl Heutinck as a member of the BIA;
2. THAT these amendments to By-Law 4260 are hereby declared to be part of that By-Law as if written therein;
3. THAT this By-law shall come into full force and effect upon passing.

READ A FIRST AND SECOND TIME THIS 8th day of APRIL, 2019.

READ A THIRD AND FINAL TIME AND PASSED THIS 8th day of APRIL, 2019.

MAYOR – Stephen Molnar

TOWN CLERK – Donna Wilson

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 4290

A By-Law to amend Zoning By-Law Number 3295, as amended.

WHEREAS the Municipal Council of the Corporation of the Town of Tillsonburg deems it advisable to amend By-Law Number 3295, as amended.

THEREFORE, the Municipal Council of the Corporation of the Town of Tillsonburg, enacts as follows:

1. That Schedule "A" to By-Law Number 3295, as amended, is hereby amended by changing to 'R1A-22' the zone symbol of the lands so designated 'R1A-22' on Schedule "A" attached hereto.
2. That Section 6.5 to By-Law Number 3295, as amended, is hereby further amended by adding the following at the end thereof:

"6.5.22 **LOCATION: SOUTHWEST CORNER OF SANDERS CRESCENT AND DENRICH AVENUE, BLOCK A, PLAN M-60 & BLOCK 47, PLAN 41M-241, R1A-22 (KEY MAP 25)**

6.5.22.1 Notwithstanding any provisions of this By-Law to the contrary, no *person* shall within any R1A-22 zone *use any lot, or erect, alter, or use any building or structure* for any purpose except the following:

all uses permitted in Table 6.1.

6.5.22.2 Notwithstanding any provisions of this By-Law to the contrary, no *person* shall within any R1A-22 Zone *use any lot, or erect, alter, or use any building or structure* for any purpose except in accordance with the following provisions:

6.5.22.2.1 EXTERIOR SIDE YARD WIDTH

Minimum **6.0 m (19.6 ft)**

6.5.22.3 That all of the provisions of the R1A Zone in Section 6.2 of this By-Law, as amended, shall apply and further, that all other provisions of this By-Law, as amended, that are consistent with the provisions herein shall continue to apply *mutatis mutandis*."

3. This By-Law comes into force in accordance with Sections 34(21) and (30) of the Planning Act, R.S.O. 1990, as amended.

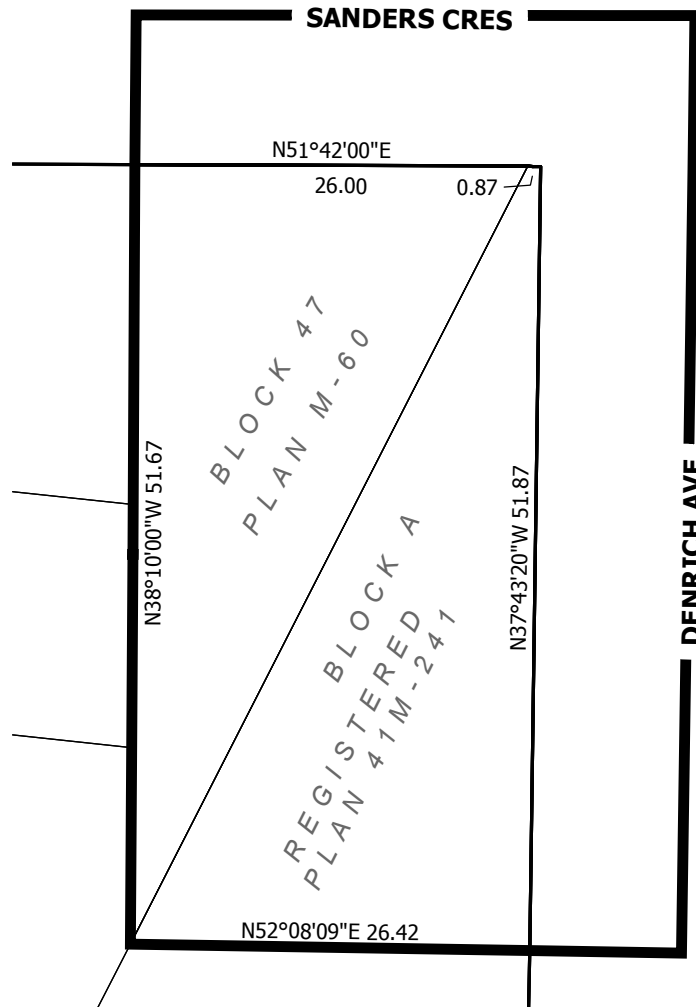
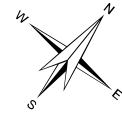
READ a first and second time this 8th day of April, 2019.

READ a third time and finally passed this 8th day of April, 2019.

MAYOR – Stephen Molnar

TOWN CLERK – Donna Wilson

SCHEDULE "A"
TO BY-LAW No. 4290
BLOCK A, PLAN M-60, AND
BLOCK 47, REGISTERED PLAN 41M-241
TOWN OF TILLSONBURG



AREA OF ZONE CHANGE TO R1A-22

NOTE: ALL DIMENSIONS IN METRES

THIS IS SCHEDULE "A" TO

BY-LAW No. 4290, PASSED

THE 8th DAY OF APRIL, 2019

 MAYOR

 CLERK

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 4291

A By-Law to Designate a Plan of Subdivision or part thereof, to not be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act.

WHEREAS the Council of The Corporation of the Town of Tillsonburg has authority pursuant to subsection 50(4) the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to designate a Plan of Subdivision, or part thereof, to be deemed not to be lots in a registered Plan of Subdivision for the purpose of subsection 50(3) of *Planning Act*,

AND WHEREAS the lands described below are currently lots within a registered plan of subdivision;

AND WHEREAS Registered Plan Nos. 41M-241 & M-60 has been registered in the Registry Office for the Registry Division of the County of Oxford for eight (8) years or more;

NOW THEREFORE the Council of the Corporation of the Town of Tillsonburg hereby enacts as follows:

1. That the lands described below and shown more particularly on Schedule "A" as affixed hereto are hereby deemed to not be separate lots within a registered Plan of Subdivision of the purposes of Subsection 50(3) of the *Planning Act*.

PINS: 00030-0907 (LT), 00030-0083 (LT)

BLOCK 47, REGISTERED PLAN 41M-241, TOWN OF TILLSONBURG
BLOCK A, REGISTERED PLAN M-60, TOWN OF TILLSONBURG

2. THAT this By-law shall come into full force and take effect on the date it is passed by the Council of The Corporation of the Town of Tillsonburg, subject to the provisions of subsection 50(27) of the *Planning Act*.
3. THAT this By-law be registered in the Registry Office for the Registry Division (41) of the County of Oxford.

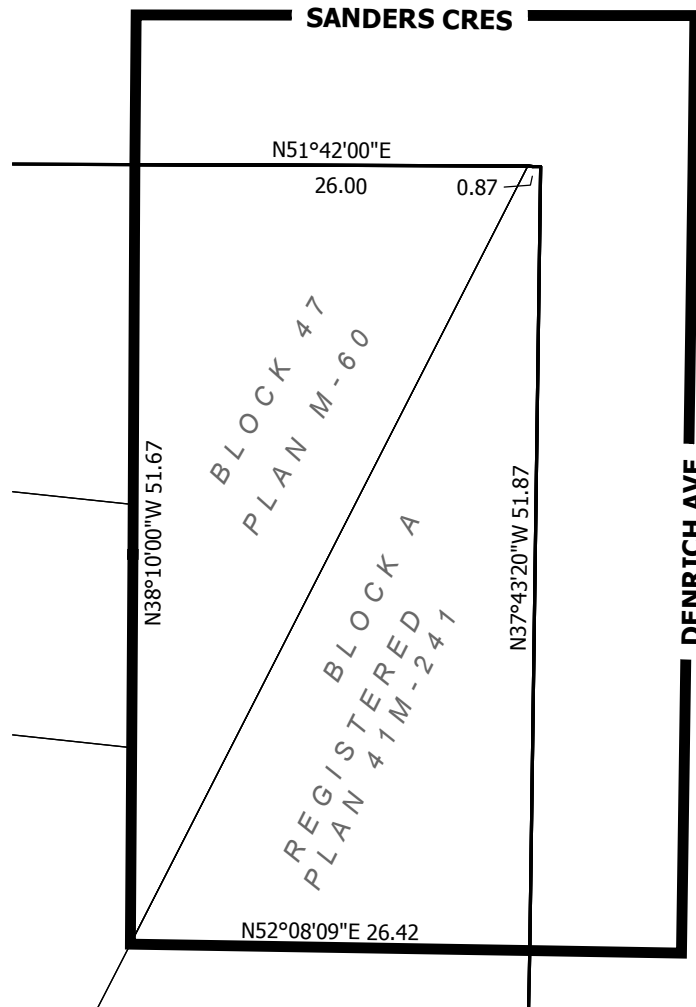
READ a first and second time this 8th day of April, 2019.

READ a third time and finally passed this 8th day of April, 2019.

MAYOR – Stephen Molnar

TOWN CLERK – Donna Wilson

SCHEDULE "A"
TO BY-LAW No. 4291
BLOCK A, PLAN M-60, AND
BLOCK 47, REGISTERED PLAN 41M-241
TOWN OF TILLSONBURG



AREA SUBJECT TO BY-LAW NO. 4291

NOTE: ALL DIMENSIONS IN METRES

THIS IS SCHEDULE "A" TO

BY-LAW No. 4291, PASSED

THE 8th DAY OF APRIL, 2019

 MAYOR

 CLERK

**THE CORPORATION OF THE TOWN OF TILLSONBURG
BY-LAW NUMBER 4292**

A By-Law to amend Zoning By-Law Number 3295, as amended.

WHEREAS the Municipal Council of the Corporation of the Town of Tillsonburg deems it advisable to amend By-Law Number 3295, as amended.

THEREFORE, the Municipal Council of the Corporation of the Town of Tillsonburg, enacts as follows:

1. That Schedule "A" to By-Law Number 3295, as amended, is hereby amended by changing to 'R2-16' the zone symbol of the lands so designated 'R2-16' on Schedule "A" attached hereto.
2. This By-Law comes into force in accordance with Sections 34(21) and (30) of the Planning Act, R.S.O. 1990, as amended.

READ a first and second time this 8th day of April, 2019.

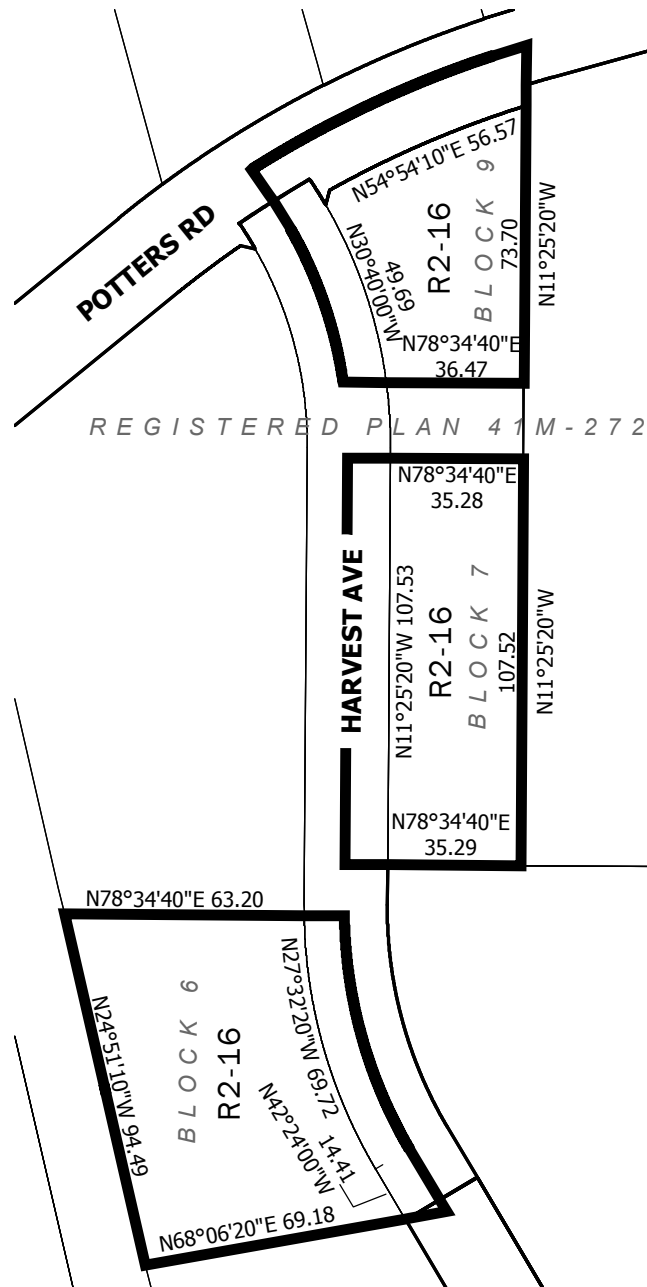
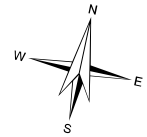
READ a third time and finally passed this 8th day of April, 2019.

MAYOR – Stephen Molnar

TOWN CLERK – Donna Wilson

SCHEDULE "A"

TO BY-LAW No. 4292

BLOCKS 6, 7 AND 9, REGISTERED PLAN 41M-272
TOWN OF TILLSONBURG

AREA OF ZONE CHANGE TO R2-16

NOTE: ALL DIMENSIONS IN METRES

THIS IS SCHEDULE "A" TO

BY-LAW No. 4292, PASSEDTHE 8th DAY OF APRIL, 2019_____
MAYOR_____
CLERK

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 4288

BEING A BY-LAW to confirm the proceedings of Council at its meeting held on the 8th day of April, 2019.

WHEREAS Section 5 (1) of the *Municipal Act, 2001, as amended*, provides that the powers of a municipal corporation shall be exercised by its council;

AND WHEREAS Section 5 (3) of the *Municipal Act, 2001, as amended*, provides that municipal powers shall be exercised by by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Town of Tillsonburg at this meeting be confirmed and adopted by by-law;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF TILLSONBURG ENACTS AS FOLLOWS:

1. All actions of the Council of The Corporation of the Town of Tillsonburg at its meeting held on April 8, 2019, with respect to every report, motion, by-law, or other action passed and taken by the Council, including the exercise of natural person powers, are hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this or a separate by-law.
2. The Mayor and Clerk are authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Tillsonburg referred to in the preceding section.
3. The Mayor and the Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the Town of Tillsonburg.
4. This by-law shall come into full force and effect on the day of passing.

READ A FIRST AND SECOND TIME THIS 8th DAY OF April, 2019.

READ A THIRD AND FINAL TIME AND PASSED THIS 8th DAY OF April, 2019.

MAYOR – Stephen Molnar

TOWN CLERK – Donna Wilson